

Court grants standing to environmental group in challenge to Alberta river crossings authorization

By **Karunjit Singh**

Law360 Canada (June 12, 2026, 4:07 PM EDT) -- The Federal Court has dismissed a motion to strike an environmental group's challenge to a federal authorization for 14 temporary river crossings in Alberta, finding that the group met the test for public interest standing.

In *Timberwolf Wilderness Society v. Canada (Fisheries and Oceans)*, 2026 FC 768, released June 10, Justice Allyson Whyte Nowak rejected a forestry company's argument that the application was really aimed at broader logging operations rather than the authorization for the crossings.

"The saying that 'two things can be true' is particularly apt," Justice Whyte Nowak wrote, noting that while the authorization concerned the proposed crossings, the applicant's focus was on the impact of the authorization on bull trout and its habitat.

The respondent, West Fraser Timber Co. Ltd., is one of Canada's largest forestry companies and a global producer of renewable wood products.

West Fraser sought authorization to construct and install 14 temporary river crossings in connection with its plans for timber harvesting operations in the Upper Highwood River watershed within Kananaskis Country, Alta.

In October 2025, the fisheries minister authorized the proposed crossings. The minister concurrently published an explanation document addressing the incidental effects of the proposed crossings on the bull trout, a threatened species.

In December 2025, the applicant, Timberwolf Wilderness Society, an environmental advocacy group, filed an application for judicial review challenging the lawfulness and reasonableness of the authorization.

Timberwolf alleged that the authorization may result in harm to bull trout, including damage to or destruction of the species' critical habitat.

West Fraser filed a motion to strike the application on the basis that Timberwolf lacked standing to bring it.

Justice Whyte Nowak cited *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, in which the Supreme Court set out the test for granting public interest standing.

In *Downtown Eastside*, the Supreme Court held that courts must consider whether a proceeding raises a serious justiciable issue, whether the party bringing it has a genuine interest in the matter, and whether the proceeding is a reasonable and effective means of bringing the issue before the court.

West Fraser argued that the application was "overwhelmingly concerned" with the forestry operations that the crossings would facilitate and was not directed at the minister's decision to authorize the crossings.

Justice Whyte Nowak rejected that argument, noting that the applicant had raised a challenge under

the *Species at Risk Act*, alleging that the minister failed to properly consider reasonable alternatives before issuing the authorization.

The court noted that the minister's explanation stated that the alternative of "do nothing" was not a reasonable option because the crossings were required for harvesting operations.

"The focus on whether logging should be permitted at all, stems not from a misdirected focus on the part of Timberwolf, but from the Minister's own rationale in issuing the Authorization found in the Explanation," the judge wrote.

She held that Timberwolf had raised at least one serious justiciable issue appropriate for public interest standing.

The court also found that Timberwolf had a genuine stake in the issue that went beyond generalized advocacy, noting its history of advocating for bull trout and other *Species at Risk Act*-listed fish species and its history of engagement with the statutory regime.

She also observed that judicial review was the sole mechanism available to challenge the authorization and that the application would ensure that the authorization receives the fair scrutiny that it deserves in light of the alleged impact it could have on the bull trout.

"Not only is the Application a reasonable and effective way to bring the issues raised in the Application before the Court, but without a grant of standing, a Ministerial decision that has the potential to incidentally affect a threatened species, would be immune from an assessment of its reasonableness," the judge wrote.

The judge ruled that Timberwolf should be granted public interest standing.

"We are pleased that the court rejected West Fraser's application to strike the judicial review and confirmed quite definitively that Timberwolf Society has public interest standing," said counsel for the applicant, Gavin Fitch of McLennan Ross LLP.

Alex Dingman of McLennan Ross LLP also acted as counsel for the applicant.

Counsel for the respondent were Martin Ignasiak, Logan Lazurko and Nathan Murray of Bennett Jones LLP. They were not immediately available for comment.

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