



Comments on “Getting Major Projects Built in Canada - Discussion Paper on Proposed Legislative, Regulatory, and Policy Reforms”

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Introduction

MiningWatch Canada is pleased to provide the following comments on the Government of Canada’s “Getting Major Projects Built in Canada” [discussion paper](#).¹ MiningWatch is the only organization in Canada solely dedicated to preventing and ameliorating mining’s impacts to communities and ecosystems alike, supporting communities and Indigenous peoples affected by mining and advocating for policies that reflect the true environmental and human cost of mining and embody respect for communities and the free, prior and informed consent of Indigenous Peoples. The discussion paper’s proposals run counter to those principles.

While the discussion paper is short and devoid of crucial specifics, it is essentially a proposal to tear out much of what is left of the federal guardrails protecting the environment and Indigenous rights in the hopes of speeding up the approval of major projects.

The proposal can perhaps best be summarized as the wrong answers to the wrong questions. Facing a global climate and biodiversity crisis and a US regime fomenting trade wars, actual wars, and genocide, the economic vision being expressed by this discussion paper is one of boosting raw materials extraction and export – including to the US, and including a large share devoted to weapons production – instead of building a more diversified, resilient economy to carry Canada forward. These are hardly visionary new policies. They follow the Canadian colonial tradition of resource extraction for export and profit, at the expense of Indigenous peoples, the environment, and rural communities – only expanded and accelerated.

The proposal fails to identify or respond to what Canadians actually need. In the midst of complex, interlocking global and national crises – climate, biodiversity, chemical pollution, inequality, affordability, health care, housing, and so on – the government has chosen discredited neoliberal trickle-down economic responses that will channel wealth (and taxpayer dollars) to investors instead of

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<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>

actually addressing the issues at hand. The federal government is pouring hundreds of billions of tax dollars into advancing major projects: financing mines, building infrastructure to service those mines, buying pipelines, building ports, and more, in the expectation that this will create construction jobs and in the hope that it will stimulate economic activity. The government is doubling down on this approach even as the profits flow to private investors and Canada's economy becomes even more vulnerable to global economic and geopolitical upheaval.

At the same time, the government's efforts to speed up major project development, starting with Bill C-5 (the *Building Canada Act*) and continuing with this discussion paper, is almost guaranteed to generate conflict, opposition, and delay: from Indigenous Peoples whose rights it marginalizes; from affected communities who refuse to be bulldozed for someone else's benefit; and from the public who value climate action, healthy watersheds, and biodiversity.

The discussion paper quotes the 2025 Speech from the Throne: "*Canada must build new infrastructure to strengthen trade, grow the economy, and compete globally.*"

Major infrastructure projects are alleged, without proof or explanation, to "strengthen trade, grow the economy, and compete globally." It is not stated, but understood, that building new infrastructure to strengthen trade is in response to US tariffs on Canadian goods. The contradictions emerge immediately. Strengthening trade will not address US tariffs unless it actually opens new markets, yet while the government is pushing for increased fossil fuel exports, it is also supporting *increased* US trade and investment. The Canadian government is supporting [direct US investment](#)² with its own investment and financing, and allowing potential US offtake commitments from Canadian mines, where investment from the US Department of Defense may be used to secure some or all of a mine's output. Canada is simultaneously pouring tax money into increased production of "critical minerals", including those destined for the US, as with the \$400 million commitment to help Teck produce more [germanium](#)³ at its Trail smelter for US markets.

And "competing globally" isn't really competing if the government is pouring hundreds of billions of taxpayer dollars into intervening in the markets through an array of new and old-but-revitalized financial mechanisms.

The discussion paper further proclaims that "*Impact assessments and regulations are important because they protect the environment and ensure major projects are developed sustainably,*" but that it wants to "*find ways to make the decision process more efficient and predictable.*"

"More efficient and predictable" for whom? Fixed timetables are more efficient and predictable for project proponents. This is ironic since the timetables are typically fixed for everyone *except* proponents, who are allowed to take the time they need to do studies, develop engineering plans, and secure financing. From a community perspective, it's the opposite. Timetables that allow for seasonal activities, holidays, and emergencies allow resources and expertise to be deployed efficiently, as they are available, and predictability consists of knowing how you will be able to participate in the process.

Equally important is the question, "What is actually being made more efficient and predictable?" It is clear that a predetermined outcome and a two-year approval (not decision) process are intended to make the outcome more efficient and predictable, not the process.

² "Elbows up? Canada is letting Pentagon take 'unprecedented' stakes in Canadian mines" Shiri Pasternak & Nessie Nankivell, May 22, 2026.

<https://breachmedia.ca/elbows-up-canada-is-letting-pentagon-take-unprecedented-stakes-in-canadian-mines/>

³ "Ottawa announces investment of up to \$400M in Teck critical minerals smelter in Trail, B.C." Tom Popyk, CBC News, July 7, 2026. <https://www.cbc.ca/news/canada/british-columbia/trail-smelter-9.7261998>

There is no argument that regulatory and decision processes can be simplified, clarified, and sped up. But poorly integrated and uncoordinated processes are best addressed by analysing in depth how best to coordinate them, with meaningful consultation with rights holders, stakeholders, and the public, and making the necessary administrative, legislative, and regulatory adjustments in a measured and careful way to ensure that the integrity of their purpose and function is maintained or enhanced, not diminished. Reforming such processes in a rushed manner, without such analysis and consultation, almost guarantees that the resulting processes will be at least somewhat arbitrary and will struggle to achieve their objectives, while also risking serious unintended consequences.

The more effective and durable way to speed up project decisions is to ensure that all parties – voluntary stakeholders (proponents) and involuntary stakeholders (rights holders) alike – are prepared for the process. This means ensuring that proponents have thorough and reliable environmental and socio-economic information and design work, and that communities and Indigenous peoples and governments have land use plans and community engagement and response capacity in place.

Then there's the problem of pre-approving projects at all. Impact assessment processes are also meant to ensure that after a thorough review, really bad projects don't get built, regardless of political or business interests. The underlying message of the *Building Canada Act* (Bill C-5), and now this discussion paper, is deeply concerning. Either the government is saying that all project impacts can be made acceptable with conditions identified through a rushed and superficial review, or that those impacts are ultimately less important than the project's development in the first place.

The assumptions, approach, and rationale for the proposals outlined in this discussion paper and underpinning the *Build Canada Act* are deeply problematic. Let's turn to look specifically at the six key commitments of the discussion paper.

The discussion paper has six key commitments:

1. Federal review and decision-making within one year

The government is proposing that federal review and decision-making would take no more than one year, starting one year after the impact assessment process has been formally started through the filing of a Notice of Commencement – unless the proponent needs more time. As is currently the case, proponents can take as long as they wish to submit information. Given that the existing timelines under the *Impact Assessment Act (IAA)* are already difficult for the government to meet, the assessment process will need to either be (a) greatly reduced in its scope and rigour, or (b) heavily front-end loaded, requiring extensive and thorough preparation by the proponent as well as government and communities to ensure adequate background information and organizational capacity to be able to respond effectively within a short period – or both.

[The existing practice is sequenced and iterative, allowing proponents to begin working with both government agencies and host communities before project planning is finalized, and allowing – or forcing – proponents to respond to information requests where their plans do not meet requirements. More straightforward projects can be assessed within 2-4 years; more complex, controversial, or poorly-planned projects can take many more years, and may or may not ever find financial backing even when they are approved.]

The government also proposes to review federal permit applications concurrently with environmental assessments. It's a great idea in principle, and could be implemented without doing serious damage to regulatory protections in a number of areas – but not in others. It would require careful review of various permitting requirements, not an omnibus bill making sweeping changes with little to no public or Parliamentary review, much less the free, prior, and informed consent of Indigenous Peoples.

As with impact assessment, the criteria for entering the permitting process would have to be very demanding, since there is little opportunity to make changes to improve or fine-tune the proposal. It

would also only work in areas where permitting is not based on the outputs, rather than the inputs, of the impact assessment. In other words, impact assessments typically produce recommendations or conditions that regulatory agencies are meant to implement through permitting; in other cases, permitting can only be done once the final project configuration has been approved. In these cases, permitting agencies can do additional preparatory or contingency-based work during the assessment process, but can't actually approve permits.

2. Crown Consultation Hub

The government is proposing changes to create a "Crown Consultation Hub" within the Impact Assessment Agency of Canada (IAAC). The stated goals are laudable: to

- Help departments and agencies identify, resolve, mitigate or support accommodation of Indigenous issues of concerns early, where possible.
- Better coordinate with provincial consultation efforts.
- Provide guidance to federal officials and project proponents about how to engage with Indigenous communities in a meaningful way, with the goal of ensuring free, prior, and informed consent from Indigenous Peoples.

This measure could certainly be helpful in reducing the burden on Indigenous peoples, organizations, and governments in educating government officials and proponents, and could potentially facilitate consultation and consent processes. However, it cannot succeed if it is seeking to impose a government-determined process rather than respecting *sui generis* Indigenous processes, or alternatively, co-developing a process. This approach must also recognize that different Indigenous Peoples may have different governance protocols, and while a common framework may be achievable, it would have to be negotiated, requiring the allocation of adequate time and resources. There also needs to be a recognition that such resources are unevenly distributed among Indigenous communities, organizations, and governments, and in some cases are seriously lacking.

3. One project decision, and 4. One project authority

The government says it is proposing to merge all federal decisions (or as many as possible) into one decision document, issued by one Minister – the Minister of Environment, Climate Change, and Nature (ECCN). However, the same section goes on to say that the Canada Energy Regulator (CER) would make decisions on pipelines, transmission lines, and offshore energy projects, and the Canadian Nuclear Safety Commission (CNSC) would make decisions on nuclear and uranium projects. Rather than streamlining the process, the government proposes to keep the existing three-way split in decision-making, preserving the existing inconsistency and discontinuity. While the National Energy Board was reformed in 2019 in an effort to reduce industry capture and make it more neutral and objective, creating the CER, the CNSC has never been subject to such a process and continues to serve a contradictory dual function as regulator and booster of the nuclear and uranium industry.

5. Federal Economic Zones

Apparently inspired by Ontario's Special Economic Zones, the federal government wants to create zones where Cabinet could pre-approve projects, including completely bypassing the impact assessment process where a regional assessment – which does not actually evaluate the impacts of specific projects – has been done. In other words, a regional assessment would look at the cumulative effects of an array of mining development scenarios, and then mining projects could proceed regardless of their specific size, design, location, or impacts. Rural communities and Indigenous peoples are increasingly insistent that they are not willing to be treated as sacrifice zones for someone else's economic benefit, so such designations can be expected to be vigorously contested.

6. Streamlined regulation

The discussion paper asserts that *"Some federal laws have rules that can make regulatory processes slow, repetitive, and less flexible,"* and proposes *"changes to streamline these processes."* The streamlining seems to consist entirely of making regulatory requirements less onerous – not better coordinated or more closely matched to project design. The examples provided directly contradict the discussion paper's stated objective of "ensuring environmental protection, respecting Indigenous rights, and supporting meaningful consultation with Indigenous Peoples":

1. *Narrowing the types of activities that require navigation permits.*

Not "ensuring that activities with potential significant impacts, and only activities with potential significant impacts, require navigation permits." Just fewer permits, regardless of potential impacts. Currently, permits are required only for "major works" that will interfere with navigation. Note that before 2012, any project that impeded navigation required a permit and an environmental screening. This could now be even further reduced.

2. *Making permits for fish and fish habitat more flexible for offsetting (replacing or compensating for environmental impacts) and for permits related to Disposal at Sea.*

Offsetting habitat destruction effectively is difficult, and difficult to regulate. Making those requirements more flexible is an invitation to failure or even fraud. Loosening regulations for Disposal at Sea is an invitation to seafloor habitat damage from unregulated dredging wastes, and could even open the door to the practice, long banned in Canada, of submarine tailings disposal – dumping mine waste (tailings) in the ocean. It could even open the door to seabed mining.

3. *Transferring certain decision powers from the Governor in Council (Cabinet) to the relevant Minister to speed up decision-making.*

Decision powers are assigned in legislation to encourage sound decision making. They are assigned to Cabinet where Parliament feels that they require input from different ministries and the accommodation of different mandates. By turning those powers over to one Minister, this is saying that accommodating those different mandates is less important than Parliament determined, and Cabinet consensus is no longer needed.

4. *Ensuring project requirements are technically and economically feasible; to avoid inflating construction costs and the time it takes to build a project.*

Project costs are considered by proponents in designing their projects and choosing preferred options. Impact assessments and environmental regulations determine what technologies and designs will provide adequate protection of the environment, human health, and beyond. If those cost too much, then the project is simply not economically feasible and will not proceed (at least not without government subsidies). Putting economic feasibility first is what proponents did before we had environmental regulations, and the devastating impacts of those activities is why regulations were introduced in the first place.

5. *Allowing some early construction activities to start before an impact decision is made, if necessary permits are approved.*

This only makes sense if the decision has effectively already been made, and there is no scope or severity of impact that would cause it to be reversed – unless the government wishes to be liable for covering the proponent's sunk costs if the project is turned down after construction has started.

6. *Authorizing the Minister of Environment, Climate Change, and Nature to adjust impact assessment conditions, in exceptional circumstances.*

Without clear criteria for what would constitute "exceptional circumstances," this amounts to political interference in a process that already struggles for rigour and credibility. If there is an actual emergency, then *Emergencies Act* provisions should be invoked.

7. *Authorizing the Minister of One Canadian Economy to adjust environmental conditions for projects of national interest, when needed.*

Without explicit criteria for what would make such adjustment "needed," and what adjustments would be justified under what circumstances, this is nothing more or less than political interference.

8. *Giving [Cabinet] limited power, with a high threshold to be met, to exempt specific projects from the application of the jeopardy test for species at risk, but only if it's in the public interest and if the proponent has made all reasonable efforts to avoid or reduce impacts on at-risk species.*

Describing this power as "limited" and invoking phrases like "high threshold," "in the public interest," and "all reasonable efforts to avoid or reduce impacts" cannot disguise this measure's intent: to allow Cabinet to sign off on the possible extinction of species at risk.

Conclusion

In our view, there is only one potentially helpful and useful initiative described in the discussion paper: the Crown Consultation Hub; and its utility and effectiveness would depend on how it is implemented and whether it is co-designed with Indigenous peoples in a rights-compliant manner. The rest of the proposed measures pose serious risks to the health, the environment, and the rights of Indigenous peoples, for the benefit of investors, corporate interests, and even the US military with relatively little reward for the Canadian public beyond a flush of short-term construction jobs. By defining the challenge as needing to build more major projects, faster, in response to economic uncertainty – rather than needing to address underlying vulnerabilities in the face of climate chaos – the government has brought forward proposals that will not only fail to build a resilient, independent economy, but will do great harm to Indigenous rights, local economies, vulnerable ecosystems, people's health, and biodiversity.