

July 21, 2026

Restore, Assert, Defend (RAD) Network
A project of Wahkohtowin NFP, Inc.
828 Fox Lake Road, PO Box 1049
Chapleau, Ontario P0M 1K0, Canada

Subject: Submission in response to the Government of Canada's discussion paper [Getting Major Projects Built in Canada](#)

Dear Privy Council Office,

This letter provides comments from the RAD (Restore, Assert, Defend) Network, in response to the discussion paper *Getting Major Projects Built in Canada – Discussion Paper on Proposed Legislative, Regulatory, and Policy Reforms*, or “the proposed strategy”. We are a national, Indigenous-led network supporting Indigenous Nations advancing climate and conservation initiatives. The federal government must not proceed with the proposed strategy until the priorities of Indigenous Nations have been integrated into the strategy through meaningful engagement. Further, this submission should not be interpreted as support for the proposed major projects strategy. We oppose any changes that would weaken environmental protections, undermine Indigenous rights, compress timelines or reduce the quality, transparency or rigour of project information gathering, sharing and review.

Currently, the information and details outlining each proposed change in the discussion paper are limited, making it difficult to provide strategic feedback.

We insist upon further engagement and clarification before the proposed strategy proceeds.

This submission outlines:

- key concerns regarding impacts on Indigenous governance, environmental stewardship, and rights;
- opportunities to invest in and implement Indigenous-led nature-based solutions (ILNBS) as foundational economic and ecological solutions within the major projects strategy;
- questions requiring clarification; and
- responses to the consultation questions provided by the Government of Canada.

General Comments: Concerns

We have several concerns regarding the *Getting Major Projects Built in Canada* discussion paper. We also recognize that, if the proposed strategy is revised to fully address the concerns raised by Indigenous Peoples—including removing all provisions that weaken environmental protections and undermine Indigenous rights—it could create an important opportunity to invest in and advance Indigenous-led nature-based solutions (ILNBS) as a critical pathway to achieving Canada's long-term climate, ecological, and economic resilience.

We propose amending the proposed strategy to address potential negative impacts on Indigenous governance and environmental protection, while providing greater clarity on opportunities for Indigenous governance to be strategically supported through the strategy. .

We are concerned about the proposed strategy having significant implications for Indigenous governance and capacity, environmental stewardship, and the responsibilities of governments and project proponents to prevent ecological harm to the ecosystems on which we all, including industry, rely. Specifically, the following challenges need resolution:

- major decisions could be made without adequate and meaningful Crown consultation potentially increasing the likelihood of litigation, making consultation procedural rather than genuinely influential, and before the Crown has fulfilled its legal duty to consult and accommodate Indigenous Peoples;
- economic zones will pre-approve projects, limiting opportunities for Indigenous Nations to negotiate project-specific accommodations and mitigation measures;
- compressed timelines will reduce Indigenous Nations' ability to participate meaningfully in decision-making processes;
- increased concentration of decision-making authority to the Cabinet and individual ministers may undermine ecological protections, transparency and public processes;
- the proposed strategy is incompatible with the implementation of Free, Prior and Informed Consent and ensuring Indigenous peoples' rights to conserve their lands and resources under UNDRIP, the United Nations Declaration Act (UNDA) and the UNDA Action Plan;
- impacts on the rights and interests of Indigenous Peoples from cumulative effects of each project may not be considered; and
- indigenous jurisdiction over lands, waters, species, and resources within their territories may be further eroded and Crown reconciliation with Indigenous Peoples may be undermined or significantly set back.

General Comments: Opportunities

As the federal government aims to advance major projects, economic resilience, and trade competitiveness, there is an urgent opportunity to recognize ILNBS not as a separate environmental agenda, but as foundational economic, ecological, and nation-building infrastructure.

Indigenous Nations are leading in nature-based solutions, which are actions that protect, restore, and manage ecosystems to provide ecological, cultural, social, and economic benefits. This includes the establishment of Indigenous Protected and Conserved Areas (IPCAs), which are lands and waters where Indigenous governments play the primary role in decision-making. ILNBS can also include carbon markets, biodiversity credits, impact bonds, and other forms of nature finance. Equity partnerships, including examples advanced by Indigenous Nations such as the Tahltan Nation's IPCA, demonstrate how conservation and sustainable economic development can be pursued together. ILNBS are increasingly recognized as essential to achieving long-term sustainable economic growth, long-term investment certainty, climate resilience, biodiversity conservation, reconciliation and the recognition of Indigenous

rights.¹ The federal strategy for advancing major projects should therefore recognize ILNBS as an essential component of Canada's economic strategy and climate resilience objectives.

This aligns directly with the Assembly of First Nations' National Climate Strategy, which positions First Nations' jurisdiction and self-determination as central to climate decision-making, conservation, and economic transformation. Canada's proposed strategy to get major projects built offers an opportunity to embed ILNBS into federal legal frameworks and resolving jurisdictional issues while aligning with the nature finance and conservation commitments announced in Canada's Force of Nature Strategy.² Doing so would support sustainable economic development, advance Canada's climate and biodiversity commitments, reduce project risks, and ensure that major project approvals align with reconciliation and the implementation of UNDRIP and the UNDA Action Plan.³

The proposed strategy should establish a pathway for ILNBS—including IPCAs, Indigenous-led Marine Protected Areas, and nature-based carbon projects—to be advanced similarly as major projects under the *Building Canada Act*, upon the recommendation of the Indigenous Nation(s) leading the project(s). Under the *Building Canada Act*, major projects are weighed against the extent to which they strengthen Canada's autonomy, resilience and security, provide economic or other benefits to Canada, have a high likelihood of successful execution, advance the interests of Indigenous Peoples and contribute to clean growth and to Canada's climate change objectives⁴. Recognizing and aligning pathways to enable ILNBS similarly to major projects would support long-term economic certainty while ensuring Indigenous governments have equitable access to the same federal recognition, coordination, and investment opportunities as other nation-building projects.

Economic Case for ILNBS

The following sets out the economic case for embedding ILNBS into the proposed strategy: as a sustainable growth strategy, as a safeguard against the ecosystem collapse and disruption, and as a proven source of returns and public value.

A Long-Term Strategy for Economic Resilience

Investing in ILNBS is not only an environmental imperative but also a sound economic strategy. The proposed strategy suggests that the federal government is willing to address jurisdictional barriers to advance major projects. We recommend that the same commitment be applied to resolving jurisdictional barriers preventing Indigenous Nations from advancing ILNBS, including carbon, biodiversity, and stewardship projects.

This requires establishing clear enabling policies that allow rights holders to advance projects within their traditional territories, including on lands classified by the Crown as public land. ILNBS should be able to proceed under federal protocols where provincial frameworks have not yet been established, including through appropriate backstop mechanisms.

¹ <https://www.weforum.org/stories/2023/01/davos23-nature-based-solutions-without-indigenous-leadership-fail-investors-and-the-planet/>

² <https://www.canada.ca/en/services/environment/nature/nature-strategy.html>

³ <https://www.weforum.org/stories/2023/01/davos23-nature-based-solutions-without-indigenous-leadership-fail-investors-and-the-planet/>

⁴ <https://www.canada.ca/en/privy-council/major-projects-office/advancing-nation-building-projects.html>

Nature-based solutions can generate substantial returns, support forestry and agricultural transitions, and unlock public and private investment in Canada.⁵ Indigenous communities have long-stewarded the globally significant stores of freshwater, carbon, and biodiversity throughout Canada. These resources represent significant opportunities if stewarded correctly. Protected and conserved areas support more than 150,000 jobs—comparable to the oil and gas sector—and generate over \$1.4 billion in annual tax revenues, exceeding the forestry sector. They also deliver more than \$3.50 in visitor spending for every dollar invested, while protecting the natural assets that underpin Canada's long-term economic resilience.⁶ Indigenous stewardship and governance are foundational to durable, investable nature-based solutions because they provide legitimacy, long-term certainty, and intergenerational accountability.

Ecosystem Collapse Is a Main Threat to Resource Industries—ILNBS Can Be Part of the Solution

Policy Horizons Canada, the Government of Canada's strategic foresight organization, examines emerging disruptions and long-term trends to support evidence-based, resilient federal policymaking. In 2024, their analysis listed biodiversity loss and ecosystem collapse as the second highest disruption in both impact and likelihood. They stress that failure to protect ecosystems and biodiversity will increase risks to key industries, including agriculture, fisheries, forestry, and natural resource development, by undermining the clean water, healthy soils, pollination, and climate stability that support economic productivity and long-term competitiveness.⁷ Embedding ILNBS into the major projects strategy would help address these risks by strengthening the ecological foundations upon which Canada's industries depend.

Lasting Economic Benefits, Public Value, and Investment Certainty

The 2025 report *Building a Conservation Economy* by Coast Funds found that First Nations' investments in the conservation economy, supported by an initial \$60-million Economic Development Fund, contributed \$808 million to British Columbia's GDP and generated \$1.77 billion in gross economic output. These investments contributed \$331 million in household income and supported an average of 373 full-time jobs annually.⁸ Together, these findings provide strong evidence that up-front investments in ILNBS deliver lasting, sustainable economic benefits for First Nations and communities across British Columbia.

ILNBS are not only economic opportunities; they also strengthen Indigenous governance, improve investment certainty, and advance Canada's climate and biodiversity objectives. The 2022 *report Good for the Land, Good for the People, Good for the Economy* by lawyer Estella White, which highlights how IPCAs and Indigenous Ranger/Guardian programs consistently generate returns that exceed the initial investment. These initiatives create employment, reduce government expenditures on health, justice, and social services, and increase tax revenues. Indigenous Guardians also provide greater certainty for responsible resource development by strengthening communication and collaboration among Indigenous Nations, governments, and industry.⁹

Clarity Seeking Questions

⁵ www.natureadvantage.ca/content/dam/tnc/nature/en/documents/f/u/Full-Report_Realizing-the-Value-of-Nature.pdf

⁶ <https://thenarwhal.ca/canada-conservation-economy-in-charts/>

⁷ <https://horizons.service.canada.ca/en/2024/disruptions/>

⁸ <https://coastfunds.ca/news/economic-fund-report/>

⁹ https://ipcaknowledgebasket.ca/wp-content/uploads/2023/06/2022-01-20-ipc-as-indigenous-guardians-discussion-paper_final_web-min.pdf

In addition to the concerns and opportunities identified above, we seek clarification on several aspects of the proposed strategy.

1. The change for federal review and decision-making in no more than one year allows proponents to request more time for a specific permit if needed. Will equivalent flexibility and accommodation be provided to Indigenous Nations where additional time is required to complete meaningful consultation, government-to-government engagement, and consent-seeking processes?
2. How will the federal government ensure that the proposed strategy is consistent with Section 35 of the *Constitution Act*, UNDRIP, and UNDA commitments, including the requirement to respect Indigenous Peoples' rights to participate in decisions affecting their territories?
3. The proposed strategy would allow greater flexibility for offsetting harm to fish and fish habitat. What thresholds, safeguards, and decision-making criteria will determine when such harm is permitted, and how will Indigenous knowledge and rights be incorporated into those decisions?
4. If the federal government designates a large "economic zone" and treats projects within that zone as pre-approved, Indigenous Nations may lose opportunities to assess cumulative effects of specific projects within the economic zone, negotiate project-specific accommodations, challenge specific developments affecting their territories and ensure health and environmental safeguards are not undermined. How will the federal government address these gaps and risks?
5. By pre-approving projects within the economic zone, will individual impact assessments be eliminated? If so, how will environmental, health, social, economic, and Indigenous impacts, as well as mitigation measures and alternatives, of specific projects be addressed?
6. Reducing review and decision-making timelines to one year while simultaneously conducting impact assessments, permitting reviews, and consultation processes could create even more barriers to consultation. How will the federal government provide the resources and capacity for Indigenous Nations and communities to meaningfully participate in this shortened process?
7. The discussion paper indicates that responsibility for issuing a federal decision statement would rest with the Minister of Environment and Climate Change Canada and that certain decision-making power would be transferred from Cabinet to individual ministers. Combined with shorter timelines for impact assessments and permit reviews, this raises concerns about the consolidation of decision-making power and the potential elimination of independent review panels. Such changes could reduce transparency, public confidence, and opportunities to incorporate Indigenous knowledge and assess project impacts. Will independent review panels be eliminated under the proposed strategy?
8. Projects that are pre-approved within the economic zone will "remove the need for separate project reviews." Which specific review and/or permitting processes will be removed?

Responses to Discussion Paper Questions:

This section includes our responses to the questions posed in the Discussion Paper.

Question 1: From your perspective, how could these legislative, regulatory, and related policy amendments be adjusted or expanded to better align with the rights and interests described in the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)?

Advancing major projects cannot diminish the federal government's obligations under UNDA, UNDRIP, or Section 35 of the *Constitution Act*.

1. As noted in our concerns above, the proposed strategy raises serious issues in achieving commitments under UNDRIP.

FPIC is integrated throughout UNDRIP and is achieved by processes that are “free from manipulation or coercion, informed by adequate and timely information, and occur *sufficiently prior to a decision* so that Indigenous rights and interests can be incorporated or addressed effectively as part of the decision making process.”¹⁰ Several proposed changes would conflict with these principles, including one-year assessment timelines, pre-approved economic zones and cabinet approvals for lengthy pipelines before the review of conditions and routing details. Shortening timelines to one year for project reviews and decision making may strain Indigenous capacity and risks undermining government-to-government relationships, rushing due process, and infringing on Indigenous rights, potentially resulting in increased conflict, court cases and legal challenges which are costly and draining. To address these concerns our recommendations are to:

- Revoke any proposed shortened assessment and permitting timelines to ensure robust consultation and government-to-government processes so that Indigenous rights are upheld and FPIC is obtained;
- modify the proposed strategy to explicitly require that Indigenous Nations receive all information and details before a project is consulted on and approved;
- remove pre-approval mechanisms that allow projects to proceed before adequate review, consultation, and accommodation processes are complete;
- include the addition of resources and capacity to enable Indigenous communities to meaningfully participate in consultation and consent-seeking; and
- ensure projects that have not achieved FPIC and accommodations do not proceed until they do.

Article 20 of UNDRIP states that Indigenous Peoples have the right to maintain and develop their own political, economic, and social institutions, pursue their traditional and other economic activities, and secure their own means of subsistence and development. Where these rights have been deprived, they are entitled to just and fair redress. Therefore, the federal government must ensure that the proposed strategies align with Article 20 by creating pathways for Indigenous Peoples to implement their own political, economic and social institutions. This includes pathways to establish and implement nature-based solutions, lead strategic environmental and economic planning, and the implement these plans.

¹⁰ <https://www.justice.gc.ca/eng/declaration/about-apropos.html>

Article 29 of UNDRIP states that Indigenous Peoples have the right to conserve and protect their lands and resources, and that states must support Indigenous-led environmental monitoring, maintenance, and restoration programs. To align the proposed strategy with Article 29, pathways should be created to enable Indigenous Peoples to lead strategic environmental (including conservation) and economic planning, allocate funding and resources to Indigenous-led nature-based solutions (ILNBS), including restoration and monitoring programs, and support Indigenous decision-making regarding the conservation of lands and resources, including in areas proposed for major projects.

2. Canada has a constitutional duty to consult and accommodate Indigenous Peoples under Section 35 of the Constitution. The proposal increases the risk of breaching the Crown's duty to consult in the following ways. Economic zones may pre-approve broad categories of development, exempting projects within the zone from separate project reviews increases the risk for failure to fulfill the duty to consult. As noted above, pre-approval also risks leaving cumulative effects unassessed before individual projects proceed. Early construction could begin before final assessments are complete. To address these concerns our policy recommendations are to require cumulative effects assessments and consultations for each additional project within the economic zone, create negotiation requirements for project-specific accommodations, and to revoke allowing construction to begin before assessments are complete.

3. Several proposed changes may weaken Indigenous environmental stewardship and governance authority, weakening the ability for Indigenous Nations to advocate for their lands, waters, wildlife and communities. The proposed changes include: Overriding the jeopardy clause in SARA allowing for the extinction of a species; Reducing permitting requirements by allowing more flexibility for offsetting activities that harm fish and fish habitat; Shortening assessment timelines and creating pre-approved economic zones which may not require standard thresholds be met to protect public health and the environment. These changes may affect Indigenous rights because environmental protections often safeguard resources connected to harvesting rights, cultural practices, sacred sites, and stewardship obligations. To address these concerns we recommend that all legislation that protects health and environmental safeguards be upheld. This includes upholding the SARA “no jeopardy” clause. We recommend that projects within the economic zone be subject to reviews that consider and account for environmental, health, social, economic, and Indigenous impacts, as well as mitigation measures and alternatives.

Question 2: Are you aware of any intersections between the proposal and the rights and interests of First Nations, Inuit and/or Métis as set out in the UN Declaration?

The intersections identified in Question 1 apply directly to this question. In addition, the proposed strategy must recognize Indigenous governments as rights holders and decision-makers rather than stakeholders. There is an intersection between the criteria of major projects needing to advance the interests of Indigenous Peoples and the UNDRIP. Objective 34 in the UNDA Action Plan commits the Government of Canada to, “Work in consultation and cooperation with First Nation, Métis and Inuit communities, governments and organizations to (i) enhance the participation of Indigenous Peoples in, and (ii) set the measures that could enable them to exercise federal regulatory authority in respect of,

projects and matters that are currently regulated by the Canada Energy Regulator (CER).”¹¹ To better align with UNDRIP, the proposal should recognize Indigenous governments as decision-makers and rights holders, rather than stakeholders.

Question 3: From your perspective, how can the Government of Canada best work in partnership with Indigenous Peoples to ensure that Indigenous perspectives, knowledge, and priorities meaningfully inform the implementation of these proposals?

Effective partnership requires recognizing Indigenous governments as rights holders and decision-makers. This must begin with meaningful consultation and government-to-government processes when desired by the Nation. The federal government must engage with Indigenous knowledge holders, governments, and organizations to address the concerns raised through this process. Beyond continued engagement with Indigenous Peoples throughout the development of the proposed strategy, we recommend that the federal government work with Indigenous Nations now to create pathways to:

- with guidance from Indigenous Nations, governments, and National Indigenous Organizations, the federal government must support ILNBS), including IPCAs, as key components of Canada’s long-term economic and environmental resilience strategy;
- enable Indigenous-led strategic environmental and economic planning as per articles 29 and 20 of UNDRIP
- establish jurisdictional clarity and indigenous rights and responsibilities to manage carbon and biodiversity to unlock capital investment into ILNBS;
- invest in long-term Indigenous stewardship;
- provide adequate funding and timelines to support Indigenous participation in Crown consultation and government-to-government processes by providing adequate funding and timelines;
- support Indigenous-led nature finance, such as carbon market development and participation, and innovative nature financing options; and
- ensure Indigenous leadership within federal advisory bodies, the Nature Finance Task Force, and governance structures related to major project development.

Question 4: What lessons have you learned from previous experience with proponents and governments – what have they done well and not well for Indigenous communities?

Indigenous Nations are inundated with project review requests from proponents. Existing processes frequently fail to account for the cumulative burden placed on Indigenous governments, including the time, expertise, and resources required to assess multiple proposed developments simultaneously – making it increasingly difficult for Nations to participate meaningfully in decision-making. This creates circumstances in which achieving FPIC is not feasible. Federal processes must recognize that meaningful participation requires adequate, predictable, and long-term funding—not only for project reviews, but also for Indigenous-led planning, governance, and decision-making. Further, Indigenous Nations are faced with the choice of agreeing to terms and benefit agreements with proponents for projects that are likely to proceed regardless of whether consent is achieved, leaving Nations with a false choice. Federal investment should support Indigenous-led economic and environmental planning, including feasibility

¹¹ www.justice.gc.ca/eng/declaration/ap-pa/ah/pdf/unda-action-plan-digital-eng.pdf

assessments for ILNBS, so that Indigenous Nations have greater capacity and options to shape their own economic futures.

The profound impacts of cumulative effects on Indigenous communities' ability to exercise Aboriginal and treaty rights are continually evolving and are being closely monitored.¹² The *Yahey v British Columbia* case found that the cumulative effects of many government decisions over time can amount to a constitutional violation of Indigenous rights¹³. Specifically, the British Columbia Supreme Court found that an infringement could be unjustifiable at the point of “significant diminishment” of Blueberry River First Nation (BRFN) treaty rights.¹⁴ The Court also assessed the adequacy of British Columbia’s regulations to assess and accommodate cumulative effects and found that the lack of such mechanisms constituted a breach of the honour of the Crown in British Columbia. This decision reinforces the need for ongoing cumulative effects assessment, land-use planning, and permitting processes that account for the combined impacts of development over time.

The Court ordered that the BRFN and the Crown negotiate “enforceable mechanisms to assess and manage the cumulative impacts of industrial development on BRFN’s treaty rights and to ensure these constitutional rights are respected.”¹⁵ Following the *Yahey* decision, the Implementation Agreement was signed which created initiatives related to wildlife management, land-use plans, petroleum and natural gas planning, adoption of ecosystem-based forest management, and funding for land restoration, wildlife stewardship and cultural and capacity investment.¹⁶

Similar concerns regarding cumulative effects are being raised by Indigenous Nations in Ontario. Since September 2022, Chapeau Cree, Missanabie Cree, and Brunswick House First Nations have been pursuing a landmark Treaty 9 cumulative impacts case, asserting that permitted industrial activities have contributed to cumulative impacts that meaningfully diminish treaty rights.¹⁷

The federal government should address cumulative effects through ongoing assessment, Indigenous-led planning, and mechanisms that allow economic development and environmental stewardship to proceed together. The *Yahey* Implementation Agreement provides an example of how governments can establish collaborative approaches to land-use planning, restoration, stewardship, and Indigenous economic participation.

Question 5: What are your views, if any, on proposal No. 2 (One Crown Consultation Process)? [9]

The proposed “One Crown Consultation Process” may provide benefits, including reducing duplication, improving accountability, and creating clearer points of contact among federal agencies. However,

¹² <https://www.osler.com/en/insights/updates/treaty-rights-and-resource-development-the-cumulative-effects-claims-begin-to-pile-up/>

¹³ *Yahey v British Columbia*, 2021 BCSC 1287 [Yahey].

¹⁴

http://canlii.org/en/commentary/doc/2023CanLIIDocs3113#!fragment/zoupio-_Tocpdf_bk_0_7/BQCwhgziBcwMYgK4DsDWszlQewE4BUBTADwBdoAvbRABwEtsBaAfX2zhoBM AZZgl1TMADMwDsASgA0ybKUIQAiokK4AntADkGyREJhcCJSvVadegyADKeUgCF1AJQCIAgScA1AIIA5AMJPJUJA+aFJ2cXEgA

¹⁵ *Yahey v British Columbia*, 2021 BCSC 1287, at para. 1894.

¹⁶ <https://elc.ab.ca/post-library/cumulative-impacts-on-the-exercise-of-treaty-rights/>

¹⁷ <https://www.cbc.ca/news/canada/sudbury/first-nations-ontario-court-1.6608276>

administrative coordination alone will not resolve the proposed concerns, such as shortened timelines and pre-approved projects making meaningful consultation impossible in practice.

Beyond the recommendations included above we specifically recommend the federal Government:

1. Recognize ILNBS as a core component of the Getting Major Projects Built framework and work proactively with Indigenous Nations to remove jurisdictional and policy barriers preventing their advancement;¹⁸
2. Formalize the ILNBS pathway described above, so that Indigenous-led projects, including IPCAs, can be advanced similarly as major projects upon the recommendation of the Indigenous Nation(s) leading them.

It is imperative that the proposed strategy be amended to ensure it does not weaken environmental protections or undermine Indigenous rights. Indigenous jurisdiction, ecological stewardship, and economic resilience are not competing objectives. They are mutually reinforcing, and Canada has an opportunity to demonstrate that to the world. If the federal government wants to accelerate major project development while meeting its international climate, biodiversity, and reconciliation commitments, then it must embed ILNBS into the framework.

We welcome the opportunity to discuss concrete next steps.

Respectfully,



David Flood, RPF
Co-Chair, RAD Network Leadership Circle
Executive Director, Wahkohtowin Development
Phone: (705) 622-9581; Email: wdgpi.gm@wahkohtowin.com
On behalf of RAD Network

¹⁸ <https://radnetwork.ca/wp-content/uploads/2026/05/Infosheet-Indigenous-Rights-Carbon-Projects-on-Crown-Land.pdf>