AEL ADVOCACY
Animal Environmental Legal Advocacy

June 8, 2026

DELIVERED VIA EMAIL TO engagement@pco-bcp.gc.ca

To Whom it May Concern,

RE: Getting Major Projects Built in Canada - Discussion Paper on Proposed Legislative, Regulatory, and Policy Reforms

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Please accept the following submission on behalf of Animal Environmental Legal Advocacy ("AEL Advocacy") in response to the discussion paper, *Getting Major Projects Built in Canada* (the "Discussion Paper"), released as part of the federal government's One Canadian Economy initiative.[1]

AEL Advocacy strongly opposes the reforms proposed in the Discussion Paper. While we support responsible, efficient, and well-planned infrastructure development, we do not support achieving these objectives through the weakening of environmental laws and species-protection measures that safeguard Canada's wildlife, ecosystems, and communities. At a time when biodiversity loss and climate change are accelerating at unprecedented rates, these protections are more important than ever.

The reforms outlined in the Discussion Paper would significantly erode existing environmental safeguards. Among other changes, the proposal would shorten environmental review timelines, permit the pre-approval of projects in designated "Federal Economic Zones," concentrate decision-making authority in Cabinet and individual ministers, expand reliance on environmental offsetting, and, most troubling to us, authorize the Governor in Council to exempt projects from the *Species at Risk Act*'s "jeopardy test," a fundamental safeguard designed to prevent activities that could jeopardize the survival or recovery of endangered species.

These proposals do not exist in isolation. They closely mirror recent legislative changes in Ontario through Bill 5, *Protect Ontario by Unleashing our Economy Act,*

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[1] https://www.canada.ca/en/one-canadian-economy/services/simplifying-canada-process/engagement-supporting-timely-decision-making/getting-major-projects-built-canada-discussion-paper-proposed-legislative-regulatory-policy-reforms.html

2025, which AEL Advocacy opposed through submissions to the Environmental Registry of Ontario and the Standing Committee on the Interior.[2] Together, these federal and provincial initiatives reflect a significant weakening of environmental oversight, species-at-risk protections, and democratic accountability mechanisms. The cumulative effect is an unprecedented retreat from environmental stewardship that threatens Canada's biodiversity, undermines decades of conservation progress, and places wildlife, ecosystems, and future generations at risk.

Environmental laws are not administrative barriers or unnecessary "red tape." They are essential public-interest safeguards designed to ensure that development proceeds responsibly, transparently, and consistently with Canada's constitutional, legal, and international obligations. Economic development and environmental protection are not mutually exclusive.

AEL Advocacy submits that Canada can build major projects while maintaining robust environmental standards, protecting species at risk, respecting Indigenous rights, and preserving the natural systems upon which all life depends.

A. About AEL Advocacy

AEL Advocacy is an intersectional animal and environmental law charity dedicated to advancing justice for animals, people, and the planet. 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.

B. Background: Canada's Environment is a Core Part of Our Identity

The environment is central to Canada's identity. As the world's second-largest country, we hold the longest marine coastline on Earth, roughly a quarter of the world's wetlands and peatlands, some sixty percent of its freshwater lakes, and a quarter of the world's remaining temperate rainforest.[3] Canadians value nature for

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[2] See: https://www.aeladvocacy.ca/_files/ugd/c883e8_bc78e80f903749ecafe70e3836cf97bd.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_16e68380fa7d47a8b606319283bf4709.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_84cc3c1280d94521b278c41fc9f08a0f.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_1e267987a3c8406d82a7d30cfdd9a397.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_fc249dbae90a4c378e4b7afa9a91b675.pdf; https://www.aeladvocacy.ca/_files/ugd/c883e8_fef6875e550d4b7baa1e7e281e634d82.pdf

[3] https://wcscanada.org/newsroom/stories/22-reasons-why-conservation-in-canada-matters-to-the-planet/

spiritual, cultural, aesthetic, recreational, and economic reasons. But nature and animals also have intrinsic value that cannot be monetized, and their stewardship is both a moral obligation and a responsibility to future generations.

Canada has long been recognized as a leader in environmental stewardship. We were the first industrialized country to ratify the United Nations Convention on Biological Diversity in 1992; among the first to sign the Kyoto Protocol in 1997; a party to the Paris Agreement in 2015; and member of the High Ambition Coalition, including its commitment to conserve at least thirty percent of the world's land and ocean by 2030.[4] These commitments reflect where Canada has said its priorities lie. The Discussion Paper moves Canada in the opposite direction, and would do so at a moment when our credibility on the world stage depends on keeping our word.

C. Key Proposals

The Discussion Paper proposes, among other measures:

1. **One-year decisions with concurrent reviews.** Federal review and decision-making would be capped at roughly one year, with impact assessments and federal permit reviews conducted concurrently.
2. **Federal Economic Zones (FEZs).** Designated zones in which projects would be pre-approved and dedicated regulatory processes avoided.
3. **Early construction.** Some construction could begin before impact decisions are made.
4. **Ministerial adjustment of conditions.** The Minister of Environment, Climate Change and Nature could adjust impact assessment conditions in "exceptional circumstances," and the Minister responsible for One Canadian Economy could adjust environmental conditions for projects of "national interest."
5. **Expanded offsetting.** Greater reliance on "offsetting" for fish and fish habitat (e.g. compensating for harm with habitat elsewhere).
6. **Exemption from the Species at Risk Act ("SARA").** The Governor in Council could exempt specific projects from the application of SARA where Cabinet considers it to be in the "public interest" and the proponent has made "all reasonable efforts" to avoid or reduce impacts.

[4] https://www.canada.ca/en/environment-climate-change/corporate/international-affairs/partnerships-organizations/biological-diversity-convention.html; https://laws-lois.justice.gc.ca/eng/annualstatutes/2007_30/FullText.html; https://www.canada.ca/en/environment-climate-change/news/2020/09/canada-joins-the-high-ambition-coalition-for-nature-and-people.html

AEL Advocacy's principal concerns are set out below.

D. Our Comments

AEL Advocacy recognizes that Canada faces real challenges in delivering major projects in a timely and predictable manner. Businesses, workers, Indigenous Nations, communities, and governments all benefit from regulatory systems that are efficient, well-coordinated, transparent, and adequately resourced.

However, the Discussion Paper mischaracterizes environmental protections and species-at-risk safeguards as barriers to development. In reality, these are foundational legal requirements that ensure projects proceed lawfully, responsibly, and with due regard for ecological, social, and constitutional obligations.

Canada can accelerate project delivery without weakening the legal safeguards that protect wildlife, ecosystems, public health, and Indigenous rights. Regulatory efficiency is best achieved through improved coordination, stronger institutional capacity, early planning, and better decision-making processes, not through the erosion of environmental standards or the transfer of scientific determinations into broad political discretion.

The Discussion Paper raises three engagement questions, and our responses are set out below.

1. ***What opportunities do you see emerging from these proposals to improve the assessments and permitting processes related to building major projects?***

The Discussion Paper identifies several legitimate areas for improvement. AEL Advocacy agrees there are meaningful opportunities to enhance efficiency while maintaining strong environmental protections.

These include:

- Increased investment in regulatory agencies to ensure timely, high-quality assessments and permit reviews;
- Earlier and more meaningful engagement with Indigenous Nations, communities, regulators, and stakeholders to identify concerns before applications are finalized;
- Improved coordination between federal departments and with provincial regulators to reduce duplication while maintaining environmental outcomes;

- Greater transparency regarding timelines, decision points, and rationales for project approvals;
- Expanded use of regional and strategic assessments to identify cumulative effects and ecological constraints in advance of project proposals;
- Strengthened baseline environmental data collection and information-sharing to improve both speed and rigour of reviews; and
- Clearer guidance for proponents regarding regulatory expectations and environmental standards.

These reforms would improve efficiency while preserving the scientific integrity and public accountability that underpin sound environmental decision-making.

2. ***What are your views/general impressions on these proposals to improve regulatory efficiency related to building major projects faster in Canada?***

AEL Advocacy strongly opposes the proposals to accelerate regulatory efficiency through the approaches outlined in the Discussion Paper.

While framed as streamlining, several proposals would weaken core safeguards that ensure decisions are evidence-based and site-specific.

Federal Economic Zones and pre-approval remove the safeguards that depend on site-specific review

The proposal to pre-approve projects within designated FEZs detaches decision-making from the ecological realities of individual project sites. A zone designated in the abstract cannot account for critical habitat, migratory corridors, wetlands, watersheds, or other site-specific ecological features that determine environmental sensitivity and ecological function.

By opening entire areas to pre-authorized development, the approach risks enabling projects in ecologically sensitive locations without adequate scrutiny of their localized impacts. This can result in habitat loss, ecosystem fragmentation, disruption of wildlife movement, increased noise and pollution, and cumulative pressures that undermine local and regional biodiversity. These impacts are often irreversible and cannot be effectively addressed through later-stage mitigation measures.

Environmental impact assessment exists precisely because environmental effects are inherently site-specific and context-dependent. The ecological significance of a location cannot be determined in the abstract or at the level of a broad geographic designation. Removing or pre-clearing site-level review therefore does not constitute

efficiency; it replaces case-by-case scientific assessment with generalized assumptions and removes a core safeguard designed to prevent irreversible environmental harm.

Exempting projects from the SARA jeopardy test threatens species with extinction

SARA was enacted by Parliament in 2002 to recognize that wildlife has intrinsic value "in and of itself," and that Canadians value biodiversity for a wide range of ecological, cultural, spiritual, recreational, educational, historical, economic, medical, and scientific reasons.[5] It also implements Canada's obligations under the Convention on Biological Diversity. Today, more than 600 species are listed as at risk under the Act.

Importantly, SARA is not an "all-or-nothing" regime. It already establishes a carefully structured permitting framework that allows the responsible minister to authorize activities affecting listed species or their habitat, but only where strict statutory conditions are met. These include a duty to consider all reasonable alternatives, to minimize adverse effects, and a requirement that the activity not jeopardize the survival or recovery of the species. This "jeopardy test" sets the minimum ecological standard below which approval cannot proceed and serves as a core safeguard against irreversible population decline.

The Discussion Paper proposes allowing the Governor in Council to exempt specific projects from this jeopardy test where Cabinet determines the exemption is in the "public interest" and the proponent has made "all reasonable efforts" to reduce impacts. These terms are broad, discretionary, and undefined. Efforts to reduce harm, however extensive or well-intentioned, are not equivalent to an evidence-based determination that a species will not be jeopardized. A project may satisfy procedural expectations and still contribute to irreversible population decline or impede recovery.

In effect, this proposal would displace a science- and outcomes-based legal standard with a discretionary, process-based one: replacing the question of whether a species will survive or recover with whether a proponent can demonstrate effort and whether Cabinet considers the outcome acceptable. For species already at risk, such as boreal caribou or Southern Resident killer whales, this is not a marginal adjustment; it is a fundamental change in the legal threshold governing survival. Extinction is irreversible and cannot be mitigated, offset, or revisited once it occurs.

[5] https://laws-lois.justice.gc.ca/eng/acts/s-15.3/FullText.html

SARA already provides a carefully calibrated framework for balancing development with species protection through clear, ecologically grounded statutory safeguards. No regulatory gap has been identified that would justify introducing an exemption power of this breadth or nature.

Offsetting is not a substitute for protecting habitat

The Discussion Paper proposes expanded flexibility on environmental offsetting for impacts to fish and fish habitat, including allowing harm in exchange for compensatory measures elsewhere. Restoring or creating habitat in another location does not protect the ecosystems being lost. Such measures are uncertain, may take years or decades to become functional (if they succeed at all), and often fail to replicate the ecological complexity of the habitat they replace.[6]

Habitat is not interchangeable. Species depend on specific conditions, migration routes, breeding areas, and food sources that cannot simply be recreated elsewhere. Once critical habitat is degraded or lost, impacts may be immediate and irreversible.

For these reasons, avoidance and minimization should remain the priority. Offsetting should be limited to a last resort, not a mechanism for authorizing development that would otherwise be incompatible with the protection and recovery of Canada's wildlife.

Concentrating discretion in Cabinet and individual ministers erodes accountability

The Discussion Paper proposes shifting significant decision-making authority to the Governor in Council and individual ministers, including powers to modify impact assessment conditions in "exceptional circumstances," alter environmental requirements for projects designated as being in the "national interest," and designate and approve priority projects.

Decisions concerning whether a project may jeopardize species, degrade watersheds, or adversely affect public health are most appropriately grounded in independent, science-based assessment processes rather than broad discretionary authority. Where decision-making powers are defined in open-ended or insufficiently constrained terms, this can weaken consistency, predictability, and public confidence in environmental governance.

[6] See: https://globalforestcoalition.org/biodiversity-offsets-press-release/; https://nsojournals.onlinelibrary.wiley.com/doi/full/10.1002/wlb3.01177

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The "national interest" mechanism is not merely theoretical. The federal–Alberta Memorandum of Understanding contemplates the designation of a new one-million-barrel-per-day bitumen pipeline as a "project of national interest" for expedited approval under the *Building Canada Act*.[7] This illustrates the scale and nature of projects that could fall within such a framework.

The ability to pre-designate projects of this magnitude raises significant concerns. Mechanisms that expedite approvals by bypassing or weakening established impact assessment processes risk limiting consideration of key environmental factors, including impacts on species at risk, critical habitat, ecosystem integrity, cumulative effects, climate change, and human health. These considerations are central to environmental decision-making and warrant rigorous, independent scrutiny.

More broadly, decisions with potentially profound and irreversible consequences for wildlife, ecosystems, Indigenous rights, and future generations should remain grounded in transparent, evidence-based, and independently reviewed processes, rather than being insulated from scrutiny through discretionary political designation.

Direct and cumulative harms to animals and wildlife

The proposed reforms may increase the likelihood of direct, foreseeable, and in some cases lethal impacts on wildlife. Infrastructure such as transportation corridors can fragment habitat, isolate populations, and contribute to wildlife mortality through vehicle collisions. Industrial development and resource extraction can also result in the degradation and loss of habitat essential for feeding, breeding, and migration.

Where assessment and species protection requirements are reduced or bypassed, these impacts are likely to increase in frequency and severity, with disproportionate effects on species that are already vulnerable or less resilient to environmental change. This risk is particularly significant in the context of cumulative pressures across landscapes over time.

Public-health risks

Large-scale development can give rise to public health impacts that are currently addressed through the federal impact assessment framework. Air emissions from energy production, industrial activity, and transportation are associated with increased risks of stroke, cardiovascular disease, and respiratory conditions such as

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[7] https://www.pm.gc.ca/en/news/backgrounders/2026/05/15/implementation-agreement-canada-alberta-memorandum-understanding; https://www.bloomberg.com/news/articles/2026-05-28/alberta-oil-pipeline-to-cost-sector-73-billion-imperial-says; https://financialpost.com/commodities/energy/oil-gas/alberta-pipeline-bc-cost-100-billion-imperial

asthma and chronic obstructive pulmonary disease, as well as potential adverse effects on neurological development and pregnancy outcomes.[8]

Water contamination arising from industrial and municipal discharges, runoff, spills, and waste disposal may result in both acute illness and long-term health impacts, including neurological, developmental, reproductive, and chronic conditions such as cancer.[9] These risks may accumulate over time and across multiple projects within a region.

In this context, accelerating project approvals without comprehensive assessment of health impacts does not eliminate costs, it shifts them onto communities and increases pressure on an already constrained health-care system.

<u>Inadequate Consultation and the Duty to Indigenous Peoples</u>

Under section 35 of the *Constitution Act, 1982*, the Crown has a legal duty to consult and, where appropriate, accommodate Indigenous Peoples where contemplated actions may adversely affect Aboriginal or Treaty rights. Canada has also committed, through the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIP), to implementing the standard of free, prior, and informed consent.

A 74-day engagement period is insufficient to meet these obligations in relation to reforms of this scope and complexity, and is not consistent with meaningful consultation with First Nations, Inuit, and Métis governments and rights-holders. Concerns have also been raised by National Indigenous Organizations regarding both the substance of the proposals and the adequacy of the engagement process.[10] We share two concerns in particular:

First, the potential for homogenization of consultation processes. A centralized or standardized approach, including a single-coordinated consultation function within the Impact Assessment Agency of Canada, risks treating diverse Nations and rights-holders as a single group, thereby overlooking distinct legal orders, territories, histories, and governance systems.

Second, the adequacy and quality of consultation itself. Meaningful consultation must be nation-specific, proportionate to potential impacts, and substantively

[8] https://pmc.ncbi.nlm.nih.gov/articles/PMC10950980/; https://www.who.int/teams/environment-climate-change-and-health/air-quality-energy-and-health/health-impacts
[9] https://www.canada.ca/en/environment-climate-change/services/water-overview/pollution-causes-effects.html; https://www.epa.gov/report-environment/drinking-water
[10] https://chiefs-of-ontario.org/resources/protecting-our-lands/; https://afn.ca/all-news/bulletins/national-virtual-forum-on-bill-c-5-the-building-canada-act/

engaged with Indigenous rights and legal orders. It cannot be treated as a procedural exercise or compressed into administrative timelines. In this respect, Article 27 of UNDRIP recognizes Indigenous laws and customs in relation to lands and territories. A short public comment period does not meet this standard.

3. ***What do businesses and Indigenous Peoples require to advance major projects within a shorter timeframe under these proposals?***

While not a representative of businesses or Indigenous Peoples, AEL Advocacy submits that achieving shorter and more reliable timelines for major projects depends on regulatory systems that provide certainty, capacity, and legitimacy. Efficiency is most effectively achieved through well-resourced institutions, clear and stable rules, early-stage planning, and consistent, evidence-based decision-making, rather than through the reduction of substantive assessment or consultation requirements.

From this perspective, predictability in process and outcomes is central. Where expectations are clear at the outset, where roles and responsibilities are well-defined, and where assessments are adequately resourced and coordinated across jurisdictions, projects are less likely to face downstream delays, litigation, or redesign.

The same principle of early, evidence-based decision-making applies to ecological systems. Wildlife requires intact and connected habitat, functional migration corridors, clean water systems, and sufficient space and ecological conditions to support feeding, reproduction, and adaptation to environmental change. Equally important is the consideration of cumulative effects, given that ecological harm is typically the result of multiple interacting pressures rather than isolated project impacts. Where these conditions are not identified and addressed at the outset, environmental effects are more likely to become fragmented, compounded over time, and ultimately irreversible, even where project-level mitigation measures are applied.

In this context, efficiency is not achieved by narrowing the scope of assessment, consultation, or environmental review. Rather, it depends on strengthening institutional capacity, improving early coordination and planning, and ensuring that all relevant considerations (including those relating to rights-holders, communities, and ecological systems) are identified and addressed before irreversible commitments are made.

Accordingly, the most effective pathway to shorter, more predictable project timelines is the reinforcement, rather than the weakening, of assessment processes,

supported by early engagement and structured, meaningful participation by all affected parties and systems.

E. Recommendations

AEL Advocacy urges the Government of Canada to:

1. Maintain the SARA jeopardy test for all major projects, and abandon any Governor-in-Council power to exempt projects from it.
2. Require a complete impact assessment for every major project, and reject any framework permitting construction to begin before assessments are finalized.
3. Abandon FEZs and project pre-approval mechanisms, and maintain site-specific, science-based environmental review as the foundation of project approval decisions.
4. Abandon expanded reliance on environmental offsetting as a substitute for avoiding or minimizing harm, and maintain avoidance and mitigation as the primary environmental protection principles.
5. Preserve robust, mandatory cumulative-effects assessment, and reject timelines that make it impossible.
6. Remove the proposed expansions of ministerial and Cabinet discretion to alter or waive environmental conditions, keeping decisions grounded in independent scientific assessment and subject to meaningful review.
7. Extend the engagement period and conduct genuine, nation-specific consultation with First Nations, Inuit, and Métis governments and rights-holders, consistent with section 35 and the free, prior, and informed consent standard of UNDRIP.

F. Conclusion

Environmental laws are not procedural obstacles. They are foundational safeguards designed to prevent irreversible harm to ecosystems, wildlife, public health, and Indigenous rights while also providing certainty and legitimacy to development decisions.

Canada is capable of advancing critical infrastructure while maintaining strong, science-based environmental protections and meeting its constitutional and international obligations to Indigenous Peoples as well as its responsibilities to future generations.

AEL Advocacy therefore urges the Government of Canada to reconsider the reforms proposed in *Getting Major Projects Built in Canada*, particularly where they would weaken established environmental assessment and species-at-risk protections.

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

Sincerely,

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