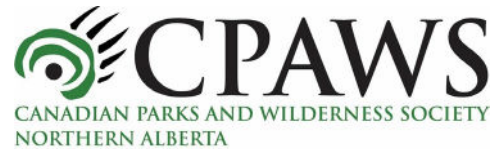




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March 27, 2026

Submitted via email to intergovernmentalaffairs-affairesintergouvernementales@iaac-aeic.gc.ca

Dear Prime Minister Carney, Minister Dabrusin, and Mr. Hubbard,

Re: Draft Co-operation Agreement on Environmental and Impact Assessment between Alberta and Canada

The Northern and Southern Alberta chapters of the Canadian Parks and Wilderness Society (CPAWS) welcome the opportunity to comment on the [draft Co-operation Agreement between Alberta and Canada on Environmental and Impact Assessment](#). Our organizations have grave concerns that this agreement further degrades environmental safeguards and public participation in the development of large infrastructure projects.

CPAWS is a reputable nationwide non-profit charitable organization dedicated to the protection and sustainability of public lands across Canada. The two Alberta chapters have been active in Alberta since our grassroots beginnings in the 1960s. We are staffed by a diversity of Albertans with a passion for the outdoors and Alberta's wilderness and supported by members and donors across the province. We work collaboratively with provincial and federal governments, industry, Indigenous Peoples, and others to provide landscape level, science-based support, and advice for the protection and proper management of our parks and public lands.

This agreement appears to be in direct contrast to the Government of Canada's own 2030 Nature Strategy, which acknowledges that biodiversity across the country is imperiled. Not only is protecting ecosystems essential for climate resilience, clean water, and long-term community wellbeing, but it is also economically sound.

CPAWS Northern and Southern Alberta worry that "streamlining" assessment processes may come at the cost of the country's natural spaces which are intrinsically valuable, as shown in a recent analysis stating that [Canada's Protected Areas Generated \\$10.9 Billion in GDP](#). We also question the need for such an agreement that passes over most assessments to the province when the Joint Review Panel process already allowed for "one project, one review".



We are particularly concerned that this draft agreement:

- Reduces federal involvement, placing trust in the integrity of the provincial process and regulatory bodies such as the Alberta Energy Regulator (AER), which have proven repeatedly to be unable to provide decisions that are unbiased, transparent, and in the best interest of Albertans,
- Increases process and outcome uncertainty for industry, stakeholders, and rightsholders,
- Allows for less stringent Impact Assessments and timelines that will prevent inclusion of some important environmental and social considerations,
- Creates and increases barriers to public participation,
- Does not protect the rights of Indigenous Peoples.

Unfortunately, both Alberta and Canada have proven poor performance in implementation of existing environmental legislation, including recovering species at risk, and meeting conservation commitments. Based on this track record, alongside the lack of integrity and lack of public trust of the Alberta Energy Regulator and other provincial regulatory bodies, we ask that this agreement not be finalized until such a time that environmental commitments can be proven to be upheld through the existing regulatory frameworks, or a clear process for upholding federal environmental legislation within this agreement is established.

Among our many concerns with this draft agreement, we are particularly concerned about the timeline for comments on the agreement and the projected turn-around between public input and finalization of the agreement. Such a short timeline does not indicate intention to meaningfully consider comments or revise the agreement and thus creates mistrust in the process and the purpose of public engagement.

Our key concerns are outlined in more detail below.

Reducing Federal Involvement, placing trust in the integrity of the Alberta regulatory bodies, including the Alberta Energy Regulator (AER)

Section 1 of the draft Agreement states “Canada ... will rely on Alberta’s environmental assessment or regulatory processes to assess the effects of the project including, as applicable, to address adverse effects within federal jurisdiction.” This statement indicates that projects that include adverse impacts on areas within federal jurisdiction - such as species at risk, fish and fish habitat, navigable waters, and the rights of Indigenous Peoples - will no longer require federal assessment or approval and instead will rely solely on the province to tell the federal government how these issues will be assessed through Alberta’s regulatory and environmental assessment processes. However, Alberta’s regulatory review system does not always include legally binding conditions to address these federal concerns. For example, the AER does not have provisions to address cumulative impacts, which is a key consideration of the recovery of species at risk.

The Supreme Court of Canada's 2023 decision on the constitutionality of the Impact Assessment Act (IAA) and the Physical Activities Regulations (2023) did not find that the entirety of the IAA unconstitutional nor negate the need for federal oversight on areas of federal jurisdiction. However, the Agreement states that “Alberta does not acknowledge the IAA is constitutional” throwing more doubt onto the integrity or ability of the provincial system to protect areas of federal jurisdiction to



federal standards. It is inappropriate to sign an agreement between Alberta and Canada validating the disregard of Federal law.

Before an agreement is signed it must be made explicitly clear the conditions in which a federal Impact Assessment or Joint Review Panel will be required and the conditions where it will not. If a project has potential impacts to federal interests but a federal Impact Assessment is not required, clarity must be included in this agreement on how the provincial regulatory system and approvals process will include legally binding conditions on federal concerns, included in approval decisions, and enforced. Absence of this clarity can be construed as unlawful fettering of discretionary powers.

The ability for the province and the regulator to make decisions in the interest of federal interest is dubious. Trust in AER's oversight, and objectivity, has also eroded in recent years based on numerous cases of regulatory capture, inadequate enforcement, unclear decision making within public hear processes, and a lack of transparency regarding notifications of spills or leaks. Reducing federal involvement will further increase dependence on a regulator that consistently prioritizes industry interests over the public good.

The Agreement effectively gives Alberta, and by extension the AER and other provincial regulatory bodies, the final say on project approvals, even on matters that might have federal environmental implications.

Increased uncertainty for Industry, Stakeholders and Rightsholders

The Joint Review Panel process for review of major projects involving provincial or territorial and federal jurisdictions was already in place to avoid duplicative processes, enhance public participation, and respect Indigenous rights. The draft agreement provides little clarity on when the federal government will participate in project evaluation when provincial regulatory bodies are unable to address issues of federal jurisdiction, ultimately causing inefficiencies. Given the uncertainty on if, how, or when a federal Impact Assessment process or Joint Review Panel will be triggered, it is unlikely that this agreement will resolve issues of jurisdictional conflict, and in fact may create more overlap and less certainty for all involved in project decisions. Case by case decisions do not allow the proponent, impacted communities, stakeholders or rightsholders to have clarity on the process or their participation.

Furthermore, Federal agencies may still need to fully participate in regulatory processes such as hearings, but without the certainty of their participation having an impact on the decision-making process. This could cause even further capacity constraints within the Federal Government, especially if such an agreement results in budget reductions for the IAAC.

There is also great uncertainty created where federal permits are required based on a provincial approval process. If the provincial process fails to adequately address the permitting requirements, a provincially approved project may face additional delays or barriers to construction if federal permits are not issued.

Rather than create a new agreement, CPAWS Northern and Southern Alberta recommend improving the specificity on what triggers a joint review panel for projects.

Less Stringent Impact Assessments



The draft agreement states that it will create a ‘one project, one review’ process for major projects. Although government communications frame the agreement as an efficiency measure, it raises serious concerns that there will be a lack of stringency in the regulatory review of large infrastructure projects that could pose significant threats to land, water, and wildlife in our province.

Federal Impact Assessments often require broader cumulative effects analysis, climate considerations, and measures to protect wildlife designated under the federal *Species at Risk Act*, fish and fish habitat than provincial assessments. If Alberta defines the scope of a project narrowly, or downplays certain risks, the entire process may overlook or obfuscate important environmental and community impacts.

The responsibility to issue permits for an approved project does not negate the responsibility of the federal government in project approval decisions. CPAWS Southern Alberta’s work on federally listed *Threatened* native trout and CPAWS Northern Alberta’s work on *Threatened* caribou, make us deeply skeptical of the province’s commitment to prioritize and hold industry to account on the protection of federally listed species at risk or the willingness of federal departments to deny permits for provincially approved projects.

The agreement also imposes a maximum two-year timeline for impact assessments from submission of project description to decision. This will undoubtedly constrain the requirements for long-term baseline data collection and monitoring, cumulative effects modeling, Indigenous consultation, public input, and scientific review, all of which require time for meaningful analysis and incorporation into a project decision or approval conditions.

These concerns are exacerbated by the [recent announcement by Alberta](#) to implement legislation that would require a 120-day approval timeline for major projects. A cooperation agreement should not be signed until there is clarity on how this will impact the efficacy of the regulatory process.

Barriers to Public Participation

In Alberta, public participation in project reviews is far more limited than under the federal system, because the AER uses a “directly and adversely affected” test to decide who may take part in hearings or file a Statement of Concern.

Under this standard, a person must demonstrate how a proposed project will personally and negatively affect their use of adjacent private land. In practice this means that only nearby landowners are granted standing to participate, ignoring broader downstream, downwind and civil society interests.

In one recent case, the CEO of the AER went over the heads of the panel commissioners and personally [cancelled a public hearing](#) on a major coal project, thereby denying the public participation rights of CPAWS-NAB and the Alberta Wilderness Association and effectively sidestepping established regulatory procedures. CPAWS NAB and AWA have [been granted permission to appeal](#) through the provincial court system.



By contrast, the federal process explicitly provides open opportunities for meaningful public participation in each phase of an impact assessment, allowing any interested member of the public to engage, submit comments, and see how their input influences decisions.

While faster provincial reviews might help industry, they will very likely also mean fewer opportunities for environmental experts, Indigenous communities, and the public to raise issues or challenge weak assessments.

Rights of Indigenous Peoples

The federal government is responsible for ensuring that project impacts protect Treaty rights. However, the Agreement explicitly states that while “Canada maintains its commitment to the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP),” Alberta “views UNDRIP as non-binding.”

This raises significant questions on whether provincial regulatory bodies will require meaningful consultation and reflect input and involvement of Indigenous peoples in project decisions and ultimately, whether decisions will respect Indigenous rights. As stated by the Confederacy for Treaty 6 First Nations in [their submission on the agreement](#) “Alberta’s own consultation and regulatory systems remain a serious concern for many First Nations, especially on environmental protection, cumulative effects and the practical consideration of Treaty rights.”

In summary, this Agreement suggests that federal review will be reduced or eliminated for projects related to major oil sands or coal projects, where cumulative effects, public interest and impacts to areas of federal jurisdiction are substantial. Projects of considerable public concern, such as the Grassy Mountain Coal Project, would be subject to far less rigorous, accountable, and transparent processes. This is of tremendous concern to all those who value our public lands and waters, their integrity, and our access to them.

An impact assessment process must encourage public participation, restore independent oversight, embed climate and cumulative effects science, respect Indigenous rights, increase transparency, and ensure strong, enforceable standards.

CPAWS Northern and Southern Alberta are opposed to the finalization of the agreement as written in the draft and request that major changes are made to clarify how federal laws will be upheld and how the federal government will be involved in major project decisions. These issues are too important to be addressed after an agreement as unclear as this is finalized.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Morrison', is positioned above the typed name.

Katie Morrison
Executive Director
CPAWS Southern Alberta
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A handwritten signature in blue ink, appearing to read 'Kecia Kerr', is positioned above the typed name.

Dr. Kecia Kerr
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CC:

Sandra Schwartz, Executive Director, Canadian Parks and Wilderness Society
Dr. Nigel Bankes, Professor Emeritus of Law, University of Calgary; Trustee, Board of Trustees,
CPAWS; Director, Board of Directors, CPAWS SAB

Encl:

Bankes, 2026, The Proposed Co-operation Agreement on Environmental and Impact Assessment
between Canada and Alberta. ABlawg.ca