



Alberta Wilderness Association
"Defending Wild Alberta through Awareness and Action"

March 12, 2026

The Right Honourable Mark Carney
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2
Email: mark.carney@parl.gc.ca;
pm@pm.gc.ca

Terence Hubbard
President of the Impact Assessment Agency
of Canada
Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3
Email: terence.hubbard@iaac-aeic.gc.ca

Re: Alberta Wilderness Association's Concerns on the *Draft Co-operation Agreement on Environmental and Impact Assessment between Alberta and Canada*

Dear Prime Minister Mark Carney and Terence Hubbard,

The [*Draft Co-operation Agreement on Environmental and Impact Assessment between Alberta and Canada*](#) cannot be published as written. The oversight provided by the federal government is necessary to ensure that decisions made in Alberta are not just in the best interest of decision-makers in the province, but for all Canadians.

Alberta Wilderness Association (AWA) represents over 10,000 members of the public, and is dedicated to conserving and protecting water, wildlife, and wild spaces in Alberta. Since 1965, AWA has strived to help Canadians understand the intrinsic values that the environment provides and encourage communities to participate in conservation initiatives that will ensure a legacy for future generations. As the oldest wilderness conservation organization in the province, AWA has borne witness to exactly what happens when the federal government fails to take an active role in shared matters with the province.

Exemplifying Alberta's approach to environmental assessments, the Oldman dam is a reservoir at the confluence of three major rivers in Southern Alberta that was forced through in the late 1980s to early 1990s, constructed illegally by the provincial government against the best available science and their own internal ministry's recommendations:

"An onstream dam is not required at this time nor in the foreseeable future."¹

It was well known that disrupting the natural structure and flows of the Castle, Crowsnest, and Oldman Rivers with a dam would lead to severe biodiversity loss and displace local livelihoods, but

¹ Alberta, Environment Council of Alberta. 1979. *Management of Water Resources within the Oldman River Basin: Report and Recommendations*. Edmonton, AB.

construction went ahead regardless. High-quality cottonwood ecosystems and native trout habitat were destroyed. Those living where the three rivers converged were displaced. The Piikani lost access to and use of culturally important lands beneath the reservoir's depths — to say Indigenous consultation was wholly insufficient is a laughable understatement.

Notably, Don Getty, the Premier of Alberta at the time, even acknowledged it was a conflict of interest for the province to be both the proponent and regulator of the dam², something to keep in mind as the Alberta government now plans to advance development of their own pipeline.

AWA highlights this case study because, despite immense resistance from doing so, federal intervention was required when the Federal Court of Appeal ultimately ordered the Canadian government to comply with its own Environmental Assessment and Review Process Guidelines Order (EARPGO) in 1990.

As required by the EARPGO, an Environmental Assessment Review Panel (EARP) was established to undertake independent studies, hold public hearings, and generally review how the project had been developed by the province.

The EARP found the provincial assessments to be extremely deficient, chastising the federal government for relying on Alberta's word and not commissioning its own studies. In 1992, they issued a final report to the federal government, requesting the dam be decommissioned as the panel had concluded,

“...the environmental, social and economic costs of the project are not balanced by corresponding benefits and finds that, as presently configured, the project is unacceptable.”³

Because of the federal government's failure to exercise its jurisdiction over fisheries and navigable waters, the Oldman dam was fully operational by the time the EARP released these findings and was never decommissioned. Provincial egotism and sunk costs overrode justice.

Unfortunately, little has changed since.

Alberta's regulatory bodies have not demonstrated that they are “best placed to undertake an assessment,” and the federal government should not,

“...rely on Alberta's environmental assessment or regulatory processes to assess the effects of the project.”⁴

² Glenn, J. 1999. *Once Upon an Oldman: Special Interests and the Oldman River Dam*. UBC Press, Vancouver, BC, pg. 59.

³ Canada, Oldman River Dam Environmental Assessment Panel. 1992. *Oldman River Dam: Report of the Environmental Assessment Panel*. Federal Environmental Assessment Review Office, Hull, QC, pg. 6.

⁴ Alberta Minister of Environment and Protected Areas & Canada Minister of Environment, Climate Change and Nature. 2026. *Draft Co-operation Agreement on Environmental and Impact Assessment*. “Draft Agreement”.

The Court of King’s Bench of Alberta recently found that the Environmental Appeals Board (EAB), a regulatory body in the province, “unreasonably disregarded relevant evidence,” made decisions that were “internally incoherent and not based on a rational chain of analysis,” and “breached its duty of procedural fairness” to the Applicants in the *Skibsted v Alberta* case⁵. The Applicants were members of the public concerned about the development of a racetrack along the Rosebud River and within critical habitat for species at risk.

The Court noted that the “numerous undocumented communications” between the racetrack proponents and the EAB do not give the “appearance of fairness,” and therefore, “a reasonable, well-informed person would conclude that the Board did not decide this appeal fairly.”⁶

The Alberta Energy Regulator (AER), another government body in the province, is currently before the Court of Appeal of Alberta in the case *Alberta Wilderness Association v Alberta Energy Regulator* because their CEO made the unilateral and unprecedented decision to override AER staff and hearing commissioners to cancel a public hearing for a coal mine following a written request directly from the coal company⁷.

Access to information requests revealed the coal company discussed the public hearing and met with head officials at the AER and the Ministry of Energy and Minerals shortly before the decision was made, with the coal companies representatives telling the Minister of Energy and Minerals, “it is the win/win/win for everyone.”⁸

Although the rest of the communications were largely redacted, this, like the *Skibsted v Alberta* case, does not give the appearance of regulatory bodies acting fairly, with the concealed communications raising questions of potential industry capture.

Canadians deserve robust, independent, transparent governments and regulatory bodies that act in the best interest of the public, which has not been evident here in Alberta. Instead, the public has repeatedly had to turn to the courts to ensure laws are upheld and processes are followed.

The federal government should not commit to,

“...avoiding duplicative decision-making processes related to assessments by relying on the provincial environmental assessment or regulatory processes in circumstances where Alberta confirms that those processes will address the adverse effects within federal jurisdiction.”⁹

⁵ *Skibsted v Alberta (Environment and Protected Areas)*, 2026 ABKB 98 (CanLII), <https://canlii.ca/t/kj97g>, retrieved on 2026-03-12, pg. 15, 22, 44, “*Skibsted v Alberta*”.

⁶ *Ibid.*, pg. 40.

⁷ *Alberta Wilderness Association v Alberta Energy Regulator*, 2025 ABCA 389 (CanLII), <<https://canlii.ca/t/kgmxs>>, retrieved on 2026-03-12.

⁸ Access To Information and Privacy Request. 2025. Mine 14 Part 1 Applicant copy, https://ablawg.ca/wp-content/uploads/2025/11/ATIP_Mine14-Part-1-Applicant-Copy.pdf, retrieved on 2026-03-12, pg. 4.

⁹ *Draft Agreement*.

Alberta has not demonstrated that it can address adverse effects under federal jurisdiction. In *Skibsted v Alberta*, the Designated Director who initially issued approvals for the racetrack under the province's *Environmental Protection and Enhancement Act* stated that an environmental impact assessment was not required, one reason being that species at risk are the mandate of the federal government. Similarly, the EAB argued that the *Species at Risk Act* (SARA) has "limited application" when it comes to activities subject to approvals under Alberta's legislation, and that it is the responsibility of approval holders' "to determine compliance" with SARA¹⁰.

The Court found that though the EAB "identified potential impacts to wildlife, and specifically species at risk, as an issue at the hearing," they "failed to grapple with relevant evidence on that very issue." The Court determined that both the EAB and the Director had failed to meaningfully consider the presence of species at risk critical habitat in their decision making¹¹.

Here, adverse effects within federal jurisdiction were disregarded by provincial authorities, a reality only found out because the province was taken to court. The case also demonstrates that the regulator's expectations are that industry will hold itself compliant with federal laws, which means the protection of the province's environment and public are left to a self-reporting honour system.

The federal government should not,

"...recognize Alberta as best placed to consult with Indigenous Peoples pursuant to Alberta's consultation policies and practices in relation to the effects of relevant provincial decisions on the rights of Indigenous peoples."¹²

The Alberta government is clearly not best placed to consult with Indigenous Peoples, based on the recent February 26, 2026, statement issued by the Assembly of Treaty Chiefs who,

"...unanimously passed a vote of non-confidence in the UCP Government of Alberta, prompted by the Danielle Smith government's refusal to respond appropriately to the current political atmosphere on our Treaty territories".¹³

Their reasoning for the vote of non-confidence included the Government of Alberta's "continued failure to meet Treaty-based constitutional and governance responsibilities," "lack of critical understanding and respect for those responsibilities," and "inability to responsibly and respectfully govern the province of Alberta."¹⁴

¹⁰ *Skibsted v Alberta*, pg. 12.

¹¹ *Ibid.*, pg. 13.

¹² *Draft Agreement*.

¹³ Assembly of Treaty Chiefs. 2026. *Assembly of Treaty Chiefs passes vote of non-confidence in UCP government*. Treaty No. 6 Territory, Enoch, AB. <https://www.treatysix.org/post/assembly-of-treaty-chiefs-passes-vote-of-non-confidence-in-ucp-government>, "Treaty Chiefs Statement".

¹⁴ *Ibid.*

The Assembly states that the Government of Alberta has “created conditions in Alberta that are unsafe for First Nations Peoples — promoting ignorance and intolerance along with its support for the separatist agenda is leading to outright racism.”¹⁵

Considering this, and the fact that the draft co-operation agreement already expressly states that the Alberta government “views UNDRIP [*United Nations Declaration on the Rights of Indigenous Peoples*] as non-binding,” the federal government cannot in good conscience believe that Alberta is the best jurisdiction to undertake meaningful engagement with the Indigenous Nations here that honour the original intent of the Treaties¹⁶.

These are just a few case studies, and truly, the list could go on and on, but they are indicative of a larger problem in Alberta. The provincial government is not working in the best interest of the public (also evident in its unparalleled use of the notwithstanding clause to pass laws that override Canadians Charter of Rights and Freedoms), while their authorities facilitate rather than regulate industry at everyone else’s expense.

For these reasons, **AWA urges the federal government not to fetter their jurisdiction in Alberta, nor defer to the provincial processes as appropriate substitutes for federal assessments.**

Someone must help hold Alberta accountable to the Canadians that live here.

Sincerely,

Alberta Wilderness Association



Kennedy Halvorson
Conservation Specialist



Deborah Donnelly
Executive Director

¹⁵ Ibid.

¹⁶ *Draft Agreement.*