

September 17, 2026

DELIVERED VIA EMAIL TO WCOPComment-CommentaireOCO@mpo-bgp.gc.ca

To Whom it May Concern,

RE: Comments on the Federal Government's Proposal to Designate the West Coast Oil Pipeline as a Project of National Interest Under Schedule 1 of the *Building Canada Act*

Please accept the following submission on behalf of Animal Environmental Legal Advocacy ("AEL Advocacy") in response to the formal notice published in the *Canada Gazette* regarding the proposed designation of the West Coast Oil Pipeline as a project of national interest ("PONI") under Schedule 1 of the *Building Canada Act* (the Act).¹

AEL Advocacy strongly opposes the proposed designation of the West Coast Oil Pipeline as a PONI. The ecological sensitivity of the project area, the existing cumulative threats facing the region, and the precarious status of species such as the Southern Resident killer whale and Pacific salmon demand robust environmental scrutiny and effective species-at-risk protections.

AEL Advocacy notes reports that the federal government is abandoning its plan to exempt major projects from the application of the jeopardy test under the *Species at Risk Act* (SARA).² The decision follows significant opposition to the proposed exemption.³ AEL Advocacy welcomes the abandonment of the proposal and urges the government to maintain the jeopardy test as an important safeguard for species at risk. The government should also avoid circumventing the test through other legislative, regulatory, or policy mechanisms. Maintaining these protections is critical to safeguarding Canada's biodiversity and ensuring that major projects do not cause irreversible harm to already vulnerable species and ecosystems.

¹ <https://gazette.gc.ca/rp-pr/p1/2026/2026-08-01/html/supl-eng.html>

² <https://www.ctvnews.ca/climate-and-environment/article/feds-drop-plans-to-skirt-species-at-risk-act-for-major-projects/>

³ See: https://www.aeladvocacy.ca/_files/ugd/c883e8_6d70b61c2db240f4829b5c9a554861fa.pdf

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At the same time, the federal government has recently exempted interprovincial pipelines, including the proposed West Coast Oil Pipeline, from the *Impact Assessment Act*.⁴ This exemption raises concerns about the extent to which the project's potential environmental effects, including cumulative effects on sensitive ecosystems and species at risk, will be independently and comprehensively assessed. It also underscores the importance of ensuring that any alternative assessment or regulatory process provides meaningful consideration of cumulative effects, Indigenous rights, and the full range of potential impacts associated with the project.

The proposed PONI designation must therefore not be used to accelerate or facilitate the project at the expense of meaningful environmental scrutiny. Designating the pipeline as a PONI should not result in the dilution of existing environmental protections, species-at-risk safeguards, or opportunities for meaningful public and Indigenous participation.

AEL Advocacy supports responsible, efficient, and well-planned infrastructure development. However, these objectives should not be pursued by weakening the legal protections intended to safeguard Canada's wildlife, ecosystems, and communities. At a time of accelerating biodiversity loss and climate change, strong environmental protections and rigorous assessment of cumulative effects are essential.

Ultimately, given the significant cumulative environmental effects that could arise from the proposed project and the potential limitations of a non-site-specific assessment under the proposed framework, AEL Advocacy submits that the West Coast Oil Pipeline should not be designated as a PONI.

A. About AEL Advocacy

AEL Advocacy is an intersectional animal and environmental law charity dedicated to advancing justice for animals, people, and the planet.⁵ Our lawyers understand the important interconnection between human, animal, and environmental well-being, and we leverage our legal and political expertise to support individuals, communities, and organizations working to protect animals and the environments where they live.

⁴ <https://gazette.gc.ca/rp-pr/p2/2026/2026-09-09/html/sor-dors185-eng.html>

⁵ <https://www.aeladvocacy.ca/>

B. Factors That May be Considered When Designating a Project as a PONI

The *Building Canada Act* identifies the following factors that may be considered when determining whether to designate a project as a PONI:

- a) whether the project would strengthen Canada's autonomy, resilience and security;
- b) whether the project would provide economic or other benefits to Canada;
- c) whether the project would have a high likelihood of successful execution;
- d) whether the project would advance the interests of Indigenous peoples; and
- e) whether the project would contribute to clean growth and to meeting Canada's objectives with respect to climate change.⁶

C. Our Comments

AEL Advocacy recognizes that Canada faces legitimate challenges in delivering major projects in a timely, predictable, and coordinated manner. Businesses, workers, Indigenous Nations, communities, and governments can all benefit from regulatory processes that are efficient, transparent, adequately resourced, and capable of providing timely decisions. However, we maintain our position that Canada can accelerate project delivery without weakening the legal safeguards that protect wildlife, ecosystems, public health, and Indigenous rights.

The potential economic and national-security benefits identified by proponents of the West Coast Oil Pipeline⁷ must be considered alongside the project's significant environmental risks. The proposed pipeline would be situated within and adjacent to highly interconnected ecosystems that are already experiencing substantial cumulative pressures. These include the Salish Sea, the Fraser River, and the Fraser River Estuary, which collectively support Pacific salmon, Southern Resident killer whales, and numerous other species.

In this context, the designation of the West Coast Oil Pipeline as a PONI raises particular concerns about whether the project's cumulative environmental effects can be adequately identified and addressed through a streamlined regulatory framework. A comprehensive understanding of the project's impacts requires consideration not only of the pipeline itself, but also of associated infrastructure, increased marine traffic, underwater noise, pollution, habitat disturbance, and the effects of other existing and proposed industrial developments.

⁶ <https://gazette.gc.ca/rp-pr/pl/2026/2026-08-01/html/supl-eng.html>

⁷ <https://open.alberta.ca/dataset/a529e3da-6368-43d7-af43-74b1773be517/resource/c6269884-58fd-40fa-bb52-01d0c0360bc2/download/west-coast-oil-pipeline-project-submission-to-mpo-plain-language-summary.pdf>

The following sections outline the ecological significance of the affected region, the cumulative pressures already facing it, and the potential consequences for species that are particularly vulnerable to additional disturbance.

Environmental Impacts of the West Coast Oil Pipeline

Impacted Ecosystems

The proposed project would affect three interconnected and ecologically significant systems: the Salish Sea, the Fraser River, and the Fraser River Estuary.

The Salish Sea spans international boundaries, extending across the coastal waters of British Columbia and Washington State and into the Pacific Ocean.⁸ It is an ecologically interconnected system that links terrestrial and freshwater habitats with marine waters, supporting an exceptionally diverse range of species and ecosystems.⁹ Its drainage basin is home to more than nine million people and encompasses major cities, including Vancouver, Victoria, and Seattle.¹⁰

The Fraser River is equally important to the region's ecological integrity. It contributes approximately 50% of the freshwater entering the Salish Sea and is the longest Canadian Heritage River.¹¹ The Fraser River is one of the world's most productive salmon river systems, supporting all five species of Pacific salmon: Chinook, Sockeye, Coho, Chum, and Pink.¹² These salmon are a keystone species within the broader ecosystem, supporting more than 160 other species in British Columbia, including wintering waterfowl, migrating shorebirds, and Southern Resident killer whales.^{13,14}

The Fraser River Estuary provides the critical connection between these freshwater and marine environments. Pacific salmon hatch and begin their lives in freshwater before migrating through the estuary into marine waters.^{15,16} As adults, they return through these interconnected waters to the Fraser River to spawn.¹⁷ The health, connectivity, and ecological integrity of the Fraser River, its estuary, and the Salish Sea are therefore essential to the conservation of Pacific salmon and the many species that depend on them.

⁸ <https://www.canada.ca/en/services/environment/cumulative-effect/about/salish-sea-ecosystem/importance.html>

⁹ <https://www.canada.ca/en/services/environment/cumulative-effect/about/salish-sea-ecosystem/importance.html>

¹⁰ <https://salishsea.wvu.edu/salish-sea-surrounding-basin>

¹¹ <https://www.canada.ca/en/canada-water-agency/freshwater-ecosystem-initiatives/fraser-river/overview.html>

¹² <https://experience.arcgis.com/experience/a7d7d42b2b274ff89802e79b38c0221b/page/Fraser-EN-Natural-Heritage>

¹³ <https://experience.arcgis.com/experience/a7d7d42b2b274ff89802e79b38c0221b/page/Fraser-EN-Natural-Heritage>

¹⁴ <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/ecosystem-interactions-and-pacific-salmon>

¹⁵ <https://experience.arcgis.com/experience/a7d7d42b2b274ff89802e79b38c0221b/page/Fraser-EN-Natural-Heritage>

¹⁶ <https://www.raincoast.org/2021/04/otolith-study-confirms-harrison-chinook-salmon-rely-on-the-fraser-river-estuary-for-early-growth/>

¹⁷ <https://www.raincoast.org/2021/04/otolith-study-confirms-harrison-chinook-salmon-rely-on-the-fraser-river-estuary-for-early-growth/>

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The proposed pipeline would extend through a significant portion of the Fraser River Estuary, adding industrial infrastructure to an area that already faces substantial development and environmental pressures. The significance of these impacts cannot be assessed in isolation from the existing conditions of the ecosystems through which the project would pass.

Cumulative Impacts

The proposed West Coast Oil Pipeline would introduce additional industrial activity into the Fraser River Estuary and Salish Sea, where ecosystems and wildlife are already subject to vessel traffic, underwater noise, pollution, habitat loss, and other industrial pressures.¹⁸ Available evidence suggests that the Fraser River and Estuary may already be approaching, or may have exceeded, levels of disturbance that can be absorbed without significant consequences for Pacific salmon and other wildlife.¹⁹

The project's potential effects are particularly significant when considered alongside other major developments, including the Trans Mountain Expansion and the proposed Roberts Bank Terminal 2 (RBT2) expansion. Although environmental impacts may occur along the pipeline's entire route, the proposed delivery tank terminal at Roberts Bank and associated offshore marine loading facility are of particular concern. These facilities would be situated within an already heavily industrialized and ecologically sensitive portion of the Fraser River Estuary.

The resulting effects cannot reasonably be viewed as a series of independent impacts. Increased vessel traffic, underwater noise, pollution, and habitat disturbance can interact and compound one another, placing additional pressure on species that are already experiencing significant population and habitat challenges. A meaningful assessment must therefore consider the combined effects of existing, proposed, and reasonably foreseeable activities rather than examining the pipeline in isolation.

Pacific Salmon

The potential effects on Pacific salmon are particularly concerning given the importance of the Fraser River and Estuary to salmon throughout their life cycle.

The West Coast Oil Pipeline was proposed following a federal assessment of the RBT2 expansion that concluded the project was likely to cause significant adverse effects on Fraser River Chinook salmon and Southern Resident killer whales.²⁰

¹⁸ <https://www.raincoast.org/2026/08/extinction-too-high-a-price-for-a-pipeline-tv3/>

¹⁹ <https://www.raincoast.org/2026/08/extinction-too-high-a-price-for-a-pipeline-tv3/>

²⁰ <https://www.raincoast.org/2026/08/extinction-too-high-a-price-for-a-pipeline-tv3/>

Juvenile Chinook salmon in the Fraser River Estuary are already exposed to petroleum hydrocarbons and other pollutants including PCBs, and PFAS.²¹

An oil spill would pose an additional risk. Even relatively small releases of petroleum products can have significant consequences in the Fraser River Estuary, where shorelines, marshes, tidal flats, and sediments can make containment and remediation particularly difficult.^{22,23} The potential effects would also not necessarily remain localized. River outflow, tides, and currents connect the estuary to the broader Salish Sea, creating pathways through which contaminants could spread beyond the initial site of release.²⁴

These risks are particularly serious given the existing decline of Fraser River Chinook. Eighty-eight percent of assessed Chinook populations in the Fraser River were classified as Endangered or Threatened.²⁵ Additional industrial infrastructure and marine traffic could further disturb habitat used by juvenile salmon as they transition from freshwater to marine environments. The estuary provides critical rearing and feeding habitat during this particularly vulnerable stage of the salmon life cycle.²⁶

As Pacific salmon are a keystone species, the findings of these assessments suggest that the West Coast Oil Pipeline may intensify adverse effects throughout the Fraser River Estuary and interconnected food web.

Southern Resident Killer Whales

The potential effects on Southern Resident killer whales are similarly significant. Chinook salmon are the population's preferred prey, while the whales themselves face multiple interacting threats, including declining prey availability, vessel traffic, underwater noise, and pollution.^{27,28} Their reliance on Chinook salmon links their survival directly to the ecological health of the Fraser River and Estuary.

Underwater noise is of particular concern because Southern Resident killer whales rely heavily on sound for hunting, navigation, and social communication.^{29,30} Increased vessel activity can therefore interfere with behaviours essential to their ability to forage and communicate.

²¹ <https://doi.org/10.1093/etojnl/vgag078>

²² <https://www.raincoast.org/reports/salmon-oil-pipeline/>

²³ <https://vancouver.sun.com/opinion/op-ed/opinion-why-canadas-new-pipeline-proposal-threatens-the-salish-sea>

²⁴ <https://vancouver.sun.com/opinion/op-ed/opinion-why-canadas-new-pipeline-proposal-threatens-the-salish-sea>

²⁵ <https://doi.org/10.1093/etojnl/vgag078>

²⁶ <https://doi.org/10.1093/etojnl/vgag078>

²⁷ <https://orca.network.org/resources/srkw-births-and-deaths/>

²⁸ <https://orca.wa.gov/recommendation-category/prey/>

²⁹ <https://vancouver.sun.com/opinion/op-ed/opinion-why-canadas-new-pipeline-proposal-threatens-the-salish-sea>

³⁰ <https://vancouver.sun.com/opinion/op-ed/opinion-why-canadas-new-pipeline-proposal-threatens-the-salish-sea>

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The proposed tanker route would pass through waters used by Southern Resident killer whales for foraging within the Fraser River Estuary and Salish Sea. The project could therefore affect the whales both directly, through increased vessel traffic and underwater noise, and indirectly, through impacts on their Chinook salmon prey.

These effects must also be considered against the backdrop of existing vessel traffic. Voluntary vessel-slowdown measures have already been undermined by increased tanker traffic following the Trans Mountain Expansion.³¹ Adding further tanker traffic could compound existing pressures on a population that is already highly vulnerable.

The relevant environmental question is therefore not whether the impacts of an individual tanker, project component, or activity can be considered manageable in isolation. Rather, decision-makers must consider whether the cumulative effects of vessel traffic, underwater noise, pollution, habitat disturbance, and reduced prey availability are compatible with the recovery of Southern Resident killer whales and Chinook salmon.

Implications of Streamlining the Project

The precarious state of the Fraser River Estuary and adjacent ecosystems demands that decision-makers first determine whether the project is environmentally appropriate in the context of existing and foreseeable pressures, and whether its cumulative effects could further undermine the recovery of already endangered species and ecosystems.

Assigning the West Coast Oil Pipeline a PONI designation would be an environmentally unsound decision because it would allow the project to proceed under a framework in which permits and authorizations could be granted without the comprehensive federal review that would ordinarily assess a project's risks, impacts, and merits. Specifically, the Conditions Assessment component of the framework includes the creation of technical conditions to mitigate project effects, which would only be developed after a project has been designated as a PONI.³² By this point, the question of whether the project is appropriate given the environmental conditions of the region risks being displaced by a narrower focus on how its effects can be mitigated. This creates a concern that the focus of decision-making could shift from determining whether a project is environmentally appropriate in the first place to determining what conditions might allow its impacts to be mitigated.

For a project affecting an already highly stressed ecosystem, that distinction is significant. Mitigation measures are important, but they cannot replace a prior

³¹ <https://vancouversun.com/opinion/op-ed/opinion-why-canadas-new-pipeline-proposal-threatens-the-salish-sea>

³² <https://www.canada.ca/en/one-canadian-economy/services/building-canada-act-projects-national-interest.html#3>

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assessment of whether the project's cumulative effects are compatible with the protection and recovery of vulnerable species and ecosystems. Where environmental thresholds may already be approaching or have been exceeded, the possibility of irreversible harm must be given meaningful consideration before project advancement.

For ecosystems such as the Fraser River Estuary and Salish Sea, and for species such as Pacific salmon and Southern Resident killer whale, this reverses the appropriate order of environmental decision-making because mitigation cannot substitute for the priority of environmental protection as it risks irreversible environmental damage.

This falls short of the level of standard of care warranted by Canadian wildlife, ecosystems, and communities, and risks further undermining the environmental laws and safeguards that Canadians have fought for over decades.

Inconsistency with the Legislative Factors on PONI Designation

The environmental concerns described above are also directly relevant to the factors identified in the *Building Canada Act*.

First, a project that increases pressure on critical food, water, and ecological systems raises questions about its contribution to Canada's long-term resilience and security. Economic and infrastructure benefits must be considered alongside the environmental systems upon which communities and economies depend.

Second, the economic benefits of the proposed pipeline require careful consideration. The project's proponents have identified potential economic and energy-security benefits, but questions remain regarding the need for additional pipeline capacity, the long-term outlook for oil demand³³, and the extent of private-sector investment in the project. The Institute for Energy Economics and Financial Analysis (IEEFA) has reported that the global energy transition has significantly slowed oil-demand growth and projects a plateau or decline in demand in the coming years.³⁴ IEEFA has also concluded that existing pipeline capacity and lower-cost expansion projects could provide sufficient capacity under scenarios considered by the Canadian Energy Regulator, raising questions about the necessity of additional infrastructure.³⁵

Third, the project's compatibility with the criterion of contributing to clean growth and Canada's climate objectives warrants careful consideration. Expanding oil

³³ <https://www.wcel.org/blog/5-reasons-why-albertas-bitumen-pipeline-through-bc-not-national-interest>

³⁴ <https://ieefa.org/resources/assessing-albertas-proposed-west-coast-oil-pipeline>

³⁵ <https://ieefa.org/resources/assessing-albertas-proposed-west-coast-oil-pipeline>

production and fossil-fuel export infrastructure raises questions about whether the project is consistent with Canada's broader climate commitments and the transition toward lower-carbon energy sources.³⁶ These considerations are particularly relevant where public and government resources have also been directed toward restoring Fraser River salmon and the Fraser River Estuary.³⁷ Facilitating another major industrial expansion risks undermining those restoration efforts and placing additional pressure on the very ecosystems Canadians have invested in protecting.

Fourth, meaningful engagement with affected Indigenous Nations is essential to assessing whether the project advances Indigenous interests. Advancing the project without meaningful engagement with affected Indigenous Nations would raise serious concerns regarding this statutory consideration.³⁸

Finally, the project's likelihood of successful execution must be considered in light of the financial, legal, and political risks associated with its development (e.g. it will likely face significant, costly and protracted legal battles).³⁹ These risks are relevant to determining whether the project satisfies the statutory factors for designation, particularly where designation would result in a streamlined process intended to facilitate project delivery.

Taken together, these considerations demonstrate why the West Coast Oil Pipeline warrants careful scrutiny rather than designation as a PONI. The project's potential economic and strategic benefits must be weighed against its location within interconnected and highly sensitive ecosystems, the cumulative pressures already affecting those ecosystems, and the risks posed to species such as Pacific salmon and Southern Resident killer whales.

AEL Advocacy therefore submits that the West Coast Oil Pipeline should not be designated as a project of national interest under the *Building Canada Act*.

D. Conclusion

Environmental protection and efficient infrastructure development are not competing objectives. Canada can improve the efficiency and predictability of major project approvals without weakening the safeguards designed to protect wildlife, ecosystems, communities, and Indigenous rights.

The proposed West Coast Oil Pipeline demonstrates why those safeguards remain necessary. The project would introduce substantial new infrastructure and tanker activity into the Fraser River Estuary and Salish Sea, ecosystems already facing

³⁶ <https://www.wcel.org/blog/5-reasons-why-albertas-bitumen-pipeline-through-bc-not-national-interest>

³⁷ <https://www.raincoast.org/reports/funding-landscape/>

³⁸ <https://www.wcel.org/blog/5-reasons-why-albertas-bitumen-pipeline-through-bc-not-national-interest>

³⁹ <https://www.wcel.org/blog/5-reasons-why-albertas-bitumen-pipeline-through-bc-not-national-interest>

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significant cumulative pressures. Its potential effects must be considered alongside existing industrial development, vessel traffic, underwater noise, pollution, resulting habitat disturbance, and the vulnerable status of Pacific salmon and Southern Resident killer whales.

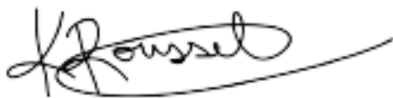
These environmental concerns also raise significant questions about whether the project meets the statutory considerations for designation as a PONI. Before proceeding with a designation or expedited process, the Government should require clear, evidence-based demonstration that the project would provide meaningful benefits to Canada, has a high likelihood of successful execution, advances Indigenous interests, and contributes to clean growth and Canada's climate objectives.

AEL Advocacy therefore urges the Government of Canada **not to designate the West Coast Oil Pipeline as a PONI**. The Government should maintain the *Species at Risk Act* (SARA) jeopardy test for all major projects and abandon any mechanism that would permit the Governor in Council, Cabinet, or a minister to exempt a project from this fundamental species-protection safeguard. Any further consideration of the project should also be subject to comprehensive, site-specific and cumulative-effects assessment, with meaningful participation by affected Indigenous governments and rights-holders.

Thank you for the opportunity to provide these comments. We would welcome further engagement on these issues.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY



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