



BUSINESS COUNCIL
OF ALBERTA

FROM BARRIERS TO BREAKTHROUGHS

Restoring Confidence in Major Project Reviews
➤ **Part I: The Impact Assessment Act**



Copyright

© Business Council of Alberta 2026

Report Citation

[From Barriers to Breakthroughs: Restoring Confidence in Major Project Reviews Part I: The Impact Assessment Act.](#) Business Council of Alberta. March 2026.

About the Business Council of Alberta

The Business Council of Alberta is a non-partisan, for-purpose organization dedicated to building a better Alberta within a more dynamic Canada. Composed of the chief executives and leading entrepreneurs of the province's largest enterprises, Council members are proud to represent the majority of Alberta's private sector investment, job creation, exports, and research and development. The Council is committed to working with leaders and stakeholders across Alberta and Canada in proposing bold and innovative public policy solutions and initiatives that will make life better for Albertans.

This document reflects the views of the Business Council of Alberta based on our own research and on engagement with members and stakeholders. Alberta is a diverse place. In many cases, there are a range of views on an issue within the Council membership. This piece may not necessarily reflect the perspective of all BCA member companies and should not be read as the position of any one member.

Thank You.

The Business Council of Alberta (BCA) would like to thank the members of the Working Group who contributed their time, expertise, and hard work to the development of this report. Without their efforts and creativity this report would not have been possible.

PRINCIPAL AUTHORS

Dylan Kelso – Manager of Policy, Business Council of Alberta

Mike Holden – Vice President of Policy & Chief Economist, Business Council of Alberta

TABLE OF CONTENTS

06	Introduction
09	About the Report
10	Returning to the Core Purpose of an Impact Assessment
11	CHAPTER 1: Four Structural Changes to the <i>Impact Assessment Act</i>
11	Birds-Eye View of the Current and Proposed IAA Structures
15	1. Automatically Refer IAs to the Appropriate Regulator and the Appropriate Legislation
19	2. Redefine the Roles of Existing Federal Regulators
22	3. Combine the Impact Statement and Impact Assessment Phases
23	4. Implement a Two-Stage Authorization Process
27	CHAPTER 2: Embedded Changes Within a Restructured IAA
28	1. Attaining the “One Project, One Review, One Decision” Ideal
32	2. Reducing Review Timelines and Increasing Regulator Accountability
38	3. Rightsizing Review Scope and Risk Appetite to Streamline Reviews
45	4. Improving the IA Decision-Making Framework to Promote Development
47	5. Streamlining Permitting and Conditions Compliance
55	6. Clarifying Indigenous Consultation and Promoting Meaningful Participation and Engagement
60	Conclusion
62	APPENDIX: <i>Impact Assessment Act</i> Legislative Changes



GLOSSARY

Key definitions and abbreviations are listed below:

CER Act means *Canadian Energy Regulator Act*.

Two-Stage Authorization Process means this report’s proposed two-stage system for making a decision about *whether* and *how* a proposed project proceeds. **Part 1** is an early, high-level political decision on *whether* a project can proceed in the “national public interest,” and **Part 2** is the final “project authorization determination” at the end of an impact assessment by the independent responsible lifecycle regulator about *how* the project can proceed.

Federal Authorities means federal departments or agencies with expertise in, or authority over, a project under review and/or permitting decisions.

IA means impact assessment.

IAA, “the Act,” or “the IAA framework” means *Impact Assessment Act*.

IAAC or “the Agency” means the Impact Assessment Agency of Canada.

Lifecycle Regulator means the regulator responsible for overseeing the entire lifespan of a project — from initial review through to decommissioning/abandonment. Federally, this includes the Canada Energy Regulator, the Canadian Nuclear Safety Commission, and the two Offshore Petroleum Boards for Newfoundland and Nova Scotia.

MPO means Major Projects Office.

MPCO means this report’s proposed Major Projects Coordination Office, which is a continuation of the IAAC, but with a new mandate.

Permitting or “the permitting process/system/framework” means all — or the process of attaining all — the permits, licenses, and authorizations needed from various departments at different levels of government to advance a proposed project through construction.

Physical Activities Regulations means the IAA regulations that identify and describe specific types of major projects (the “designated project list”) that must enter the federal IA process.

Project review, “review process/system/framework,” or “a/the review” means the stage of a project’s regulatory review conducted under the *Impact Assessment Act*.

Responsible Lifecycle Regulator Model (RLRM) means this report’s model for determining the jurisdiction, regulator, and legislation that are best suited for conducting a project review. This model proposes identifying the lifecycle regulator with the expertise best suited for reviewing a project regardless of whether it is at the federal or provincial level (called the “responsible lifecycle regulator,” or RLR) and conducting the project review under that regulator’s legislative review framework.

INTRODUCTION

While many regulatory barriers influence investment decisions, few do so as directly, or as consequentially, as the legislative frameworks governing the review and permitting of large, nationally significant projects.

As part of the *From Barriers to Breakthroughs* project, the Business Council of Alberta (BCA) has documented how federal policies and regulations discourage business investment by raising costs, increasing uncertainty, and slowing construction, innovation, and trade. The first report in this body of work focused on targeted, near-term reforms to address some of the most commonly-cited regulatory barriers affecting investment today.

This report is the first of two companion papers examining a more structural challenge within that broader problem: Canada's major project review and permitting processes.

These processes are slow, costly, and unpredictable. They have delayed, diverted, or deterred billions of dollars in investment and have contributed to a growing perception that Canada is a difficult place to build large projects.

Major project reviews involve multiple federal departments operating under various pieces of legislation, and there are opportunities for improvements within each one of these laws.

However, nowhere is the need for reform more urgent than with the *Impact Assessment Act* (IAA). Few investors have sufficient confidence in the IAA's review and post-review permitting processes to propose projects in the first place. Companies with experience navigating previous review and permitting systems report that many long-standing challenges have persisted or intensified under the IAA, while new challenges have also been introduced. For most projects, delays emerge at the earliest stages, discouraging future proposals.

For project proponents, the prospect of spending years — and hundreds of millions of dollars or more — navigating regulatory processes, often without a sightline to construction completion, is untenable. Simply put, the process, timeline, and political uncertainties inherent in the IAA and federal permitting systems are a major impediment to business investment in Canada. Reforms are needed to instil confidence in the review process, and ensure projects take no longer than two years to start construction.

The need for reform is all the more urgent given the present international context. Canada competes globally for business investment — especially with the United States. Moving to a two-year review process, as this report recommends, would be an improvement, but still not enough. The U.S. is now aiming to reduce its permitting process timeline for domestic energy and critical mineral projects even further, enacting the *National Energy Emergency Act* to shorten the regulatory approval timeline to just [28 days](#).

At a time when Canada is striving to build a strong, resilient, and diversified economy to reverse stagnation and adjust our geopolitical footing, cumbersome project review and permitting processes are driving capital away. But with the right systems in place, Canada can set the stage for a renaissance of private sector investment and growth. And as Canada's history of building big things indicates, we can get there again.

CHANNELING RENEWED FEDERAL AMBITION INTO PERMANENT SOLUTIONS

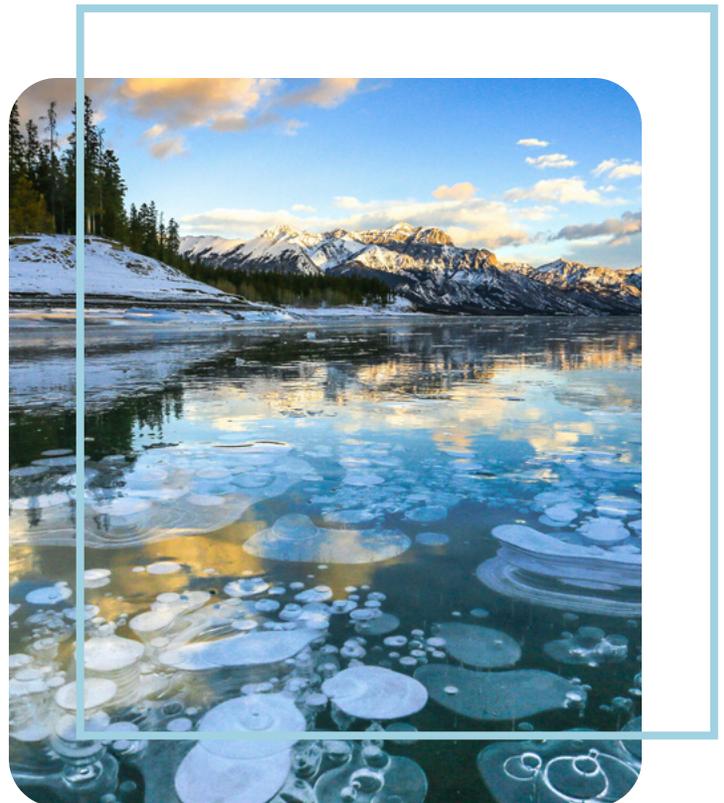
The good news is that the federal government recognizes the challenges with existing major project review processes. In June 2025, it passed the *Building Canada Act*, which includes a new, expedited process for reviewing and permitting projects it deems to be in the national interest.

This act represents a significant, positive near-term change in tone coming from the very top of the Canadian government. The federal government's renewed focus on expediting project reviews and getting things built quickly sends the right signals to global investors and geopolitical allies who, for far too long, have viewed Canada as an unreliable trade partner incapable of getting its resources to global markets. Furthermore, the government's choice of leadership and location for the new [Major Projects Office](#) (MPO) has sent a positive signal to investors about the seriousness of its intentions to continue improving regulatory processes as it learns from the MPO's future experience.

However, challenges remain. For one, this new legislation creates a dual-track process – one that's intended to be faster for projects declared to be in the national interest by politicians, and another for every other project stuck in the quagmire of our existing regulatory processes. This will not create the universally applicable, stable, predictable, and efficient regulatory environment needed over the long-term to attract private capital. While the MPO will help smooth the process for a select number of projects, the long-term challenge for the government is to improve the existing regulatory systems below the hood that remain barriers to capital investment. This includes the IAA and its accompanying permitting processes.

Fortunately, changes to these regulatory processes are already underway. Through its [red tape reduction efforts](#), the federal government has begun to improve impact assessment (IA) scoping, speed, and efficiency – and it is already showing some early positive results. For example, the federal government is promising to align IAA reviews with their desired two-year timeline. These are excellent first steps.

But more needs to be done. This report aims to assist the federal government by accelerating and complementing their existing efforts for maximum positive impact. Creating the long-term investment signals Canada needs will require establishing a single, predictable, and expedient IA review and permitting process for all major projects triggering IAA reviews. To do this, Canada needs to apply the lessons learned from the new MPO process, learn from past project review mistakes, and ultimately give legal teeth to the kinds of improvements that will ensure there will be no backsliding into slow, cumbersome processes once again.





COMPANION REPORTS ON MAJOR PROJECT REVIEWS

This report is part of the Business Council of Alberta's *From Barriers to Breakthroughs* project, a four-paper initiative focused on removing federal regulatory barriers to business investment and strengthening Canada's overall regulatory system — and, in turn, its investment climate.

Within that broader project, this report is **Part I of a two-part set of companion papers on major project reviews**, examining how federal review and permitting processes for large projects have become slow, uncertain, and costly — and how they can be reformed.

The two companion papers address distinct federal statutes that govern major project reviews:

➤ **Part I** focuses on reforming the *Impact Assessment Act*, which governs the review of a wide range of major projects.

➤ **Part II** focuses on amending the *Canadian Energy Regulator Act*, which among other project types, governs the review of most federal pipeline projects.

While each report addresses a distinct legislative framework, they are best read sequentially. In practice, federal review and permitting processes are interconnected, and reforming one without the other would leave key sources of delay and uncertainty unresolved.

Both reports are accompanied by an appendix that provides illustrative legislative language aligned with the report's proposed policy recommendations, where appropriate. Together, these reports form a blueprint for a more effective system for major project reviews that is fit for purpose in a competitive investment environment.

ABOUT THE REPORT

This report — **Part I** — focuses specifically on how the IAA, its regulations, and related permitting frameworks could be rebuilt into a single, efficient review process that enables projects to proceed in a timely and predictable manner while continuing to protect environmental, health, social, cultural, and Indigenous interests.

This work builds on, but does not repeat, the background outlined in *Future Unbuilt* (2023) that outlines the principles and elements of an ideal review system (see “Foundations of ideal project review systems” callout box).

While the policy recommendations in *Future Unbuilt* focused on making minor adjustments to processes within the existing IAA, this report examines how the IAA itself, including its regulations and accompanying permitting frameworks, could be structurally redesigned to deliver better outcomes.

The analysis proceeds in two chapters:



Chapter 1 sets out a restructured model for the IAA, proposing foundational changes to how reviews are sequenced, governed, and decided.



Chapter 2 identifies weaknesses that would persist even under a restructured Act and proposes targeted changes to address them.

Finally, many of the policy recommendations put forward in Chapters 1 and 2 require changes to the IAA itself. The [appendix](#) includes proposed language changes to the Act that would enable the recommendations in this report.

All of this report’s recommendations were developed under the premise that an ideal IAA needs to be designed with a narrow focus on the core purpose of an impact assessment as a policy tool.

FOUNDATIONS OF IDEAL PROJECT REVIEW SYSTEMS

As discussed in *Future Unbuilt*, ideal regulatory processes need to be **impartial, comprehensive, trusted, efficient, and predictable**. These five principles likewise undergird the present report’s vision for ideal major project review and permitting systems, which should include the following elements:

An early investment signal according to clearly defined policy preferences.

Independent reviews defined by regulators free from political interference and with the authority to approve projects within established policy guidelines.

Clear requirements set by regulators about the type and scope of studies required from proponents.

A prioritized focus on only the most important and unique risks of a proposed project.

Indigenous partnerships that ensure reviews advance reconciliation and enable Indigenous participation and engagement.

Strong leadership from a single regulator that works cooperatively with proponents and keeps reviews efficient and on time.

Championed outcomes of review processes, where the federal government stands by, and champions, projects that are approved.

Together, these principles and elements are key to ensuring high quality reviews that de-risk private capital and enable projects to get built faster. This report builds off these principles and elements by designing an ideal IAA and permitting processes from the ground up.

RETURNING TO THE CORE PURPOSE OF AN IMPACT ASSESSMENT

Broadly speaking, an impact assessment is about deciding whether, on balance, a proposed project is in the national public interest. This is necessary because every project will generate benefits. But the very act of building something means making changes to the status quo — changes which are, by their nature, disruptive. And those impacts cannot always be fully mitigated.

As such, a critical role of the IA process is to help facilitate the identification and study of the environmental, cultural, social, and economic impacts associated with a project and assess the actions being taken to mitigate them. The intention is that, if mitigation is designed satisfactorily, it will tip the scales towards the benefits of a project. In this way, impact assessments are outcomes-oriented — they help pave the way for good projects to get built, not hinder development.

It is also important to remember that going through the IAA process is only the first regulatory step in a project's entire regulated lifecycle. It is not intended to be the sole regulatory forum for litigating every conceivable pro and con of a project, nor is it meant to have the same level of review depth and specificity that characterizes later stages of a project's regulatory oversight. After all, even if a project is deemed approved through the IA process, it still must:

- >> Abide by pre- and post-construction conditions.
- >> Complete all the necessary reviews from all applicable jurisdictions who license and permit a project.
- >> Abide by legally binding mitigation measures; monitoring programs; adaptive management plans; Indigenous

engagement plans; health, safety, and emergency response plans; and sector-specific regulatory plans designed by the lifecycle regulator.

- >> Pass regular compliance inspections during construction, operation, and decommissioning/abandonment.
- >> Meet all the existing legislative/regulatory requirements applicable outside of review processes that are designed to protect the environment, health/safety, cultural values, and more.

As such, an IA should only focus on a major project's significant and unique impacts — especially those that do not have a history of successful mitigation either through industry best practices and/or existing regulatory requirements. There is plenty of regulatory oversight still to come post-IA to uphold the degree of regulatory stringency and oversight expected by the public.

But when policymakers, regulators, and stakeholders lose sight of an IA's purpose and context, its scope, efficiency, predictability, and speed can quickly fall victim to other considerations. And when regulator and policy-making culture begin to defend procedural orthodoxy rather than focus on attaining positive outcomes and encouraging big projects to get built efficiently, reversing course becomes very challenging. This cannot be the path Canada chooses.

With this core purpose of an impact assessment in mind, this report now turns to the proposed IAA structural changes.



CHAPTER 1: FOUR STRUCTURAL CHANGES TO THE IMPACT ASSESSMENT ACT

Achieving ideal major project review and permitting systems will require re-thinking the structure of the IAA itself. This chapter describes, at a high level, what an ideal IAA process should look like.

This re-imagining will require amalgamating some of the Act's [existing phases](#); reconsidering the way projects are filtered in and out of the federal IA process; restructuring public interest decision making; and redefining the roles of federal authorities and agencies tasked with participating in project reviews.

But first, a baseline familiarity of the existing IAA and permitting processes is required, along with a birds-eye view of how our proposed IAA and permitting process is intended to function.

BIRDS-EYE VIEW OF THE CURRENT AND PROPOSED IAA STRUCTURES

How Major Project Review and Permitting Processes Work Today

The Impact Assessment Agency of Canada (IAAC) provides an extensive and detailed [overview](#) of the IAA process on its website. This includes granular detail and technical terminology that, while important for parts of this report, will not be fully restated here. Pertinent details have already been covered in *Future Unbuilt* and only those relevant to this report's proposed changes to the Act will be explained.

But as a summary, the existing IAA process includes the following phases:

- >> **The Planning Phase:** In this phase, the IAAC determines whether a project should be reviewed under the IAA or through another process; and, if a federal IA is necessary, who should conduct the review and define its scope and parameters. In making these determinations, the IAAC conducts stakeholder and Indigenous consultation; and coordinates across federal departments and jurisdictions to develop a series of statements, guidelines, and engagement plans – some requiring immediate proponent response.
- >> **The Impact Statement Phase:** During this phase, the proponent develops detailed environmental, community, economic, consultation, and other impact statement documents in response to the review scope determined during the Planning Phase. The IAAC then determines the completeness of those impact statements through widespread consultation.

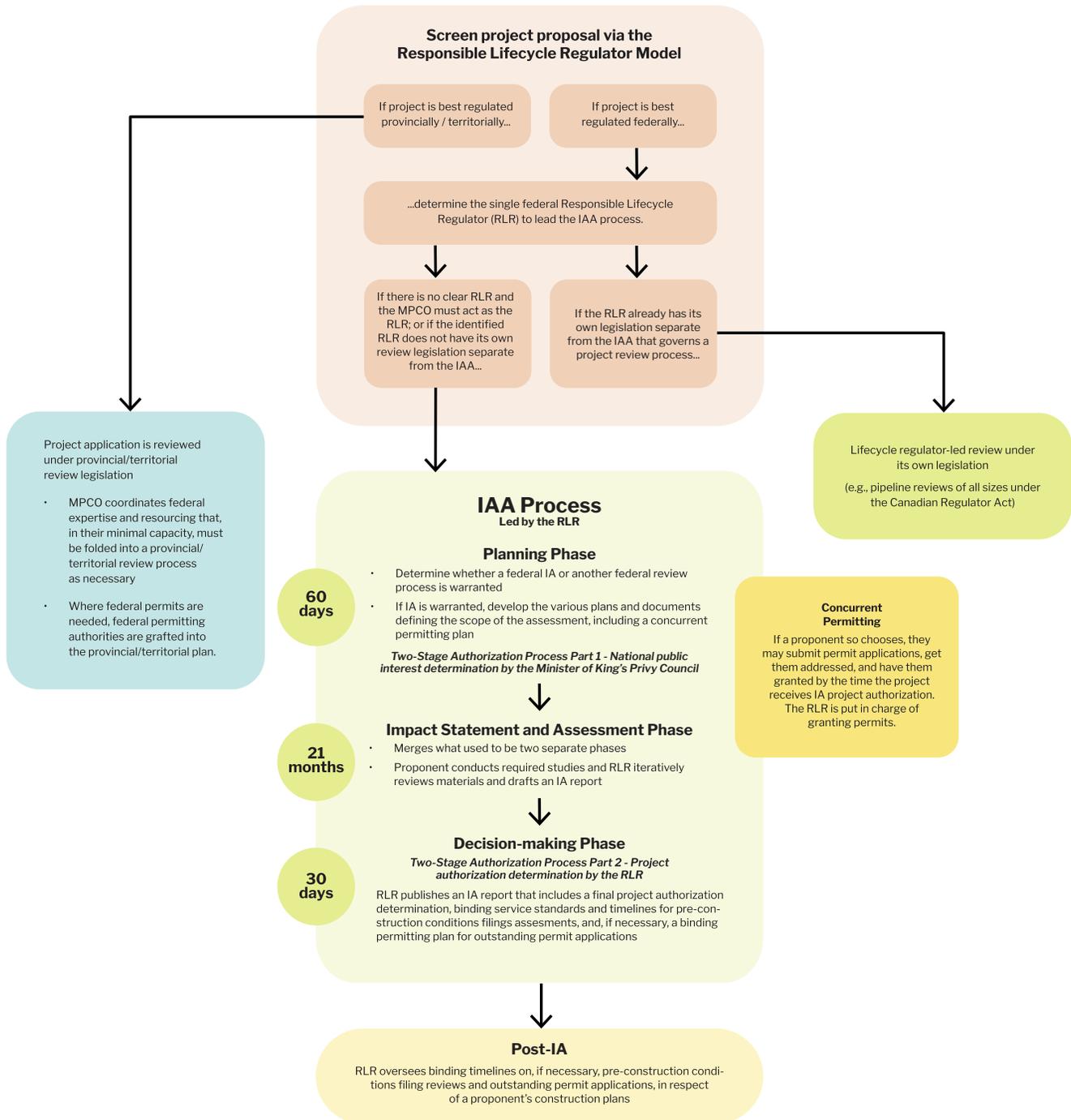


- >> **The Impact Assessment Phase:** This phase is when the IAAC (or, if applicable, a Review Panel or an Integrated Review Panel) analyzes the information provided by the proponent. It includes additional Indigenous and community consultations and involves multiple government departments who lend their relevant expertise. The IAAC then submits an Impact Assessment Report to the Minister, along with recommendations for whether the project should go ahead and, if so, under what conditions.
- >> **The Decision-Making Phase:** In this phase, the Minister (or Cabinet) decides whether the project will go ahead and under what conditions.
- >> **The Post-Decision Phase:** During this phase, the proponent must comply with any conditions attached to the final decision. Some conditions must be met before construction can start, while others may require ongoing compliance over the life of the project.

If a project receives a positive IA final decision, the proponent must then attain all the permits needed for construction. This **permitting process** involves completing all the applications and reviews required by the various federal, provincial, and municipal departments that issue the permits, licenses, and authorizations needed to build the project. Unlike the IA review, the permitting process is better described as multiple distinct processes and requirements under different legislative frameworks. For the sake of simplicity, however, we refer to it in the singular as the permitting process.

Overview of This Report's Proposed Review and Permitting Structure

This report's proposed project review and permitting process shares some structural similarities to the current systems described above. However, there are also substantial structural changes recommended throughout this report. The following flowchart provides a birds-eye view of the totality of these changes and how we envision an ideal new system working:



With this visual reference point established, this report's proposed four structural changes to the IAA can now be examined.



ASPECTS OF THE EXISTING IMPACT ASSESSMENT ACT THAT WORK WELL

While this report focuses on both structural and embedded problems within the existing IAA, the IAA does have strengths as well. These include:

- >> The introduction of a Planning Phase to help screen out projects that do not require an IA, to promote interjurisdictional coordination, and to prepare and coordinate all actors involved in review.
- >> The introduction of the [Projects List](#) to help project proponents quickly identify whether their project has the right size and scope to automatically trigger a federal IA review.
- >> Purposeful Indigenous inclusion in the review process.
- >> A degree of flexibility to tailor a review's scope and scale according to a project's size and risk profile.

Furthermore, it is important to note that many of the process challenges businesses currently face predate the IAA entirely. For example, projects have long struggled to get approved in a timely manner. Under the IAA's predecessor legislation, the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), some projects were still years away from final approval and construction even well after the IAA came into force in 2019. And what's more, the post-environmental assessment permitting processes that have caused so many construction delays are independent of either CEAA 2012 or the IAA.

The goal of this report is not to discard the concepts within the IAA that, with improvements, can work well; rather, the hope is to rebuild the Act by learning lessons about what has and has not worked well in past iterations of impact assessment legislation — including from legislation predating the IAA.

1 AUTOMATICALLY REFER IAs TO THE APPROPRIATE REGULATOR AND THE APPROPRIATE LEGISLATION

Depending on a project's size and potential effects, major project reviews can involve multiple government departments and agencies across multiple jurisdictions. And, since under Canada's constitutional division of powers both the federal and provincial governments can legislate on environmental matters, their major project review regimes often overlap. This results in the creation of duplicative and misaligned processes that greatly impact Canada's ability to get projects built quickly.

There are two components to this challenge — one that's about solving *inter*-jurisdictional review duplication, and one that's about solving *intra*-jurisdictional duplication. Taken together, this report's solution is referred to as the **Responsible Lifecycle Regulator Model** (RLRM).

Solving the Inter-Jurisdictional Challenge

To solve the inter-jurisdictional challenge, federal and provincial governments need to commit to attaining the “one project, one review, one decision” ideal, where a major project only goes through one jurisdiction's review framework by right, and the final decision of that process is automatically respected by all.

To help achieve this goal, this report proposes that, as a rule, major project reviews should be led by the jurisdiction that is most closely responsible for regulating the full lifecycle of the project/activity.

KEEPING IT CONSTITUTIONAL

In 2023, a Supreme Court of Canada (SCC) [reference case](#) determined that the IAA was unconstitutional because its definitions of “effects within federal jurisdiction” and its broad public interest test meant decisions within the Act did not focus narrowly enough on matters within federal jurisdiction.

In response, the Act was amended, but according to a [report published by the C.D. Howe Institute](#), it is unclear whether the amendments have addressed all the core concerns raised in the reference case. Many of these concerns strike at the heart of what this report's proposed Responsible Lifecycle Regulator Model attempts to solve — especially the concern that the IAA still allows the federal process to make yes/no decisions on projects whose activities are primarily regulated at the provincial level.

However, several other concerns remain, including whether the effects that are assessed under the IAA are within federal jurisdiction, and whether the [Projects List](#) is focusing narrowly enough on projects that will require federal decisions. C.D. Howe's [report](#) offers some compelling solutions.

Ultimately, to create the degree of process and decision-making certainty that will attract private capital and get projects built faster, half-measures will not be good enough. It is up to the federal and provincial governments to find ways of cooperating on assessments — and this starts with making sure their legislation respects the other's jurisdiction.



In this component of the RLRM, if the jurisdiction responsible for regulating the lifecycle of a project is provincial/territorial (PT), and/or if the activity is predominantly regulated at that level, then that province's or territory's project review regime should be responsible for leading the entire review process. The federal role in reviewing impacts would be limited to the narrow aspects of those projects that require a federal decision. It would abide by the processes established in the PT government's legislated review framework, including its permitting process and its approach to Crown-Indigenous consultation. Likewise, the overarching final decision on a project would be left to the provincial process.

The reverse would also be true. When a project clearly falls under federal review (e.g., projects falling on federal lands, crossing provincial or international borders, etc.), PT processes would likewise fold into the federal review scheme. Provinces/territories would contribute their expertise where their discrete decisions are needed within a federal process. As such, the RLRM should help to avoid duplicative efforts and decision-making.

Recommendation:

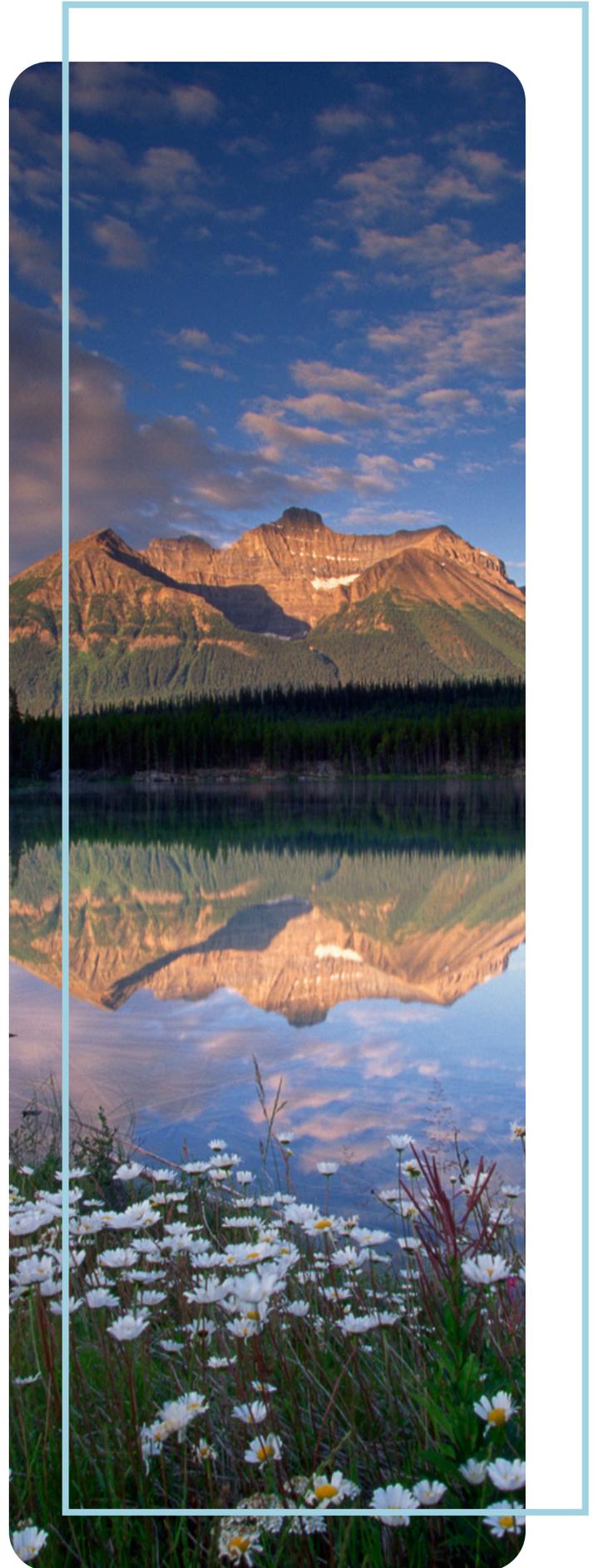
- >> Adopt the RLRM described above by:
 - > Requiring projects to be filtered to the PT jurisdiction responsible for the project type's lifecycle regulation as of right.
 - > Automatically designating a project for an IAA review only if a new trigger mechanism added to the Act is met; *and* the project is listed in an updated, constitutionally-sound [Physical Activities Regulations](#).

Solving the Intra-Jurisdictional Challenge

Under the RLRM, if a project is not sent for a PT review by right, this report proposes that the federal review should be led by the best-suited federal lifecycle regulator for the project type – referred to in this report as the responsible lifecycle regulator (RLR). For example, since federal pipeline projects are already regulated by the Canada Energy Regulator (CER), then the CER should be the RLR leading pipeline reviews.

This approach ensures that reviews would be conducted by the regulator with the requisite expertise to quickly identify and assess a project’s positive and negative impacts. RLRs would be well-placed to identify common, easily mitigated impacts, and know what information is needed at every stage of a project’s regulated lifecycle. In other words, RLRs are in the best position both to guard against scope creep in impact assessments; and to identify the most appropriate mitigation measures. The role of lifecycle regulators is expanded upon [later in this report](#).

While in many cases, the RLR would lead a project review through the IAA’s process, sometimes Canada’s lifecycle regulators have their own legislation governing project reviews. In these cases, a project review should be led by the appropriate RLR under that lifecycle regulator’s own review statute by right. Implementing this concept will help reduce duplicative federal review legislation and is key for achieving the “one project, one review, one decision” ideal discussed [later in this report](#).



For example, the CER's *Canadian Energy Regulator Act* (CER Act) already reviews large, linear projects such as pipelines that fall below IAA triggering thresholds. The CER Act's review process makes the IAA's review process duplicative, and therefore inapplicable – and this should be the case for pipelines of all sizes. As such, if a project can be reviewed under RLR-led project review legislation like the CER Act, all components of the project that can be reviewed under that legislation should be.

In other situations, however, a project that clearly triggers an IAA review may not have a clear responsible lifecycle regulator. To solve this, these projects should be reviewed by a new Major Projects Coordination Office (MPCO) under the IAA. Rather than being an additional office, the MPCO would be a continuation of the IAAC under a new name and mandate while also incorporating the best practices of the current Major Projects Office under one consolidated office.

Once the MPCO is fully operational within this report's envisioned revised IAA, project reviews will be fast and predictable enough to no longer need an MPO with separate responsibilities for the oversight of streamlined project reviews. The MPCO is [discussed](#) in more detail later in this report.

Recommendations:

- >> Adopt the RLRM by introducing a strong presumption to the IAA and the Physical Activities Regulations that projects should be reviewed under the legislative framework of that project type's responsible lifecycle regulator by default, if applicable (e.g., linear project reviews under the CER Act).
- >> For federally-reviewable projects that do not have a clear lifecycle regulator with its own review legislative framework, the MPCO should conduct the review under the IAA framework.



PIPELINE FOCUS: IMPROVING CER ACT REVIEWS

Some lifecycle regulators, such as the Canada Energy Regulator, already have their own statutory project review framework that makes the IAA's process duplicative. Under this report's proposed RLRM, more federal project reviews will find their way into those review processes. This is particularly the case for pipeline reviews which, no matter their size, this report recommends should be reviewed under the CER Act.

If Canada wants to become an energy superpower, pipelines will be needed to enable increased oil and gas export capacity to global markets. As such, pipeline reviews under the CER Act will need to become faster, the regulatory and administrative burdens facing proponents need to be reduced, and the overall review process needs to be more efficient and more certain.

For more information on how to improve review efficiency within the CER Act itself, please refer to *Restoring Confidence in Major Project Reviews Part II: The Canadian Energy Regulator Act*.

2 REDEFINE THE ROLES OF EXISTING FEDERAL REGULATORS

The structural changes to the IAA proposed in this report will require several of the primary regulators currently involved in conducting or assisting the IA process to assume redefined roles:

Lifecycle Regulators

As noted above, this report proposes that if a project falls under federal jurisdiction, the RLR would lead the review through the IAA process, unless it had its own review statute to substitute in place.

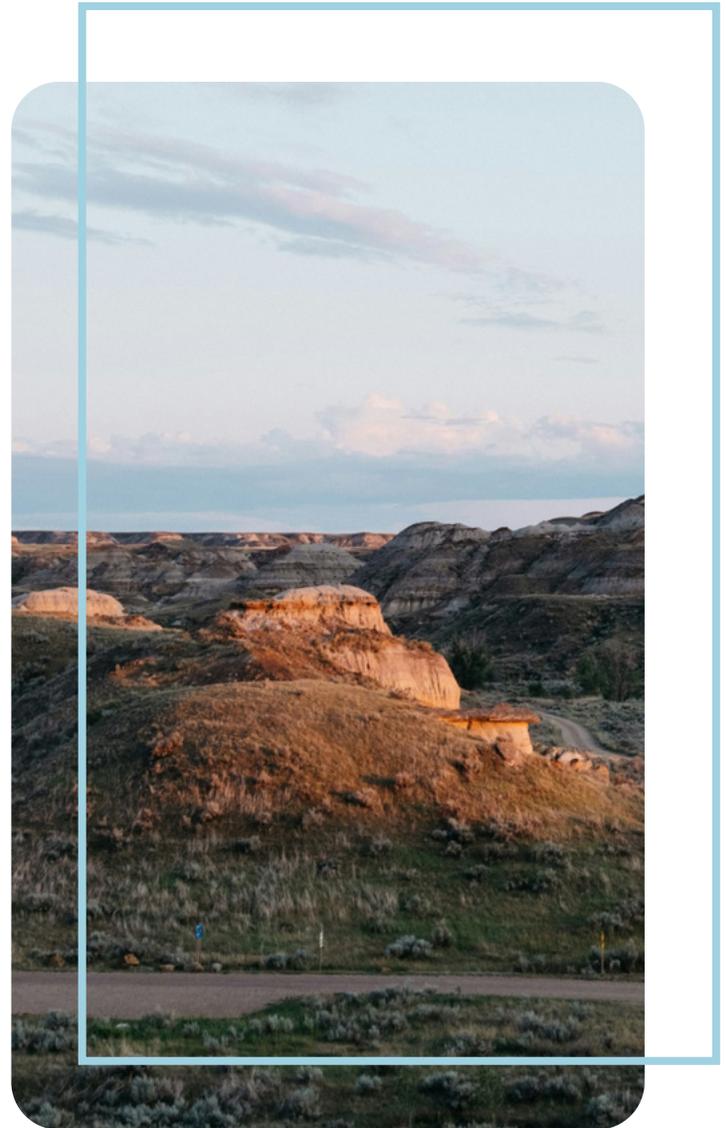
Those exceptions aside, this change means that the RLR would become responsible for executing many of the tasks previously belonging to the IAAC, including, but not limited to, the following:

- >> Overseeing the scoping of IA requirements during the Planning Phase.
- >> Assisting the proponent during their impact statement drafting.
- >> Drafting the impact assessment report.
- >> Conducting stakeholder/Indigenous engagement at prescribed points throughout the process.
- >> Engaging with, and enforcing parameters on the involvement of, experts from various federal authorities involved in the review process.
- >> Overseeing pre-and post-construction conditions compliance.
- >> Drafting binding documents for, and coordinating the execution of, permitting, pre-construction conditions compliance requirements, and Indigenous engagement.

In all these duties, the lifecycle regulator is expected to keep to the IAA's legislated scope and timelines. Implementation details and an expanded description of these listed duties are discussed in greater detail in [Chapter 2](#).

Recommendation:

- >> Ensure the appropriate lifecycle regulator is tasked with conducting the impact assessment and coordinating all federal authorities involved, including for the permitting process.



Major Projects Coordination Office: A Redefined Role for the IAAC

The proposed restructuring of the IAA outlined in this report has significant implications for the Impact Assessment Agency of Canada and the new [Major Projects Office](#).

For one, as already mentioned, the proposed RLRM would result in many projects being filtered to provincial/territorial review processes by default; and for those that remain under the IAA, a federal lifecycle regulator would take over some of the IAAC's current project review leadership responsibilities.

Secondly, the restructured IAA would create a single, predictable review system that allows all project proponents subject to a federal IA to benefit from a streamlined, fast-tracked process that is fair, transparent, predictable, and efficient. This differs from the process outlined in the *Building Canada Act* which applies those goals only to a limited subset of projects deemed to be in the national interest and overseen by the MPO.

To be clear, the MPO plays an important role in helping Canada achieve its desired policy outcomes given the regulatory review systems in place today. It acts as a single window point of contact, helping proponents identify impacts early and help mitigate risks, as well as connecting them to federal financing available through existing programming. And, it aims to speed up selected major project reviews by streamlining and consolidating regulatory requirements by guiding them through review processes within a two-year timeline.

To help fold these two implications into the system proposed here, this report proposes taking the best practices and lessons learned during the operation of the new MPO and continuing the MPO's functions by merging them into the IAAC. The IAAC itself is already undergoing a process of developing and implementing internal reforms to significantly improve project review processes. These reforms include a narrower focus on substantial federal effects, a growing commitment to attaining "one project, one review," and a political commitment to completing reviews within two years. But for the sake of distinguishing this new-look IAAC within the report's proposed IA system, this report calls the IAAC the **Major Projects Coordination Office (MPCO)**.



The MPCO, on top of incorporating the MPO's best practices, would take on a redefined role under a new **three-part mandate** critical for making IA reviews and permitting faster and more efficient, and for filling gaps in this report's proposed IAA framework:

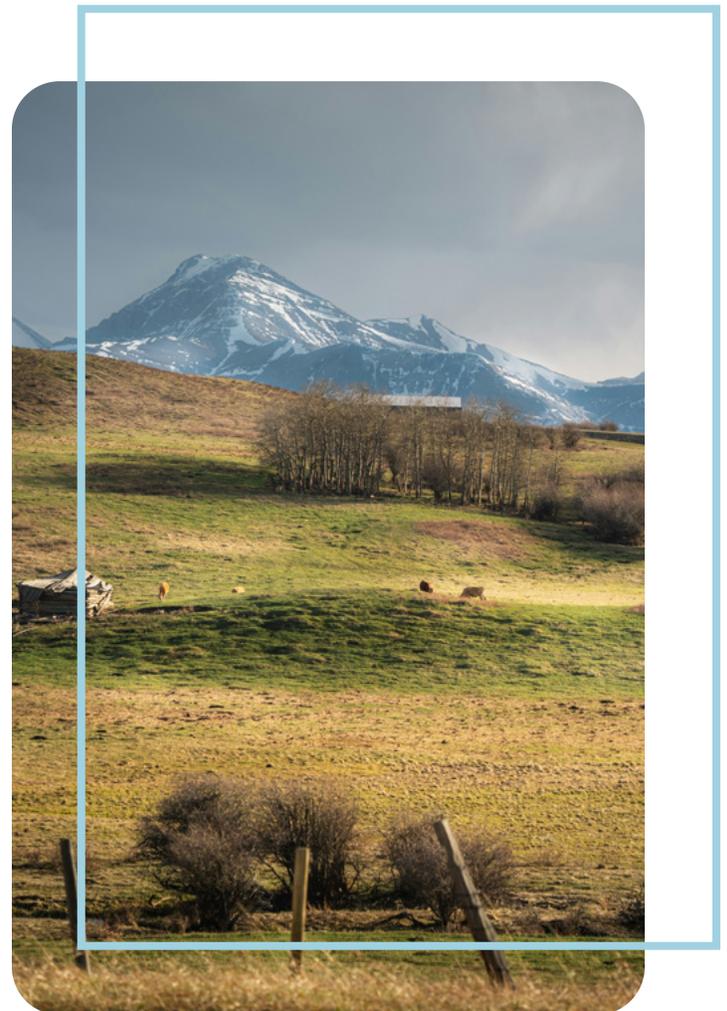
First, the MPCO would provide critical internal and external coordination of federal resources and expertise deployed to provincially/territorially-led reviews. In many instances, projects filtered automatically for provincial/territorial review will still have specific review components that fall under federal regulatory jurisdiction. The MPCO would coordinate and deploy both federal expertise and financial resources into those reviews and permitting processes to ensure their seamless integration and timely completion.

Second, for project reviews that are led by other federal lifecycle regulators, the MPCO should function as a referee for all the federal authorities involved in a review as well as a public accountability/transparency body. While it will typically be the role of the RLR leading a review to keep processes running smoothly and efficiently, the MPCO should provide oversight to ensure the IAA legislation is being respected, reviews are kept in scope, and all participants are following timelines. It would do so by housing a quick adjudication function available to proponents on request – through an ombudsperson – when they need to challenge federal authorities that are not acting according to established written processes; and to review applications from the RLR about whether added review scope partway through a review can be justified. Furthermore, the MPCO can manage public transparency and accountability through public progress tracking and document publication on the existing Canadian Impact Assessment Registry online.

Third, not every major project or activity falling under federal jurisdiction has a clearly established lifecycle regulator that can carry out an IA. For example, projects like the Roberts Bank Terminal 2 expansion would involve several federal regulatory authorities, but none of them act as a true lifecycle regulator the way the CER does for pipelines. For these projects, the MPCO can step in, lead and coordinate the review, and act as the RLR.

Recommendation:

- >> Reconstitute the IAAC under the name MPCO and give it the three-part mandate described above.



3

COMBINE THE IMPACT STATEMENT AND IMPACT ASSESSMENT PHASES

For the most part, the [current order of the IAA phases](#) makes good sense. Significant procedural and scope changes within these phases are needed, but the steps themselves are logical.

However, one positive change that should be made to the current IAA process is to combine the existing (1) Impact Statement and (2) Impact Assessment phases.

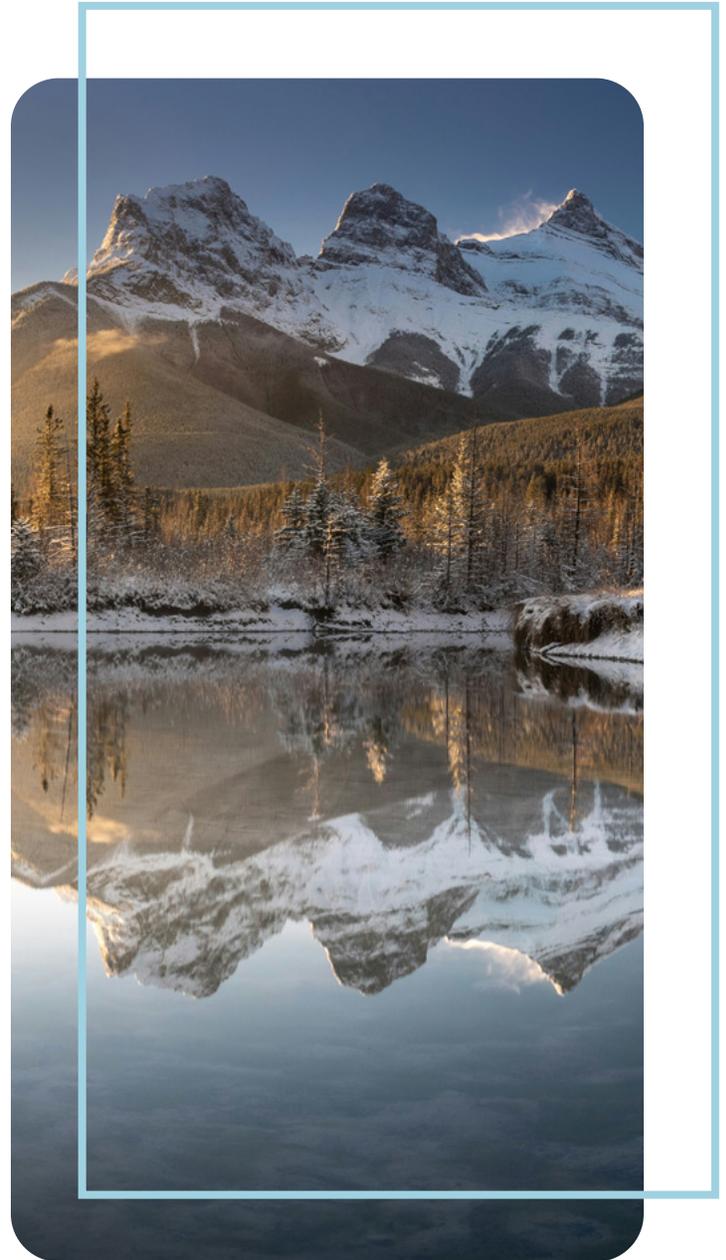
Currently, these two phases are sequential. The Impact Statement Phase focuses on the proponent's task of conducting and submitting all the required studies to the Agency or panel leading the review. The resulting report is called the Impact Statement. In the Impact Assessment Phase, this same Agency or panel reviews the Impact Statement, drafts an Impact Assessment Report, conducts further public and Indigenous consultations, drafts a Consultation Report, and develops recommendations for possible conditions that need to be met for the project to go ahead.

Separating these two phases creates an unnecessary and time-consuming distinction because it requires that all the proponent's impact studies work be completed before the analysis of that work can begin.

However, combining these two phases together into a single, timebound phase — **the Impact Statement & Assessment Phase** — will encourage a more iterative and cooperative approach between the regulator and the proponent. Doing so will encourage the RLR to review completed portions of a proponent's required studies and submissions while the proponent can continue to prepare other required materials for their Impact Statement, thereby creating a more efficient review.

Recommendations:

- >> Combine the Impact Statement and Impact Assessment phases into a single new "Impact Statement & Assessment Phase."
- >> Update language in the IAA to encourage the RLR to review a proponent's completed components of the Impact Statement iteratively rather than together once they are all done.



4

IMPLEMENT A TWO-STAGE AUTHORIZATION PROCESS

In this report’s proposed approach, if a project falls under federal jurisdiction, and it meets the thresholds for requiring an IA, it would begin its journey through the various phases of the IAA system under the auspices of the RLR tasked with the project review.

Under the system as it exists today, this process is meant to feed into a final public interest determination. However, the nature and timing of this determination within the review process is problematic for investor confidence. For one, the final decision is made at the political level, which makes it unpredictable. And second, it comes at the very end of an extremely long and expensive process. Combined, these two aspects create a very difficult investment proposition for major project proponents.

To create more investor confidence, project decision-making should move to what this report calls a **Two-Stage Authorization Process**. To receive a positive final IA decision, a project would require project approval from both stages — an early political “yes” at the end of the Planning Phase about *whether* a project can be built, and a final determination by the independent RLR in the Decision-Making Phase about *how* a project can proceed. These two stages are described below.

Part 1: Sending the Right Political Signal by Making an Early Conditional “National Public Interest” Decision

To a certain degree, project review decision-making will unavoidably include political considerations because they are inherently embedded in the requirements of the IAA system itself. The key is to make these political considerations known at the outset. They must be transparent and measurable to help guide an independent regulator through the IAA process.

But beyond this, a small degree of up-front political signaling in support of project development can go a long way to facilitating the certainty of the remaining, independently-run IA review.

This is what Part 1 of the Two-Stage Authorization Process is about: attaining an early signal from elected policymakers about *whether* a proposed project is broadly in the **national public interest**. This “national public interest” concept, [explained later](#) in more detail, ensures the broader national benefits of a project are considered by the decision-maker rather than only local considerations that could take precedence in a less broad “public interest” test.

The Minister of the King’s Privy Council for Canada would make this decision early in the review process — at the end of the Planning Phase. Project proponents would get a political go-ahead well before being asked to invest years and hundreds of millions of dollars into a process with no guarantee of a successful outcome.

This early national public interest determination should not be about selecting projects for a streamlined review process as part of a dual-track review scheme. Rather, all projects receiving a positive decision at this stage should benefit from a fast and efficient review regardless of project type.

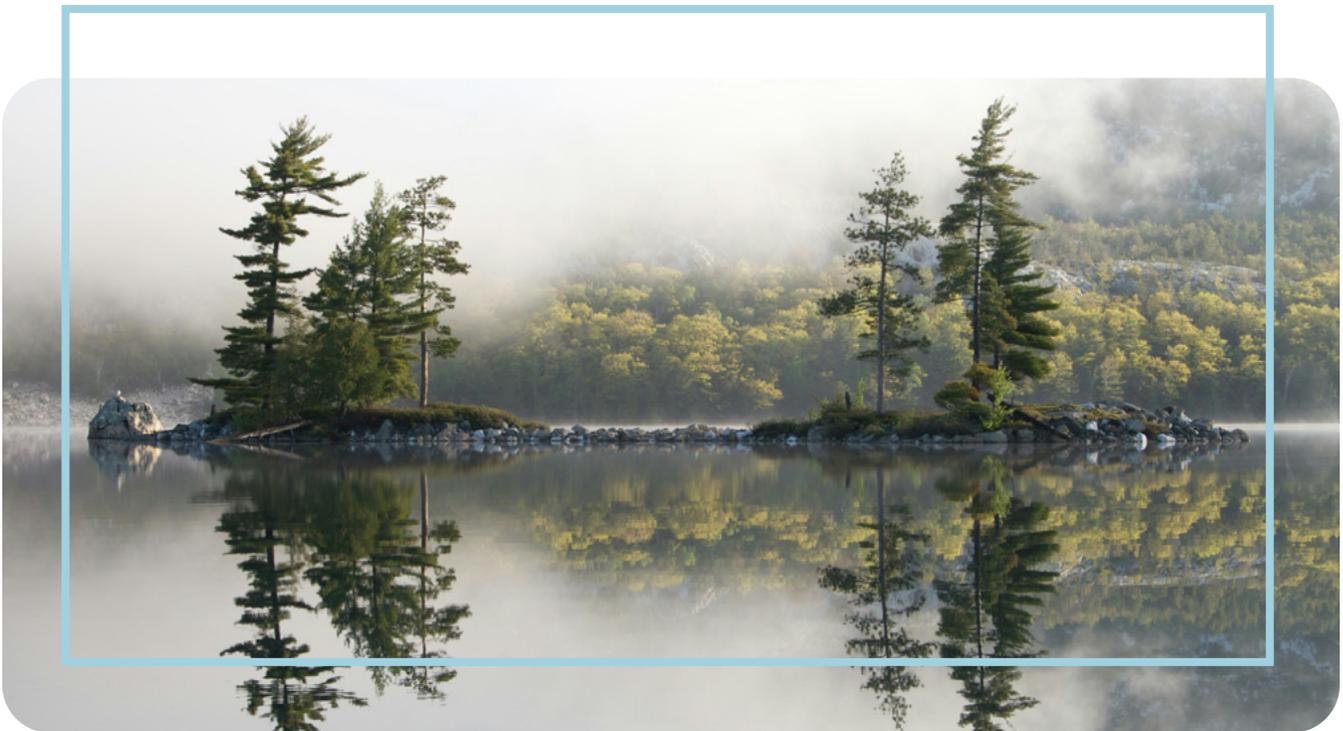
Importantly, the default expectation should be that the Minister will not say “no” to a proposed project unless it is undeniably clear that it cannot meet the national public interest standard through any conceivable mitigation strategy or design amendments. As such, the legislative presumption governing this decision should be that project development is already considered in the national public interest unless, through the rest of the review process, it becomes clear to the apolitical decision-maker in the Part 2 project authorization determination that the unmitigable impacts are sufficiently severe that they overcome the presumption.

This is not to say that the Part 1 determination is an automatic greenlight for a project to proceed to construction. As [previously discussed](#), an impact assessment’s core purpose is to focus on a major project’s significant and unique impacts, not to become a forum for litigating every conceivable positive or negative impact of a project. If given a “yes” at this stage, a project must still abide by the multitude of plans, rules, permit reviews, regulations, and compliance checks by multiple levels of government that mitigate impacts over the course of its operational life and decommissioning. And this is not even the end of the most stringent component of the IAA process — namely, the IA review itself.

Rather, this Part 1 determination demarcates the transition point from the upfront political decision to the Part 2 stage — an apolitical decision about *how* a project can proceed based on a more complete picture of its benefits and impacts. As such, the “yes” of Part 1 is always conditional on a project satisfactorily completing Part 2, but cannot be revisited or revoked by cabinet.

Recommendations:

- >> At the end of the Planning Phase, require an upfront national public interest determination from the Minister of the King’s Privy Council for Canada.
- >> Clearly define the criteria for a “no” decision, such that it is limited to projects that are clearly not in the national public interest, and where impacts are sufficiently severe that they cannot be overcome through mitigations developed during the remainder of the IA review.
- >> The IAA should ensure the Part 1 national public interest determination does not require the typical processes involved in public interest decision-making, such as rounds of public consultation beforehand.
- >> Legal challenges of the Minister of the Privy Council’s Part 1 national public interest determination should be restricted through practical limitations to help provide proponents with certainty that this decision can be relied upon.



Part 2: Independent “Project Authorization Determination” by the Responsible Lifecycle Regulator

If a project receives a “yes” from Part 1 of the proposed Two-Stage Authorization Process, the remainder of the IA process should be about ensuring that proponents adequately complete the requirements of the scoped IA review in order to feed into a final project authorization determination.

Under the current Act, reviews can be led by either the Impact Assessment Agency or by a Review Panel. In both cases, the lead reviewer acts in an advisory capacity to political leaders who make the ultimate decision on whether the project can proceed.

But under this report’s revised IAA, the political decision about *whether* a project can proceed was already made in Part 1 of the Two-Stage Authorization Process. Part 2 would be an independent determination made by the RLR about *how* the project can proceed in the national public interest. This **project authorization determination** would come in the Impact Assessment Report published during the [Decision-Making Phase](#). This determination, along with any conditions attached, would be made by the RLR based on an evaluation of the benefits and drawbacks of the proposed project once impact mitigation strategies have been considered. It would be informed by what was learned over the course of the IA process and, true to the purpose of an IA, would be based on a balancing of the factors assessed once impact mitigation strategies have been considered.

By extension, under this report’s revised IAA, the “review by Agency” pathway in the current Act should become the only review pathway available, except that it would be led by the RLR. Reviews by Review Panel and Integrated Review Panel should be eliminated, since they are more time-consuming and create more opportunities for unpredictable political involvement. In short, the RLR would be the sole, apolitical decision-maker for final project authorization, as well as the sole determinant of any associated conditions that need to be met for the project to proceed.

Of course, if the independent regulator’s project authorization determination process establishes that a project cannot be built according to the transparent requirements of the IAA and its regulations, a “no” at this point is permissible.

Recommendations:

- >> Repeal reviews by Review and Integrated Review Panels.
- >> Remove the existing role of the Minister and Cabinet from making final IA review decisions and drafting conditions.
- >> Task the RLR with independently conducting IAA reviews, including taking responsibility for making the final project authorization determination in its Impact Assessment Report.
- >> Task the RLR with drafting conditions under which a project can proceed.
- >> Require the final project authorization determination in the Impact Assessment Report to take into consideration the “yes” attained at the political level made in Part 1 of the Two-Stage Authorization Process.



REDUCING LATE-STAGE AND UNNECESSARY POLITICAL DECISION-MAKING OPPORTUNITIES:

The existing IAA empowers politicians to make decisions about (1) which projects get reviewed, (2) whether projects are in the public interest, and (3) the conditions attached to IA decision statements. Each of these decisions is inherently subjective and creates significant uncertainty for project proponents. Three separate subjective decisions only multiply the risk that a project may not be allowed to proceed.

This report's proposed re-shaping of the Act reduces those risks considerably. Legislative changes should include:

- >> Removing a politician's ability to designate a project for an IA review by their own discretion.
- >> Eliminating reviews by Review Panel.
- >> Preventing politicians from making final project decisions (Part 2 of Two-Stage Authorization Process) and conditions creation.

That said, the role of politicians would not be entirely removed. Policymakers have earned a democratic mandate to govern regulatory processes. However, regulatory process certainty and private sector investment confidence requires constraints be placed on political decision-makers with regard to how and when they make decisions within the process. These should be limited to:

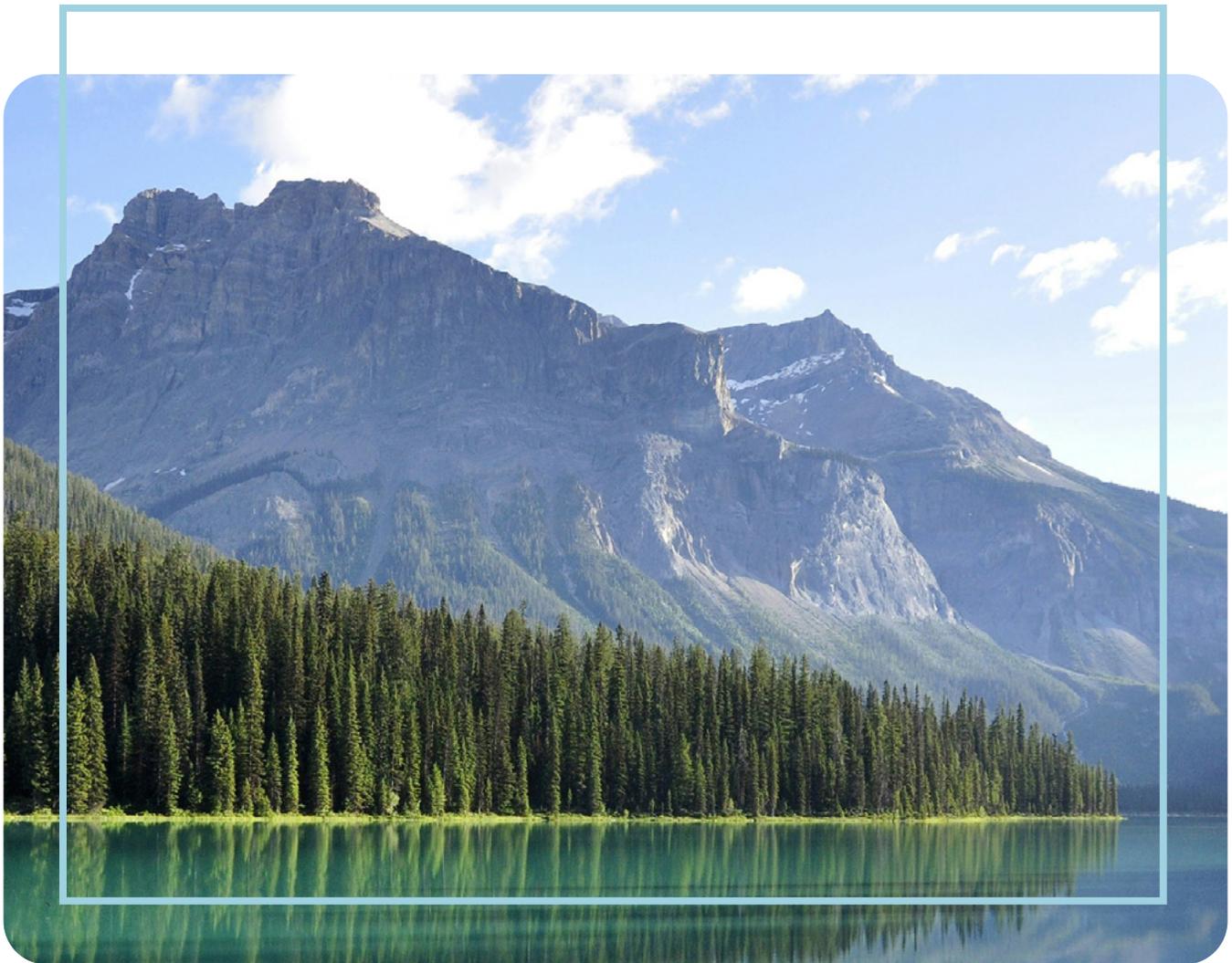
- >> Making a decision during Part 1 of the proposed Two-Stage Authorization Process, when the Minister of the King's Privy Council would assess the project on the basis of the national public interest.
- >> Setting the foundation for clear impact assessment review processes for independent lifecycle regulators to follow through the legislative and regulatory drafting process.

Together, these changes protect the democratic mandate of governments while reducing political unpredictability at the points in the review process that most harm private sector confidence in fair reviews and transparent decision-making criteria. But, by retaining the very early Part 1 political decision via a national public interest determination, it sends the necessary signal to the bureaucratic arm of government that a project is supported by the highest levels of government authority.

CHAPTER 2: EMBEDDED CHANGES WITHIN A RESTRUCTURED IAA

Chapter 1 outlined the key components of this report's proposed structure for a reformed IAA. However, as stated earlier, there are problematic characteristics within the current system that would continue to exist even under that proposed restructuring. Chapter 2 explores these issues and how they can be solved. It also looks at how the permitting process, which currently occurs largely outside the project review process, can be improved.

This chapter identifies six broad issue categories and offers recommendations for how to solve specific challenges within each. It builds on problems and ideas stemming from BCA's past work with [Future Unbuilt](#), where specific challenges within the Act are accompanied by real world examples of where processes have gone wrong.



1

ATTAINING THE “ONE PROJECT, ONE REVIEW, ONE DECISION” IDEAL

Chapter 1 introduced the concept of the Responsible Lifecycle Regulator Model (RLRM). Under this model, the responsibility for leading major project reviews would fall to provincial/territorial (PT) governments if they had primary jurisdiction over lifecycle regulatory oversight. This would solve many of the challenges with interjurisdictional duplication.

However, mechanisms within the existing IAA will continue to frustrate review substitution and coordination with other jurisdictions, even if Chapter 1’s structural changes are adopted.

To its credit, at the time of drafting this report, the IAAC is taking steps in the right direction by [pursuing cooperation agreements](#) with several provinces to enhance interjurisdictional coordination and eliminate review duplication — all with the goal of creating a single assessment for each project. As of the time this paper was written, it has completed agreements with Ontario and New Brunswick; and draft agreements are in place with Prince Edward Island, Manitoba, Nova Scotia, and Alberta.

But more can be done to work towards cooperation and substitution with provinces and territories. In addition to filtering more project reviews to the PT level by default, the federal government can work to attain “one-project, one-review, one-decision” by: (1) removing remaining legislative roadblocks to review substitutions; and (2) signing meaningful, standardized cooperation agreements with the provinces/territories that further reinforce this report’s proposed RLRM as of right.

Remove Legislative Roadblocks to Substitutions with Provinces / Territories

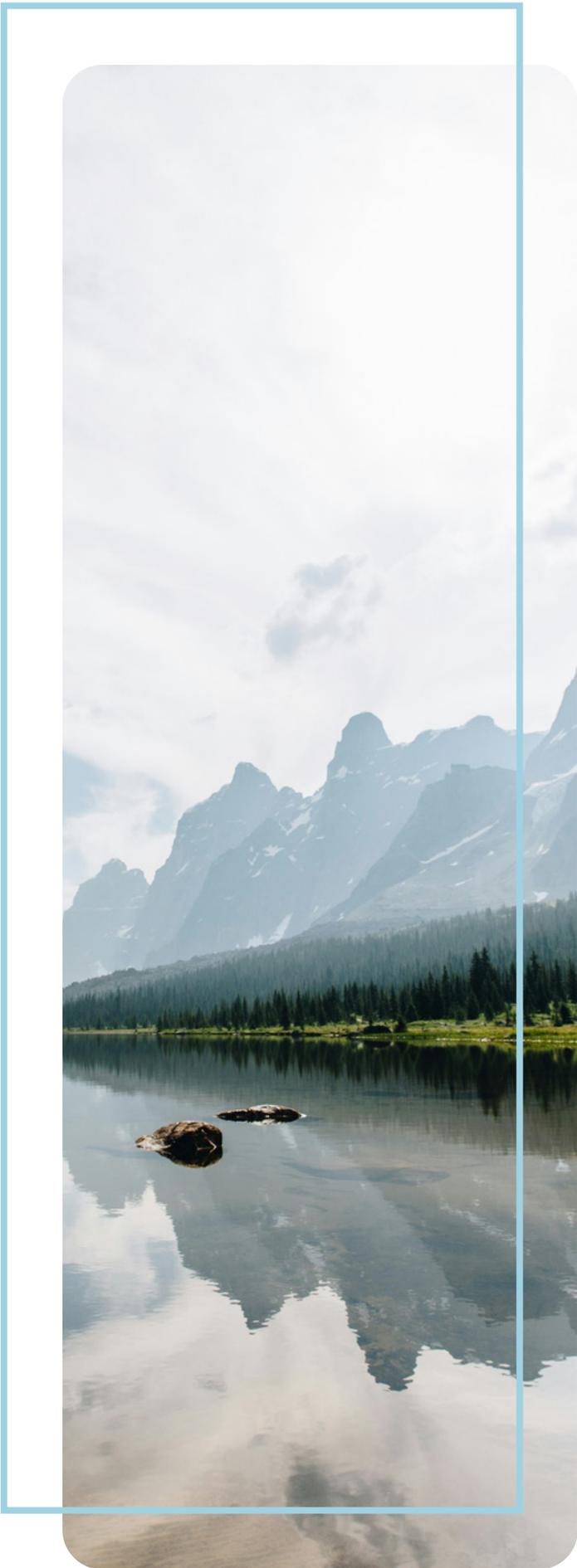
For the federal government to recognize the validity and stringency of provincial reviews — and to truly attain the “one project, one review, one decision” ideal — changes to the IAA are needed.

Section [31\(1\)\(a\)](#) of the Act allows for another jurisdiction to request that their review process replace the federal IAA process if all requirements of both processes are met. This is called **substitution**. But the fact that British Columbia is the only non-Indigenous jurisdiction that has been able to complete a substituted review after more than half a decade of IAA reviews is evidence of the difficulty in achieving substitution.

Accordingly, two substantial amendments to the Act were made in 2024 that have taken steps to make coordination and substitution with provinces and territories easier.

[An amendment to s. 16](#) now requires the IAAC to consider whether another jurisdiction has the means to address a project’s adverse effects within federal jurisdiction. This consideration, which takes place during the Planning Phase, makes it much easier for project reviews to be led by provincial regimes.

However, this still requires a project to enter the IAA process in order to receive federal permission to be reviewed by a province. Improving impact assessments requires removing as many of these decision points as possible. That’s why the proposed RLRM, if adopted, would automatically send proposed projects for review by a province/territory as *of right* rather than requiring them to enter the IAA process to attain federal permission to do so.



The second amendment to the Act found in [s. 33\(1\)\(b\)](#) introduces a mechanism called “substitution to a harmonized process”. This mechanism creates more flexibility for the IAAC to negotiate a single, shared review process between provinces and the federal government through cooperation agreements and project-level arrangements. This includes the ability to conduct an assessment along a province’s own timelines.

However, whether substitutions agreements are negotiated under [s. 31\(1\)\(a\) or \(b\)](#), the federal government’s ability to fully substitute their process is limited by caveats in [s. 33\(1\)](#), which sets out a long list of conditions that another jurisdiction’s review must meet for a substitution to be approved by the federal minister. To meet these conditions, a provincial review has to be of the same stringency and have many of the same decision-making structures as the IAA itself.

Unless the federal government is willing to take leadership and recognize the legitimacy and sufficiency of existing provincial review processes, the “one project, one review, one decision” ideal will remain out of reach for substitutions under s. 31, and proponents will continue to choose to scale back projects to avoid triggering a federal impact assessment in the first place.

Recommendation:

- >> Remove the conditions in the IAA, particularly in s. 33, that make it difficult to recognize review substitutions with PT jurisdictions.

Sign Meaningful, Standardized Cooperation Agreements with the Provinces/Territories — and Take Unilateral Action

Under this report's proposed RLRM, more major projects would fall under PT review legislation by default. In these situations, this means that federal support of, and cooperation within, PT review regimes will be crucial for getting projects built quickly. This report describes this cooperation as a 'folding in' of federal expertise and resources into a PT-led process, but only insofar as it is required for federal aspects of the project, or requested by a province or territory.

To help clarify and formalize those commitments, this report suggests the federal government should, in consultation with PTs, develop standardized Federal-Provincial Project Assessment Coordination Plans. The goal would be for the federal government to commit to streamline, coordinate, and eliminate duplication of efforts when it participates in PT-led reviews.

Ideally, these coordination plans would also be reciprocal — clarifying how PTs can effectively and efficiently contribute to federally-led reviews. The plans would:

- >> Explicitly state the conditions under which a project is automatically designated as falling under federally- or provincially-led review processes.
- >> Clarify how each order of government will abide by and support reviews led by the other, including how they conform to the other's review requirements, timelines, and permitting/Indigenous consultation plans.
- >> Make all such determinations based exclusively and objectively on the RLRM approach previously described.

In a sense, these agreements should begin as unilateral commitments by the federal government to: abide by the RLRM; respect and work within provincial review processes; and ensure those processes are not slowed down when federal expertise or permitting decisions are needed. Reciprocity by PT governments on federally-reviewable projects would be a bonus.

By its very nature, the RLRM requires the federal government to, as of right, ensure projects that ought to be reviewed by provinces and territories are led under that PT's own review framework. This would be reflected in the standardized cooperation agreement. While each PT will have its own approach and standards for reviewing projects, it is imperative that the federal government accept those provinces' standards and processes. Without doing so, true "one project, one review, one decision" cannot be accomplished.

It's important to note that cooperation plans like this are not necessary for requiring the federal government to, as of right, have the PT jurisdictions that are most closely responsible for regulating the full lifecycle of a project lead a review. But having the federal government clarify and follow through on its commitments should inspire provinces and territories to reciprocate in cases where projects fall under federal review. Even if they choose not to reciprocate, there would be a clear benefit to any project review that fell under a provincial/territorial process. What would remain is the need to co-ordinate the specifics of how, exactly, the federal government would fold its expertise and resources into PT processes.

As previously discussed, this is work that IAAC already has underway. Canada has already had a cooperation agreement with British Columbia for some time, and the IAAC has recently drafted [agreements](#) with Ontario and New Brunswick. It has also formalized draft agreements with [Alberta](#) and [Nova Scotia](#), and other [draft agreements](#) are progressing to completion.

These agreements contain many of the concepts this report hopes to see in a standardized Federal-Provincial Project Assessment Coordination Plan, including a commitment to “one project, one review, and one decision.” This is a very good start.

However, the nature and composition of these cooperation agreements would be improved if the RLRM was adopted in the Act and reflected within agreements. This would establish the legislative impetus for automatic cooperation/substitution and a shared understanding of which jurisdiction was responsible for reviewing various project types. Rather than negotiations with individual PTs focusing on foundational concerns like *whether* substitution/cooperation is allowable and under which terms, negotiations could focus on the details of *how* the reality of automatic substitution would function at the practical level. This would substantially decrease the effort required by all parties during negotiations — especially if a standardized agreement could formalize and underscore the federal government’s commitment to assist PT reviews when substitutions take place.

Recommendations:

As part of the proposed [MPCO’s mandate as described in Chapter 1](#), the MPCO should:

- >> Draft, in consultation with the provinces/territories, a standardized Federal-Provincial Project Assessment Coordination Plan. This plan would define review cooperation/substitution processes at a high level and support the proposed RLRM, including promises from each jurisdiction to:
 - > Adhere to the legislated requirements of the jurisdiction leading the review, including that regime’s timelines.

- > Not conduct parallel major project review processes outside the legislated authority of the jurisdiction leading the review.
- > Accept the decision of the statutory decision-makers of the regime leading the review, including final decisions.
- > Abide by, and not frustrate or hinder, the permitting and Indigenous consultation plans of the jurisdiction leading the review.

Federal authorities should be bound to execute the principles of the Plan, which already mirror the RLRM, regardless of whether PTs are willing to do the same for federally-led reviews.

- >> Coordinate and make available federal expertise when requested by a PT-led review process, and ensure this federal expertise is fully cooperating according to the timelines and scope determined by the PT jurisdiction leading the review and is non-duplicative.
- >> Provide funding and other needed resources to PT-led reviews to ensure they have the capacity to coordinate and execute reviews that include truly federal aspects that require federal expertise or permitting decisions.
- >> By request, assist in the development, coordination, and execution of the PT review regime’s permitting and Indigenous consultation plans.

2

REDUCING REVIEW TIMELINES AND INCREASING REGULATOR ACCOUNTABILITY

There are two main ways to improve review efficiency and speed up processes. The first is by making sure an IA is only focusing on the most material, project-specific impacts, and rightsizing regulators' risk appetite. This is covered in more detail [later in the report](#).

The second, which is the focus of this section, is to place constraints and accountability mechanisms on bureaucratic review processes to reflect the desired speed of IA reviews. Together, these sets of solutions will create more certainty for private capital deployment without sacrificing project integrity or regulatory oversight.

Shorten the Overarching and Phase-Specific Maximum Timelines

As it stands, even if current IA review timelines are met ([early evidence](#) indicates they are not), the process can take almost five years and five months to complete. This is far too long to create private sector confidence in Canada as an investment destination. Moreover, this timeline doesn't include the amount of time and money it takes for a proponent to prepare an application, nor their efforts to attain all the permits, authorizations, and licenses needed to complete construction (permitting challenges are discussed [later in the report](#)).

Under the proposed review structure laid out in Chapter 1, to complete the total IAA review — from the beginning of the Planning Phase through to the publication of the final project authorization determination in the Impact Assessment Report — should take no longer than 24 months. This timeline is a shared ambition with the IAAC, which is working on adjusting processes within the existing Act to achieve a two-year review.

However, this timeline needs to be legislated or else these efforts, if successful, may backslide over time. This report proposes legislating a two-year maximum timeline by having a maximum time limit for each phase of the IAA as shown in Figure 1 on the next page. These time limits can be achieved by properly scoping review complexity at the outset; ensuring processes internal to the phases are completed efficiently; and ensuring impact assessments stick to their [intended purpose](#).

PROPONENTS' RESPONSIBILITIES TO COMPLETE TASKS IN A TIMELY MANNER

Getting projects reviewed on time is a two-way street.

Not every proponent who enters an IA process will be at the level of preparedness required for a review to go smoothly. Furthermore, sometimes companies simply do not resource their project development and regulatory compliance teams as much as they need to be.

If a proponent is not sufficiently prepared or resourced, review timelines will be difficult to meet. It takes cooperation between the proponent and the regulator to make sure processes go smoothly and efficiently.

While maximum time limits are important in each phase, keeping reviews on track has been especially challenging during the Planning Phase, which, despite a 180-day limit, has taken projects an [average of 332 days](#) to complete. This report envisions that, during the proposed 60-day Planning Phase limit, the RLR will be able to:

- >> Review the initial project description.
- >> Determine whether an IA is needed.
- >> Draft the Tailored Impact Statement Guidelines and any plans needed for a proponent to begin their Impact Statement and, if they so desire, concurrent permits (more on this [later in the report](#)).
- >> Provide the Minister of the King’s Privy Council with enough time to make their national public interest determination (Part 1 of the Two-Stage Authorization Process).
- >> Provide the Notice of Commencement upon the Minister’s determination to move the review process into the next phase.

Recommendations:

- >> Shorten legislated maximum timelines for the phases of IA as follows:
 - > Planning Phase: 60 days max.
 - > Impact Statement and Assessment Phase: 21 months max.
 - > Decision-making Phase: 30 days max.



Figure 1: Maximum timeline for an Impact Assessment Review





KEEPING PROJECT REVIEW TIMELINES GLOBALLY COMPETITIVE

Faster project reviews mean that projects start operating sooner. And that means companies start recouping their investment costs earlier, leading to a higher return on their investment. That's why review timelines matter: all else being equal, investment will flow to where returns are highest.

Right now, Canada's review timelines are not competitive, especially relative to its largest competitor for investment attraction, the U.S. It's for that reason that a coalition of Canada's leading energy chief executives signed an [open letter](#) to the Prime Minister in the fall of 2025 urging reforms to ensure domestic project reviews take no longer than six months.

Since that letter was signed, the urgency for reform has only increased. The U.S. is now aiming to reduce its permitting process timeline for domestic energy and critical mineral projects even further, enacting the *National Energy Emergency Act* to shorten the regulatory approval timeline to just [28 days](#). In a similar show of urgency, the National Petroleum Council in the U.S. recently launched a [comprehensive permitting review](#) at the request of Energy Secretary Chris Wright. Chaired by TC Energy's Francois Poirier, this review called for significant reforms to the U.S. permitting system to drive efficiency, increase certainty, and speed up timelines.

To be clear, Canada is not the U.S.; the constraints of a decentralized federation and the constitutional and moral imperative to meaningfully engage with Indigenous communities mean Canadian project proposals face different conditions and lengthier regulatory processes before approval.

That said, Canada could very quickly find itself in a position where achieving a two-year review process would be both a significant improvement over the status quo but also completely inadequate given a rapidly-changing international context.

This paper's proposed amendments to achieve a two-year maximum timeline for project reviews should be treated only as a starting point. It must be considered the absolute longest timeline for a project review, and it must be continually refined and reformed to reduce it to as short a duration as possible.

On the positive side, one of the goals of introducing the Part 1 national public interest determination at the end of the Planning Stage is to ensure proponents have political certainty that their projects will be built. The timing of this political decision would substantially out-compete even the U.S.'s recent permitting approval timeline.

Nevertheless, as Canada's ambition to attract capital and build gathers steam, and as regulators get better at reviewing projects along a faster timeline, our ambition to compete globally must increase. Pipeline review and permitting processes need to be our competitive advantage, and timelines must continuously improve accordingly.

Require the Regulator to Consider Shortening Review Timelines Below the Maximum Allowable

One of the unintended consequences of introducing maximum review timelines in CEAA 2012 was that all projects, regardless of their complexity or size, began to use up the maximum allotted timeline to complete their review.

To help fix this problem, the IA process should adopt best practices employed for s. 214 pipeline reviews in the CER Act, whereby the regulator can scale the review length below the legislated maximum for lower impact projects. While s. 28(5)(b) of the IAA states that impact assessments *may* establish a shorter time limit than the maximum allowable, the legislation should strengthen the impetus for doing so. This requirement should be accompanied by a policy directive to support the RLR in identifying the aspects of a proposed project that, if applicable, should result in a shorter maximum timeline. These project aspects could include the following:

- >> Whether portions of the project are being built on previously disturbed land.
- >> The size of the project's overall land/water footprint.
- >> The intensity and scope of the Indigenous consultation required.
- >> The novelty and materiality of project impacts.

Recommendation:

- >> Before the end of the Planning Phase, require the RLR to:
 - > Consider scaling down the maximum length of the Impact Statement and Assessment Phase according to the scalability of project impacts.
 - > Either publish this new, binding maximum timeline, or publish reasons for adhering to the maximum timeline.

Eliminate Non-Proponent Requested Time Limit Extensions and Suspensions

Under the existing IAA, the legislated maximum timelines are much more flexible than they appear. The Act and its associated regulations provide the IAAC, the Minister, and the Cabinet with opportunities to stop the clock or extend the length of every time-bound phase.

Sometimes the reasons for extending or suspending timelines are legitimate — like when a proponent does not pay fees that are due, when the extension is requested by a proponent, or when the project design changes substantially enough to warrant review of previously unconsidered major impacts. These should be preserved, though opportunities for their abuse must be mitigated.

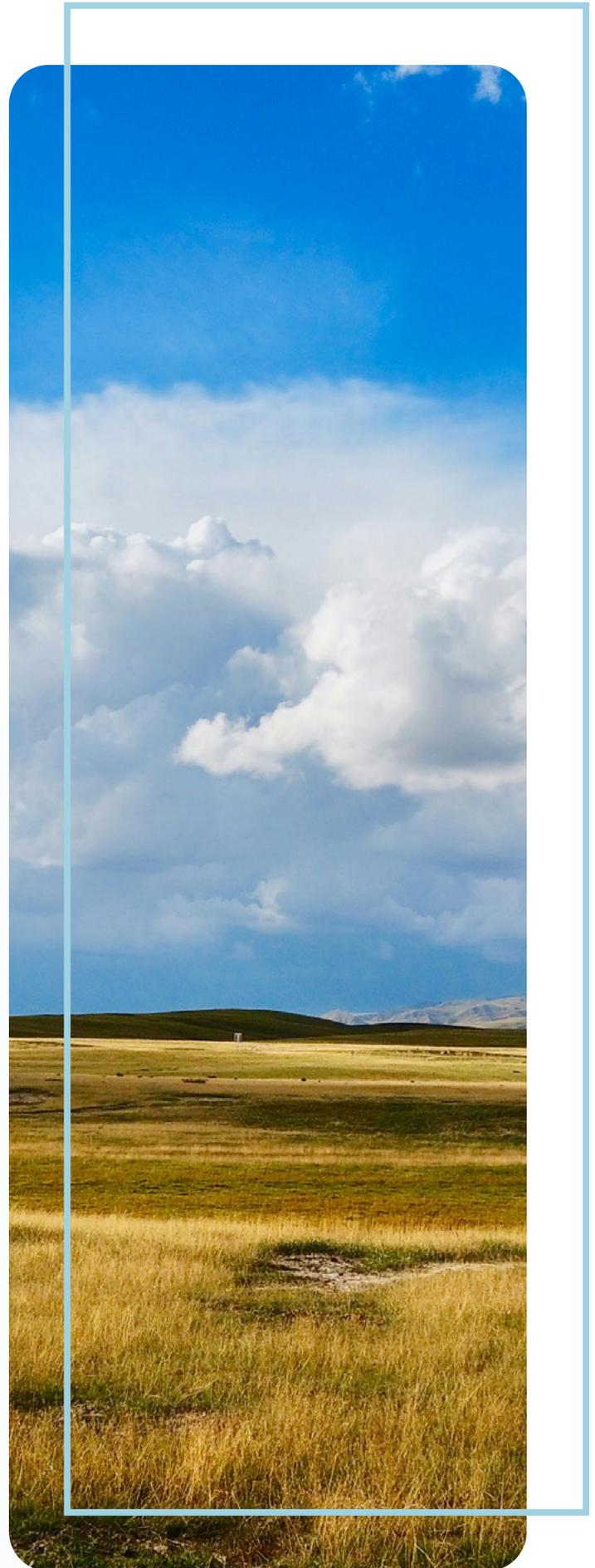


That said, sometimes proponents are forced to ask for timeline extensions because regulators request supplemental information unreasonably late during the time-bound Impact Statement or Impact Assessment Phases and the proponent cannot provide the information in time. Similarly, inappropriately-timed or unnecessary stakeholder intervention is another common cause of timeline extensions, but this is addressed [later in the report](#).

The bottom line is that proponents should come to the table expecting that the project review process will take, at most, two years to complete. As such, unnecessary time limit extensions/suspensions — and the opportunities they create to shift the risk of blown timelines from the regulators to the proponent — need to be removed.

Recommendations:

- >> Remove all opportunities for the Minister, the Governor in Council (GIC), and the RLR to extend or suspend time limits unless:
 - > They are requested by the proponent, the proponent fails to pay fees, or a project substantially changes mid-review.
 - > The GIC determines additional time beyond the two-year maximum time limit is required to ensure the adequacy of Crown-Indigenous consultation.
- >> Require that all supplemental information requests to a proponent's submissions made during the Impact Statement and Assessment Phase be limited to what a reasonably resourced proponent could complete within review timelines, and ensure all such requests are reviewed by the RLR before the Phase's maximum timeline expires.





Introduce Accountability Incentives That Encourage Timelines to Be Met

Despite establishing shorter, less flexible time limits as proposed above, the personal incentives facing the individuals involved in an IA review are not necessarily aligned with achieving whole-of-process efficiency.

To be clear, these challenges are endemic to all large, bureaucratic organizations, whether in government or the private sector. The difference here is that the risks and costs of delays are not borne by the organization creating them; rather, they are borne by the project proponent.

To solve these problems, incentives need to be in place that encourage the government to meet timelines.

Recommendations:

- >> The Clerk of the Privy Council should be directed to add meeting or improving upon timelines as a deliverable under the [Performance Management Program](#) for Deputy Ministers who have responsibility over RLRs leading IA reviews as well as the federal authorities involved in permitting. Improving upon or failing to meet timelines should contribute to, or detract from, annual at-risk pay and bonuses.
- >> When the maximum review timeline published by the RLR is not met, require them to publicly release a “Reasons for Timeline Delay” document that:
 - > Identifies by how many days the timeline was exceeded.
 - > Identifies the reasons the timeline was surpassed and the departments responsible for delays.
 - > Outlines plans to remedy these reasons in the future.

3

RIGHTSIZING REVIEW SCOPE AND RISK APPETITE TO STREAMLINE REVIEWS

The breadth and depth of IA review requirements should align with the purpose of an impact assessment and its place within the broader context of a project's regulatory oversight.

As noted earlier, part of the core purpose of an impact assessment is that it is an early-stage tool in a project's regulated lifecycle to determine its impacts and make a national public interest determination. An IA is not intended to be the sole vehicle through which every conceivable impact must be addressed. Assets are regulated throughout their entire lifecycle, meaning that common, well-understood impacts do not need to be the focus at this early stage.

But in recent iterations of federal review legislation, IAs have expanded substantially beyond this core purpose. Tying review scoping back to the core purpose of an IA is necessary to improve review speed and efficiency. The complexity and depth of information required should align with the fact that an IA is an early-stage national public interest determination.

As such, when reviewing project impacts, an IA should be narrowly focused on assessing and mitigating **unique, material, project-specific impacts** — and only insofar as they contribute to the upfront, broad-based national public interest determination and the independent project authorization determination at the end of the IA process.

Furthermore, the appetite for risk within the IA process needs to be recalibrated to recognize that any IA-approved project will still undergo permit reviews, need to follow existing environmental laws, face regular compliance audits, and more.

While the proposed shortened time limits and the recommended elevated role of lifecycle regulators will provide some constraints on the scoping of project reviews, more is needed.

Focus IA Reviews on Significant, Novel, Project-Specific Risks

The IA stage of a project's overall regulated lifecycle is just one of many in a long list of requirements for a project to get built and operate legally. Furthermore, for many project types, industry has a long, demonstrated history of successfully mitigating common, well-understood impacts through best practices and project design choices.



And yet, the federal departments and agencies responsible for leading and advising project reviews have struggled to institutionalize the knowledge necessary to accurately assess risk. As such, the default is to re-assess and re-litigate all potential impacts — without regard for their size or novelty — through a bespoke review, as if similar projects have never been reviewed in Canada before.

If past experience was consistently used as a guide, IA reviews should get faster over time without sacrificing their stringency. In theory, as regulators crystallize their risk mitigation knowledge and their capacity to assess relative impacts, project review scope can simplify and focus on novel, unique project impacts. To its credit, the IAAC is already working on narrowing the focus of reviews in this manner, and is developing a database of commonly deployed mitigations. Even so, the following recommendations can help spur this process:



Recommendations:

- >> Add a requirement to the IAA that, when scoping and assessing adverse impacts in the Tailored Impact Statement Guidelines, the RLR must focus the assessment on the highest potentially significant impacts, taking into account existing regulatory requirements and standard mitigation practices. This can be accomplished, in part, by the following:
 - > The federal government should draft or adopt existing Codes of Practice to develop minimum standards for:
 - Mitigating common, routine, and lower-risk activities where standardized mitigation is well understood.
 - Acknowledging where existing laws already mitigate impacts.
 - > Codes of Practice should be incorporated by reference into the IAA such that the proponent can agree to abide by them without having to assess these impacts during an IA review. Compliance with Codes of Practice should be conducted via a trust-but-verify model of spot-auditing during project construction and operation.



Streamline, Improve, and Provide Regulator Discretion Over the Review Factors

The IAA stipulates a range of factors that must be considered during the review process. However, there are several problems with this list that unnecessarily complicate the process for proponents and regulators alike.

First, the Act stipulates that a review must “take into account the extent to which the effects...hinder or contribute to the Government of Canada’s ability to meet... its commitments in respect of climate change.” This condition adds a high degree of subjectivity and uncertainty to the review process — especially when the federal government already has policy tools such as industrial carbon pricing, methane regulations, and many others, aimed squarely at addressing climate impacts. The viability of any proposed project is already directly impacted by these compliance requirements, making climate considerations in an IA review confusing and redundant. Moreover, any climate-related determination in an IA review is unavoidably subjective, especially given the difficulty in assessing the impact of one project on climate change in isolation from all other factors.

Second, while reference to “sustainability,” and therefore economic effects, is listed in the list of mandatory factors for IA review, economic impacts should be more explicitly mentioned and made into their own factor. Explicit inclusion of an assessment of a more objective measure, such as the net-economic benefits of a project, will help elevate this criterion rather than keeping it implicitly listed through the definition of “sustainability”. The definition of “sustainability” is discussed in more detail [later in this report](#).

Third, the IAA is very rigid about the fact that reviews must consider all listed factors — regardless of whether they are pertinent to the individual case at hand. This rigidity unnecessarily opens an avenue for IA review decisions to be challenged in court if a third party disputes whether the decision has adequately considered the factors.

And fourth, the Act is completely open-ended when it comes to allowing the lead review regulator to add additional, unlisted factors to the existing list of necessary considerations. This open-endedness means the scope of factors to be reviewed can only ever expand. The discretion of the regulator scoping a review needs to be adjusted appropriately to improve process efficiency and reduce the burden on proponents and regulators alike.

Recommendations:

- >> Strike “and its commitments in respect of climate change” from s. 22(1)(i).
- >> Strike out s. 22(1)(t) entirely to remove the ability for the Agency — or, in the case of this report’s revised IAA, the RLR — to require more factors to be considered.
- >> Add a factor to the s. 22 list about “the net economic benefits of the project”.
- >> Strike out “must” and replace it with “may” in s. 22(1) in order to provide the lead review regulator more discretion to not review listed factors.

Increase the Appetite for Risk Within the IAA

Mitigating project impacts is at the core of any IA process. However, the bureaucratic impulse to eliminate all risk before granting a positive final decision needs to be held in check. The more the IA process is treated as the sole vehicle through which project perfection must be achieved (rather than a tool to identify and mitigate only significant, project-specific impacts), the further it drifts away from the intended purpose of an impact assessment.

As recommended earlier in this report, this challenge is solved in part by focusing IAs on their purpose within the broader regulated lifecycle of a project; and by ensuring IAs do not review well-understood impacts or impacts that are already regulated. However, these steps do not eliminate the tendency for federal authorities to apply the no-risk-is-acceptable mindset to the review process.

Fixing this requires removing the language in the Act that encourages federal authorities to approach project reviews in this way. In particular, the ambiguously defined and zealously applied “precautionary principle” legislates a risk appetite so low for unknowable risks that it creates significant uncertainty from proponents about whether project benefits have any bearing on final decision-making in the face of these possible risks. It also encourages review scope creep by transforming the IA process into a popular forum for federal authorities to conduct novel, proponent-funded scientific field studies when these types of studies should be conducted independently of regulatory reviews.

Recommendations:

- >> Remove reference to the precautionary principle from IAA s. 6(2).
- >> Add language to the Act requiring a “risk-based approach.”



Enforce Accountability to a Review's Early Scoping Decisions

As already noted, project proponents are concerned that the IAA, as presently written, leaves too much room for the IAAC to expand the scope of factors for review, thereby creating an unpredictable process from the outset.

But the problem goes further. It's not just the unfettered ability to determine *which* factors can be subject to review that's problematic, it's also *when* that determination can be made.

In theory, the IAAC provides a proponent with guidance on which impacts must be assessed and studies completed when it publishes the Tailored Impact Statement Guidelines (TISG) alongside the Notice of Commencement. However, the IAAC — or, in this report's revised IAA structure, the RLR — still has considerable statutory flexibility to add information requirements or new studies even after the Notice of Commencement. While some degree of flexibility may be necessary if a project is substantially changed part-way through a review, too much flexibility encourages scoping imprecision during the Planning Phase, thereby adding to process uncertainty later in the review.

To fix this, the review scope set out in the TISG needs to be treated as binding rather than loose guidance. And if scope expands after the TISG and Notice of Commencement are published, the RLR should be required to justify the decision to an adjudicator.

Recommendations:

- >> Require the RLR to include the list of factors from s. 22 that must be considered in a review in the Tailored Impact Statement Guidelines published alongside the Notice of Commencement.
- >> Require in legislation that, unless a project substantially changes from the description(s) submitted during the Planning Phase, neither the RLR nor federal authorities should be permitted to add additional scope to the assessment as defined in the Tailored Impact Statement Guidelines that are published alongside the Notice of Commencement.
- >> Require the RLR to submit an application to an adjudicator within the MPCO for a timely decision regarding whether a new request for information or a study from a proponent can be added beyond what was originally included in the scope of a review as defined in the Tailored Impact Statement Guidelines.



Streamline and Rightsize Stakeholder Input

A transparent IA process helps build public trust in project reviews. Moreover, public input can be valuable in identifying, and therefore mitigating, impacts that were previously not considered. However, the IA process needs to do a better job of separating useful, pertinent public input from unsubstantiated or irrelevant input that does little to mitigate project impacts or build trust in the review process.

As it stands today, the IAA places no guardrails on who can provide public input, nor does it contain any measures to ensure input relevancy. In fact, the IAA process actively encourages overly broad consultation by funding public participation. Capacity funding is justified when it comes to supporting Indigenous participation in reviews and associated consultations, but not the broader public — especially not already-well-funded stakeholder organizations.

Recommendations:

- >> Reintroduce the concept of “standing” to the IAA, per CEEA 2012, to limit public (i.e., non-Indigenous communities) participation to those directly affected by the project, or those with relevant information or expertise.
- >> When public comments are related to adverse effects, only require the regulator or proponent to consider and/or respond when they pertain to the factors scoped in the Tailored Impact Statement Guidelines, which are meant to scope a review to only the highest potentially significant impacts.
- >> Amend s. 75 to remove eligibility for funding from Participant Funding Programs for non-Indigenous communities and organizations.

Ensure IA Review Scope Maintains a Boundary with Permitting Scope

IA reviews require the participation and input of various federal authorities with relevant expertise in the impacts of a proposed project. Their involvement occurs at many different phases of the existing process, including helping to scope a review, assessing proponents’ studies, answering the IAAC’s questions, and providing input on drafting conditions.

In this report’s proposed review system, it will be up to the RLR to request and coordinate other federal authorities’ involvement. The RLR will then determine whether the advice it receives from other federal authorities is within the scope and purpose of an IA — as opposed to being more relevant at other stages of a project’s regulatory oversight, such as during the permitting process.

Mechanisms, such as [intragovernmental MOUs](#) (for example, between the Canada Energy Regulator and other federal authorities and agencies), exist to help maintain efficient information sharing processes and reduce the probability of scope creep. However, they are non-binding and their effectiveness is inconsistent.

As such, more needs to be done to provide the RLR and proponent with the ability to decipher whether advice provided by federal authorities is appropriate for IA decision making, or whether the information is more appropriate for different types of decision making during a project’s regulatory oversight — especially since many federal authorities have internal expertise, and a curiosity in, matters relevant to a permit application. This should include legislated mechanisms for a proponent to challenge whether information requested of them is in scope for decision making under an IA review.

To be clear, this should not take anything away from a proponent's ability to pursue and attain federal permits concurrent with the IA review process. This is discussed later in the report.

Recommendations:

- >> Amend the IAA to require the RLR — in its IA scoping, project authorization determination, and conditions-creating roles — to consider whether information or advice provided by a federal authority is included in a permitting decision or another compliance requirement at a later stage in a project's regulated lifecycle. If so, this information or advice should not be considered in scope for IAA-related decision making.
- >> Provide proponents with the ability to quickly appeal to the MPCO's ombudsperson for timely adjudication regarding whether a federal authority's information requests or studies are considered in scope for the purposes of IAA review decision making (as defined by the recommendation above).



4

IMPROVING THE IA DECISION-MAKING FRAMEWORK TO PROMOTE DEVELOPMENT

As discussed earlier, rightsizing the scope of factors considered in IAs is critical to achieving a faster and more predictable system of project reviews. However, proponents also have concerns about how positive and negative factors are weighed against one another when the final decision is made about whether the project will go ahead. This government's intention is to attract private sector capital and encourage faster project reviews. As such, the Act needs to align this decision-making process with the speed and scale of development it is hoping to achieve.

The problem is two-fold: first, the current IAA does not provide enough certainty about how the final decision maker should weigh the evidence and studies put before them. And second, the general framing of the Act, including some of its key definitions, needs to be more explicit about an IA being a tool to promote the development of major nation-building projects rather than hindering them.

Align the Preamble and Decision-Making Terminology with the Goal of Getting Large-Scale Projects Built Fast

As noted in *Future Unbuilt*, Canada's major project assessments have been set up to stop bad things from happening. But now we need to set them up to make sure good, sustainably developed projects get built — and quickly. As long as the inclination of federal authorities, regulators, and political decision makers is to use the IA process as a tool to stop bad things from happening, their commitment to the process itself will become their measurement of success rather than helping get projects across the finish line.

To help reverse these inclinations, a couple of changes are needed. First, the “public interest” needs to be expanded into the “national public interest” to help broaden decision-makers' consideration of project benefits and the way they are weighed against localized adverse effects. And second, the preamble of the IAA should be adjusted to more explicitly interpret the overall Act as a tool that encourages project development, presumes economic development to be in the national public interest, and considers a “yes” decision to be a measure of a successful process.

Recommendations:

- >> Adjust the following line in the IAA's preamble FROM:

Whereas Parliament recognizes the importance of implementing the impact assessment process in a manner that: is transparent, efficient and timely and contributes to a positive investment climate in Canada,

TO

Whereas Parliament recognizes the importance of implementing the impact assessment process in a manner that, through its transparency, efficiency, timeliness, and contribution to a positive investment climate in Canada, actively facilitates the successful completion of projects, thereby demonstrating its effectiveness.

- >> Expand references to the “public interest” into the “*national* public interest” in the preamble and throughout the Act.
- >> Adjust the preamble of the IAA to create a strong presumption that project development is in the national public interest.

Adjust the Way the Factors Are Weighed Against One Another to Elevate the Consideration of Economic Benefits

Currently, the IAA’s mandate, the factors it must consider in project reviews, and its explanation of how these factors determine whether a project is in the public interest all explicitly reference the concept of “sustainability”.



On its face, this is wholly appropriate; projects should be sustainable. However, the Act’s definition of “sustainability” holds environmental, social, health, and economic considerations together in a way that can be interpreted as pitting them against one another during decision-making — or, at least, making it unclear how these considerations are weighed against one another. Project reviews should minimize negative impacts to environmental, social, and health effects while maximizing the potential economic benefits that development brings. They should not imperil the realization of economic benefits just because some negative effects exist.

Fixing this issue will require a redefinition of the term “sustainability” throughout the Act. This redefinition must better capture the balance between a project’s negative effects, its positive effects, the end-goal of developing projects, and the connection of the resulting balance to the concept of the national public interest. This would be in keeping with Quebec’s [Sustainable Development Act](#), which does a better job of holding these concepts together than the existing definition for ‘sustainability’ in the IAA.

Recommendations:

- >> Replace the term “sustainability” with “sustainable development” throughout the Act, particularly where it influences IA decision making.
- >> Replace the definition of “sustainability” with a new definition for “sustainable development”. This should read:

Sustainable development means development that is in the national public interest when considering the positive and adverse social and economic effects, and the effects on the environment, likely to be caused by the carrying out of a project.

5 STREAMLINING PERMITTING AND CONDITIONS COMPLIANCE

Efforts to improve major project review processes typically focus on the phases of the IAA. However, it bears repeating that an IA is only one component of the regulatory oversight a proponent must navigate before construction can begin. Other components that require improvement include the permitting process and the pre-construction conditions attached to an IA final decision.

The permitting process includes all the various applications and reviews that a proponent must file and satisfy to attain the licenses, authorizations, and permits necessary to advance through project construction. For the sake of simplicity, this report captures all of these under the term “permits”. The processes required to attain each of the necessary permits are governed by a host of federal and provincial acts or municipal bylaws; and many permits require a degree of site-specific, engineering-level project detail that’s only appropriate for decision-making at this stage of the project’s regulatory oversight.

For project proponents, this stage is at least as important as the IAA review process itself. If they expect that seeking permits will collectively result in years of inefficiency, delays, construction disruptions, and cost overruns, then even the most efficient IAA process in the world won’t matter. And, as BCA’s [Future Unbuilt](#) report highlights, private sector investors can easily point to past examples where this has happened.

In addition to permitting, post-IA approval pre-construction conditions create an additional layer of regulatory requirement before construction can begin. The goal of reducing the scope of reviews should be to reduce the volume of unnecessary conditions altogether. However, for the pre-construction conditions that remain, there needs to be more

predictability and binding standards placed on the review of compliance filings.

Improving the speed, efficiency, and predictability of pre-construction conditions compliance and permitting processes will require these processes, considered as a whole, to be highly coordinated; respect narrow construction windows; avoid inter- and intra-governmental review duplication; and consider creative ways to allow information gathering and decision-making at the earliest opportunity.

Consolidate the Power to Grant Federal Permits Within the RLR

Currently, several different federal authorities have statutory power to make permitting decisions for any given project. And each has their own application and review processes and standards.

From the perspective of project proponents, this creates several problems. For one, there is no oversight body that, by law, ensures permits are assessed and attained in a timely manner. Second, the quality and consistency of permit application assessments can vary substantially across federal authorities, and even within regional offices of a single authority. Finally, the more statutory decision-makers that are involved in issuing permits, the harder it is to avoid duplicative processes or overlapping requirements. This decentralized approach does not reflect the “one project, one review, one decision” ideal.

To address these problems, the federal government establishes MOUs between the regulator/agency leading the IA review and those authorities responsible for issuing permits after the project has been approved. These MOUs aim to improve processes to avoid the problems described above.

However, these mechanisms generally lack enforceability and are not consistently followed.

To solve these problems, when a project is subject to an IAA review, the RLR should be granted statutory authority over permitting. This would give it the power to coordinate processes, avoid duplication, and consolidate and make final decisions during the permitting process. It would be able to access expertise and resources from the relevant federal authorities as needed.

Recommendation:

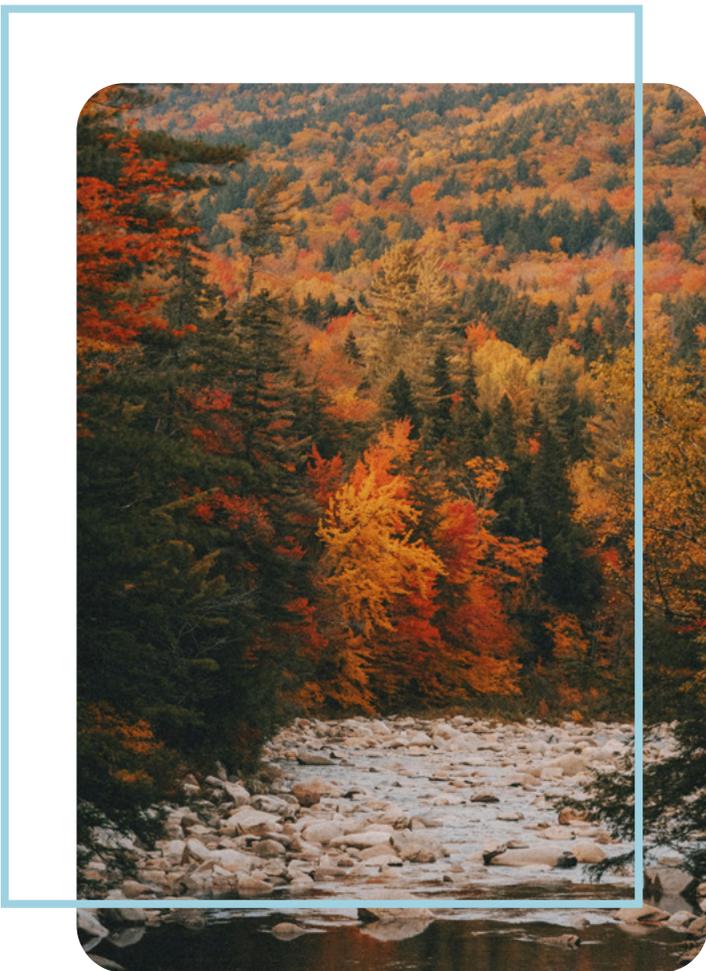
- >> Adjust the IAA and other relevant federal legislation necessary to provide the responsible lifecycle regulator with decision-making authority over reviewing permit applications and granting permits.

Allow Concurrent Permitting Within IAA Timelines and Improve Permitting Efficiency

While granting the RLR statutory decision-making power over permitting solves duplication and process quality control issues, this alone will not ensure permits are assessed and approved in a timely manner.

One way to do so would be for the IAA to introduce permitting reviews and decisions concurrently with the IA process. If a proponent wishes, they should have confidence that they will be able to apply for any/all necessary federal permits, have them assessed concurrently with the IA the review process, and attain them at the conclusion of the impact assessment. If a well-prepared proponent can attain all federal permit authorizations upon successful completion of the IA process, many months — or even years — of delays to nation-building project construction timelines.

To make this happen, two changes are needed: First, a concurrent permitting plan should be developed during the Planning Phase to help ensure proponents know what they need to do to have permits reviewed concurrently with the IA, should they so choose. And second, the Act should include a framework requiring the RLR to assess applications and grant permits concurrent with the IA review in a predictable and timely manner according to legally binding service standards. Ideally, if a proponent so chooses, they should have complete confidence that they can acquire all necessary federal permits by the time of a positive final IA project authorization determination. And, ideally, the management of permits required from other jurisdictions would be folded into this same review process for federally reviewable projects as described in this report’s proposed RLRM. Together, these changes would save a proponent many months — or even years — of delays to nation-building project construction timelines.



To be clear, however, there is no guarantee that a project proponent will have the capacity or information necessary to pursue concurrent permits in time to have them granted by the IA's final project authorization determination. Some proponents may be prepared to apply for permits during the IA but too late for the RLR to reasonably have enough time to review them before the IA's final decision. Other proponents may only be comfortable applying for permits once they have received a positive IA determination. This means the permitting process must have built-in flexibility — a proponent should be able to apply for a permit when they're ready and have adequate application review process oversight and timely decision-making regardless of when they choose to submit their applications.

In these circumstances — when a permit will inevitably be assessed or granted after the IA final decision rather than concurrently — the RLR will need to ensure permitting assessment and delivery standards will be coordinated such that they do not impede construction efficiency during narrow construction windows post-IA decision. This can be accomplished through the publication of a binding permitting plan governing all remaining permits not attained concurrently with the IA. This plan should be published at the same time as the Impact Assessment Report and final project authorization determination.

Recommendations:

- >> Adjust the IAA and other relevant legislation to allow the RLR to assess and issue permits concurrently with a positive IA project authorization determination with the support of other federal authorities.
- >> Adjust the IAA to put the RLR in charge of establishing binding service standards and timelines for the assessment and granting of concurrent permits such that these permits are delivered at the point of the IA final project authorization determination, if a proponent so chooses. In such instances, the IAA should establish:
 - > Timetables for when a permitting decision with respect to an application must be made relative to the anticipated IA final project authorization determination date.
 - > The maximum amount of time required to assess a permit and make a decision.
 - > Guidance for a proponent on how early a permit application must be submitted to provide the RLR the time required to assess the application.
- >> For proponents that indicate they wish to seek permits on a timeline not aligned with the IA project authorization, the RLR should establish a detailed, binding permitting plan when final project authorization is granted. This plan should establish the same types of binding timelines for assessments and decisions on the RLR as for concurrent permits, but in consideration of a proponent's desired construction schedule — especially as it relates to pre-identified mandated construction windows.

Strengthen and Streamline Pre-Construction Conditions Filing Reviews to Respect Construction Windows

After an IA review is complete, permits are not the only regulatory requirement that must be satisfied before advancing to construction. Proponents must also comply with the pre-construction conditions attached to the IA's final decision.

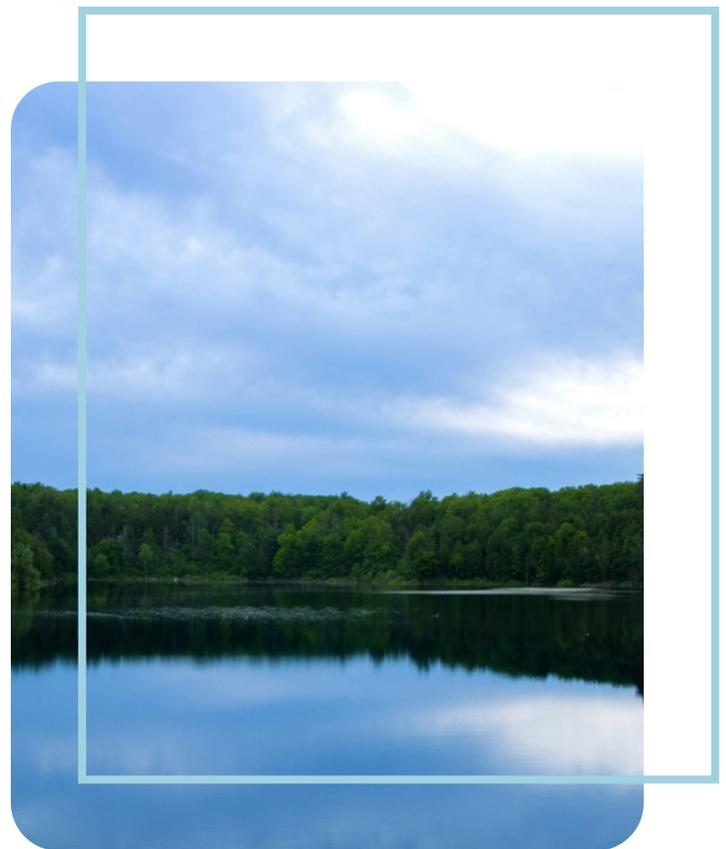
As this report will [explore later](#), the ease with which conditions can be added after a final IA decision lends itself to excessive conditions creation. Rather than using them as an essential tool meant to handle unanticipated impacts that present themselves late in a project review, conditions can become an easy way to expand a review's scope beyond what's necessary to mitigate severe adverse impacts and work around the time-bound review process.

Ideally, all identified significant adverse impacts should have already been assessed during the time-bound IA review, and additional identified impacts should be considered out of scope. But in the event a condition is absolutely necessary, there are no legally binding service standards or timelines enforcing when or how fast a proponent's relevant filing requirements for conditions compliance must be assessed.

As such, any pre-construction conditions attached to final project authorization determination in the Impact Assessment Report should come with binding service standards and timelines on the RLR's review of a proponent's compliance filings; and these timelines should respect and not hinder a proponent's planned construction activities.

Recommendations:

- >> Adjust the IAA to make the RLR responsible for drafting binding service standards and timelines on the assessment of a proponent's pre-construction conditions filings, such that they respect and not hinder a proponent's planned construction activities. These standards and timelines should include the following:
 - > Setting schedules for when conditions filing decisions must be made relative to pre-identified construction windows.
 - > The maximum amount of time that the RLR has to review conditions compliance filings.
 - > Guidance for a proponent on how early conditions filings should be submitted prior to an identified construction window.





DEVELOPING A RISK-BASED PRIORITIZATION OF OVERLAPPING CONSTRUCTION WINDOWS

As noted above, proponents need to carefully plan their construction activities so that they take place during designated windows of time. These windows are meant to protect animal migration routes, nesting habitats, endangered species, and other wildlife and biodiversity considerations.

To be clear, these issues are not tied to the *Impact Assessment Act* itself. In fact, many of the timelines for these windows are decided provincially. Nonetheless, proponents note that multiple windows opening at different times and without consideration for how they impact one another is problematic for building efficiently. As such, permitting timelines need to be carefully managed to ensure that regulators do not inadvertently force construction delays. The impacts are particularly acute for linear projects. One proponent noted that, on some sections of their project, the cumulative effect of several different environmental windows ended up limiting their annual eligible construction time to just six weeks.

To improve the situation, governments need to consider the cumulative impacts of stacking environmental windows on construction timelines. They need to adopt a risk-based methodology that helps broaden construction windows when the impact of overlapping periods of construction prohibition results in unrealistically short opportunities to build. In doing so, governments should create space for the prioritization of high-risk windows and de-prioritization of low-risk windows to open longer construction periods.

Reduce the Misalignment of Overlapping Regulatory Mandates

One unavoidably problematic element of major project reviews presently is that the combination of the review process itself, along with all the associated pre-construction conditions and permitting requirements, means that each project requires a regulatory “yes” from multiple federal government departments to proceed. These departments operate under different laws, and each has its own specific decision-making and review framework – often guided by slightly different perspectives. This creates a recipe for mandate overlap when those regulations cover the same issue but have differing levels of stringency. This report calls it “regulatory mandate overlap”.

Under this report’s proposed system, achieving a “yes” from multiple federal departments will no longer be an issue; the RLR will have decision-making power for both permits and the IA final authorization, thus supporting the “one window” approach. Expertise from other federal departments will assist the RLR in its decision-making role according to the timelines established. However, the RLR will still be making multiple decisions guided by different laws – each with slightly different decision-making standards. The problem of regulatory mandate overlap will persist.

The goal should be to avoid situations where obedience to statutory language governing permitting decisions runs counter to project approvals made through the IA decision-making process. But even when this problem is avoided, having both the IA and permitting processes covering the same issue can create duplicative review requirements.

To help resolve these challenges, legislative changes are needed to help reduce regulatory mandate overlap and align information-gathering and decision-making across the IA and permitting processes.

Recommendations:

- >> Require that permit issuance decisions must not frustrate the final project authorization determination made during an IA.
- >> Require the incorporation of Codes of Practice for project activities into permit application requirements. If a proponent promises to abide by a Code, permitting review requirements should be waived and a trust-but-verify model of spot-auditing during construction and operation should replace the permitting review.

Prevent Subnational Jurisdictions From Unlawfully Undermining Federal Undertakings

Not all permits required for major project construction come from the federal government. As such, the efficiency and speed with which proponents acquire all necessary permits will always depend on the willingness of provincial/territorial and municipal jurisdictions to issue theirs in a timely fashion.

Ideally, when project reviews fall to a federal regulatory body, other jurisdictions would agree to fold their own regulatory processes into the federal permitting framework as proposed in this report. Realistically, however, disagreements between jurisdictions on the merits of a project will create political incentives for opposed jurisdictions to frustrate decision-making wherever they can. For example, under a past CEEA 2012 review, the [City of Burnaby](#) attempted to use municipal permitting processes to frustrate project development. There is nothing about an IAA review that would prevent a similar situation from occurring again.

Project proponents have indicated that the default attitude of federal regulators is to leave proponents to work these problems out on their own. However, sometimes it becomes evident to a proponent during their early engagement efforts with subnational jurisdictions that:

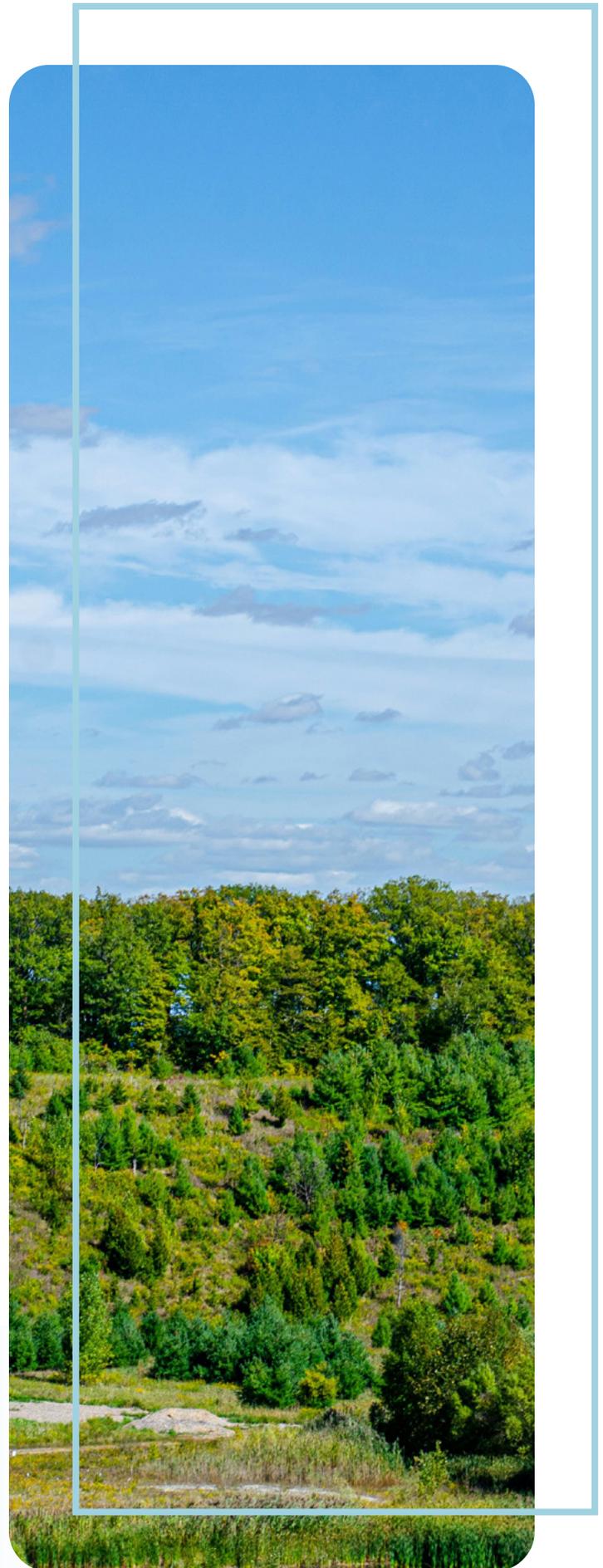
- >> Permits will be wielded as a tool to obstruct development.
- >> Cooperation and further attempts to engage will take months.
- >> Despite a proponent's best efforts, a drawn-out court challenge is likely.

In cases where subnational jurisdictions are stymieing federal projects they oppose, and the facts of the situation lend themselves to the obstruction being, on its face, unlawful, the federal government can seek a court ruling on the doctrine of federal paramountcy.

Any such attempts to frustrate federal undertakings need to be addressed as quickly as legally permissible. To do this, the IAA needs to be clear that the RLR has broad jurisdiction to make rulings and orders in relation to its mandate. This would provide the RLR with independent, quasi-judicial powers that could help counteract subnational efforts to impede project development, subject to judicial confirmation if challenged. This would also align the IAA with the powers already granted to other federal regulators under their own governing acts, like the CER Act, and would help create a common understanding among all subnational jurisdictions that frustrating clear federal authority will not be tolerated from the outset.

Recommendations:

- >> Amend the IAA to grant the RLR the jurisdiction and powers to make rulings and orders in relation to its mandate.



Reduce the Number and Complexity of Conditions

In the same way that the assessment scope of major project reviews has expanded over the years, so too has the number and complexity of conditions that are attached to positive final decisions.

These post-approval conditions can come in several forms requiring different types of compliance. However, they can all be placed into one of two broad categories: conditions that must be satisfied before construction can begin (pre-construction conditions); and those which must be satisfied at various points during construction, or on an ongoing basis.

Broadly speaking, the need to attach conditions to final decisions can be, in and of itself, evidence of shortcomings within the review process, except in circumstances where they are useful for mitigating severe adverse impacts that are identified late in a review process. For one, their attachment to final decisions is often due to political pressure at the end of the review process. With a depoliticized final decision-making process, external pressure to add conditions will not be as substantial as it is today. The hope is that having the independent RLR in charge of conditions creation will alleviate this problem.

Second, conditions are prone to being used by decision-makers to backload risk mitigation activities and studies outside of timebound review stages. In effect, this is further evidence of how much the assessment scope of major project reviews has expanded in recent years. The additional compliance burden that proponents face as a result is not limited to the review process itself; it increasingly takes place outside the timebound process altogether.

An IA review needs to remain focused on unique, material, project-specific risks. To ensure this principle is applied to conditions creation as well, two changes are needed:

First, the RLR needs to be prohibited from imposing conditions that are already addressed through existing regulatory requirements and compliance verification activities. And second, the federal government needs to ensure that conditions that have been commonly added to project approvals in the past are being scoped and assessed within the timebound IA phases rather than as conditions after those phases are complete. The goal should be to have as few conditions placed on a project approval as possible because those issues were properly addressed during the review process itself.

Recommendations:

- >> Add a provision to the IAA to prohibit the RLR from imposing conditions that are already addressed through existing regulatory requirements and compliance verification activities throughout a project's lifecycle.
- >> RLRs should undergo a process to leverage learnings from past project reviews of similar project types to:
 - > Identify commonly-added conditions that are likely to resurface.
 - > Ensure the associated impacts are addressed within timebound IA phases rather than after.

6

CLARIFYING INDIGENOUS CONSULTATION AND PROMOTING MEANINGFUL PARTICIPATION AND ENGAGEMENT

Businesses know that meaningful Indigenous engagement and participation in major project development is vital to the fabric of Canada. It's not just a legal obligation or a box-checking exercise. When done well, engagement occurs early, it is extensive, and it can foster long-term, authentic, and productive relationships that advance reconciliation and shared prosperity.

The Crown's relationship with Indigenous peoples is central to achieving those goals. While businesses acknowledge their role in fostering strong relationships with Indigenous communities, the fact remains that, when a proposed project impacts Indigenous and treaty rights, the duty to consult and, when appropriate, accommodate, ultimately falls on the Crown.

BCA is aware of, and applauds, Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) efforts, in consultation with Indigenous peoples, to develop new guidelines for federal officials on fulfilling the Crown's duty to consult. Getting this right is vitally important to the fabric of our nation, and industry wants to support federal efforts by being part of the solution. The business community looks forward to working alongside the federal government to ensure this guidance incorporates the kind of reasonable, defensible, and consistently applied guidance needed to improve Crown-Indigenous engagement and create more certainty.

To advance reconciliation, proponents and Indigenous communities need confidence that when the Crown engages in Indigenous consultations through the regulatory review process, it will do so in a predictable, transparent and legally defensible way. In short, its efforts need to be sufficient to meet its duty to consult.

Furthermore, Indigenous capacity-building is needed to promote meaningful, efficient, and informative dialogue, as well as to ensure that communities benefit economically, socially, and culturally from participation in project development.

To clarify consultation and promote meaningful Indigenous engagement and participation, the federal government must do the following:

Ensure the Review Process is the Primary Means of Meeting the Duty to Consult

Investment certainty in major project developments – and, in turn, the ability to share prosperity through partnerships with Indigenous communities – requires that proponents have confidence that review timelines will be adhered to. That includes ensuring, to the extent possible, that the Crown's exclusive responsibility and onus to fulfill the duty to consult is met through the regulatory process itself.

Businesses are not responsible for fulfilling the duty to consult. This responsibility is exclusive to the Crown. However, procedural aspects of consultation can be delegated to businesses. In fact, proponents are often the best-placed to engage Indigenous communities meaningfully because they have long-established relationships, as well as the in-house expertise specific to their project's impacts and mitigation strategies.

Courts have found that the regulatory process can fulfill the duty to consult. However, the Crown must consider everything discussed in such consultations before ensuring their intensity was appropriate to fulfil the duty. As such, mere completion of the regulatory process and the Indigenous engagements prescribed therein does not itself equate to the fulfillment of the Crown's duty.

Nonetheless, since the IAA is meant to create a predictable regulatory process for all parties, this process provides a legal framework that can establish predictable and consistently applied approaches to consultation. If conducted well, meaningful consultation efforts within the structure of the regulatory process can fulfil the duty to consult through a consistent and predictable approach. Proponents, Indigenous groups, and the Crown can all benefit from greater predictability.

To promote the regulatory process as the proper forum for fulfilling the duty to consult, and to discourage federal authorities from conducting unpredictable and/or duplicative consultation outside this process, the preamble of the Act should be adjusted accordingly.

Recommendation:

- >> Amend the preamble of the IAA to incorporate the following language (in italics):

Whereas the Government of Canada relies on the regulatory process, including procedural aspects of consultation conducted by the project proponent, to the extent possible, to discharge the Crown's duty to consult with Indigenous groups;

AND

Whereas Parliament recognizes the importance of implementing the impact assessment process in a manner that

strives to satisfy the Crown's duty to consult with Indigenous groups in a manner that minimizes duplicative consultation efforts to the extent possible.

FEDERAL-PROVINCIAL COOPERATION ON COORDINATING INDIGENOUS CONSULTATION

In order for Indigenous consultations to go smoothly and efficiently, federal and provincial governments cannot be duplicating efforts.

That's why this report's amended IAA process proposes that supporting jurisdictions fold their expertise into the process defined by the jurisdiction with regulatory authority over the activity. When a project is reviewed federally, the provinces/territories would fold their consultations into, and abide by, the federally-defined consultation and permitting processes; and for provincially-led reviews, the reverse would be true. This way the Crown of Canada and the Crown of each province would still be entirely fulfilling their duty to consult on their respective jurisdiction, but processes for conducting these consultations can be more coordinated and lacking duplication.

Recalibrate Proponent and Indigenous Understandings About Rights and Consultation

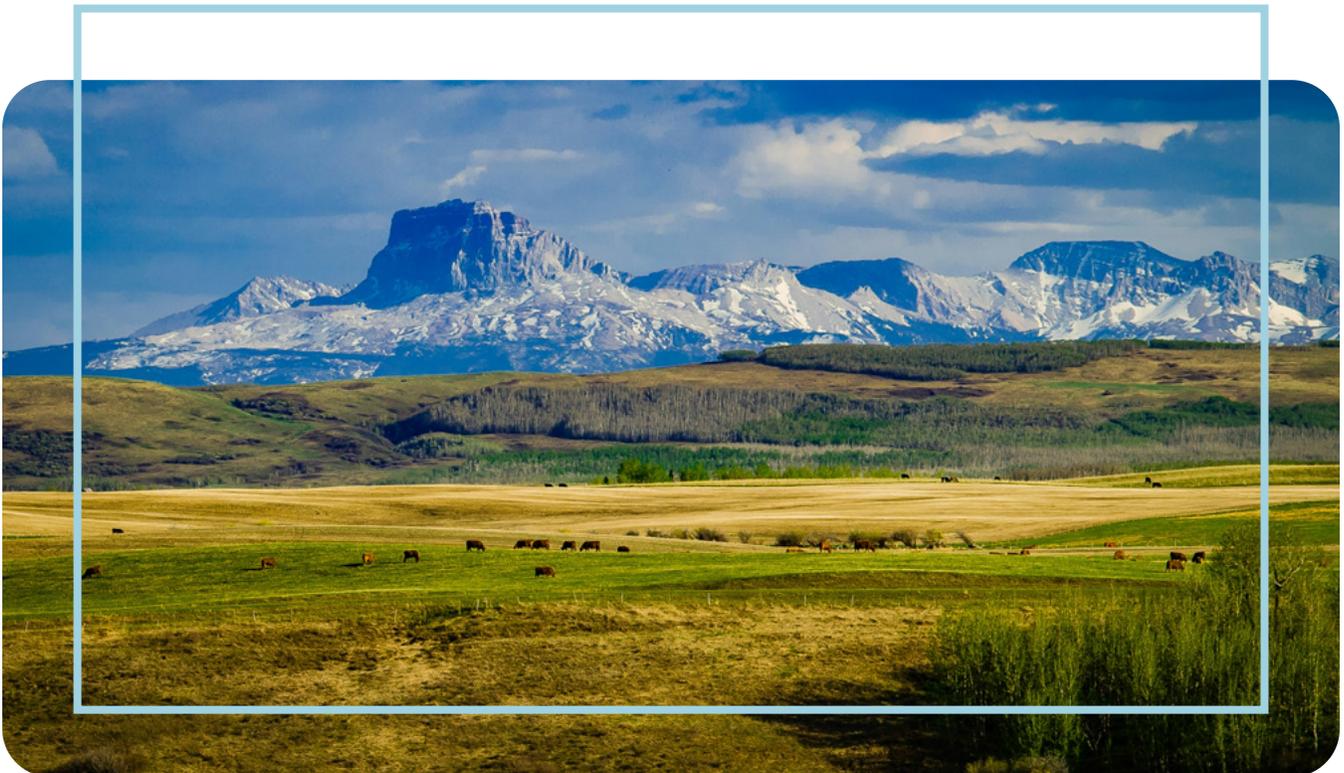
Over the last couple of decades, the federal government has taken significant steps aimed at advancing reconciliation. This includes the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) framework into [federal law](#). Moreover, as landmark court cases continue to unfold, constitutional interpretations are clarified, concepts of ownership and land management are challenged, and new requirements to satisfy the duty to consult are introduced.

Large Canadian companies with in-house legal expertise already have the internal capacity to keep up with these changes. But for some Indigenous communities, internationally-based businesses unfamiliar with Canadian practices, and even smaller Canadian companies, the nature of Canadian governmental discourse on reconciliation, and the pace of policy and legal changes, have led to misinterpretations about how Canada's Indigenous rights and consultation framework

works. For some, it has created misplaced understandings about what consultation entails, and for others, misplaced reticence to invest. Either way, pervasive, incorrect perceptions are problematic for attracting investment in major projects — and, in turn, the advancement of economic reconciliation.

Recommendations:

- >> In its public and private communication efforts, the federal government should:
 - > Shy away from discourse that, plainly interpreted, will conflict with accurate and up-to-date judicial interpretations of s. 35 of the *Constitution Act, 1982*.
 - > Ensure their communications aligns with the intention that regulatory processes should be, to the extent possible, sufficient to fulfill the duty to consult.



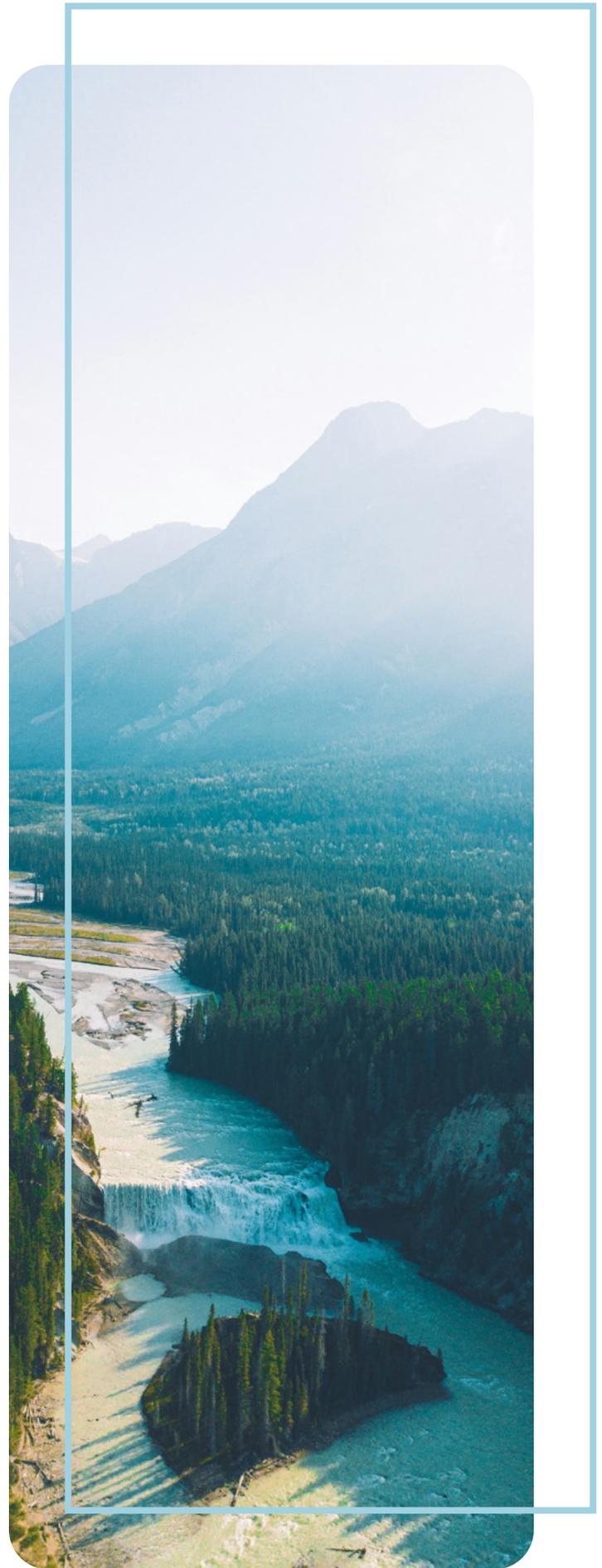
Continue and Intensify Support for Indigenous Capacity to Engage and Benefit From Projects

This report's proposed restructured IAA creates ambitious timelines for getting projects through the review process. This desire to achieve speed and efficiency is matched by federal government's [own ambitions](#). But industry and government agree that these ambitions cannot sacrifice true, meaningful Indigenous engagement and participation.

Even under current processes, Indigenous communities face systemic barriers to participating in reviews — particularly smaller and more rural communities without a history in project participation. Governments need to ensure Indigenous capacity to participate is sufficient for community-specific needs, and deployment of funds is fast and agile enough to keep up with faster proposed reviews.

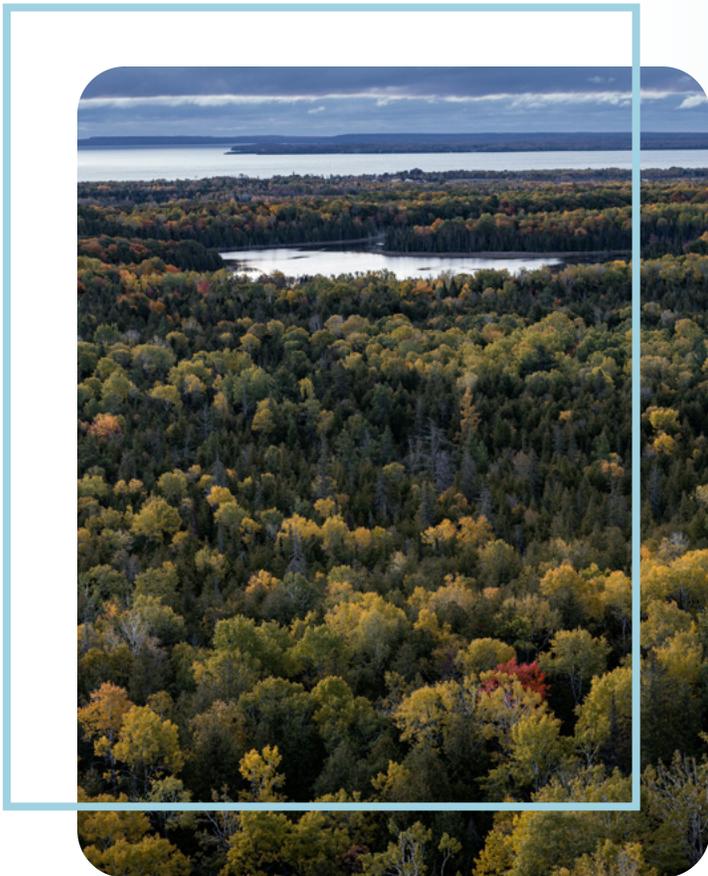
The federal government already has these kinds of capacity funding initiatives in place through programs like IAAC's Participant Funding Program and Natural Resources Canada's (NRCan) Indigenous Partnership Office. Similarly, federal funding has supported the First Nations Major Projects Coalition, whose Indigenous-led programs help empower Indigenous communities to review project materials and negotiate benefits and project management opportunities. Ensuring deployment of funding and Indigenous-led expertise at a fast enough pace for improved review efficiency will be the next hurdle to overcome.

But increasing Indigenous capacity is about much more than just ensuring an ability to participate during a regulatory review. It is also about building the short- and long-term internal capability to fully contribute to, and benefit from: the project's design; economic spinoffs like jobs and contracting opportunities; and leading environmental and cultural values stewardship programs.



Fortunately, the federal government and businesses are taking important steps in this direction. Since [Future Unbuilt](#) was published in 2023, a federal Indigenous Loan Guarantee program was established, and its funding was recently doubled. This will assist in improving Indigenous people's access to capital financing at a competitive cost and provide easier access to equity stakes in projects, much as Alberta's loan guarantee program did before it.

However, every Indigenous community is different and one-size-fits-all solutions will never be able to meet individual priorities and needs. An equity stake in projects, for example, may not be a top priority for some. And since this report's proposed IAA improvements will increase the pace and efficiency of reviews, access to, and delivery of, program supports will have to match. These supports will need to be flexible, proportionate to the accelerated pace of reviews, and appropriate for the needs of each community over the short- and long term.



Recommendations:

- >> Continue to top up funding to the Indigenous Loans Guarantee Program to support communities in benefiting from major project developments, matching those funding top-ups with federal ambition and ability to deliver major projects.
- >> Over the short-term, ensure that existing available pools of Indigenous capacity funding provide the amount needed at the pace required to:
 - > Meet each community's unique financial needs.
 - > Provide the required access to expertise (whether internal to the community or through an external, Indigenous-led organization).
 - > Do so at the pace necessary to move within project review timelines.
- >> Over the long term, governments and industry should work together with Indigenous communities to fund and deliver capacity-building training to develop technical expertise internal to Indigenous communities. This will eventually support Indigenous experts to:
 - > Advise their own leadership on the benefits and impacts of major project developments.
 - > Develop community capacity and knowledge for how to participate in project design, construction, infrastructure maintenance, environmental monitoring, contracting, and other economic opportunities.

CONCLUSION

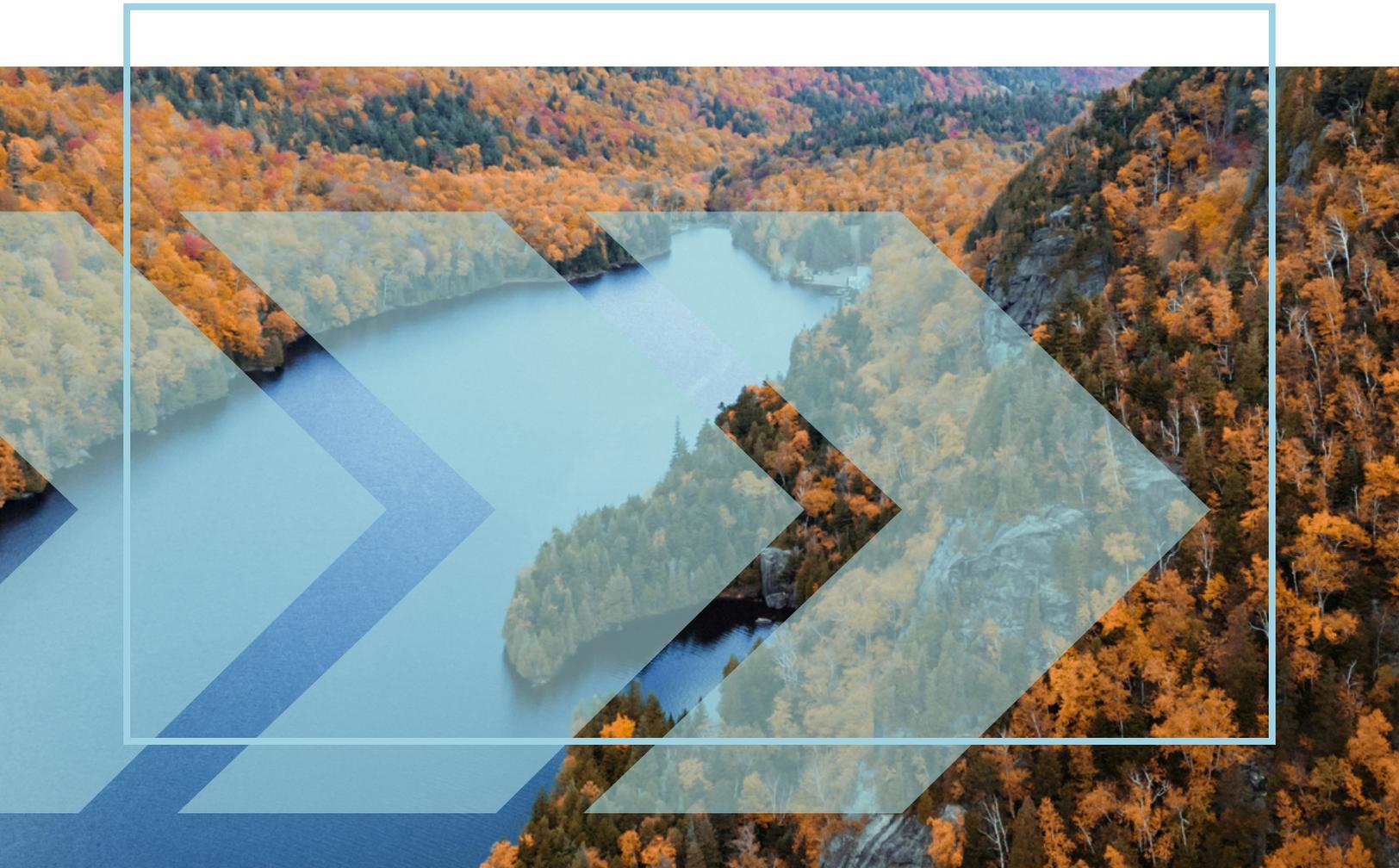
Canada cannot afford to let regulatory inefficiency continue to discourage investment in major projects.

The current IAA and permitting systems have too often delivered delay, uncertainty, and rising costs — discouraging the private capital Canada needs to compete in a world of fast-moving opportunities. The result is a country with ambition but without the practical pathways to bring that ambition to life.

The path forward is clear. With a review and permitting framework that is predictable, efficient, transparent, fair, and timely, Canada can once again be a place where major projects get built — and quickly.

Fortunately, the federal government is working towards these same goals. The introduction of the *Building Canada Act* and ongoing efforts by the IAAC to improve the efficiency and speed of the review process have clearly signalled their desire to take big steps in the right direction. The business community believes the recommendations in this report will help advance these shared ambitions.

Canada has built major projects before. With the right reforms, it can do so again — making regulatory certainty a competitive advantage rather than a constraint.





BUSINESS COUNCIL OF ALBERTA

#1600-635 8 Avenue SW
Calgary, AB, T2P 3M3

BusinessCouncilAB.com
info@businesscouncilab.com
media@businesscouncilab.com

APPENDIX: IMPACT ASSESSMENT ACT LEGISLATIVE CHANGES

To implement the recommendations in this report, the following legislative language changes are being proposed. BCA has developed this legislative language alongside legal counsel. They are not meant to be prescriptive changes; rather, they provide guidance on the types of language changes needed to enshrine this report’s complete set of recommendations into the law.

NO.	REPORT PAGE #	REPORT’S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
1	16, 29	<p>Adopt the RLRM described above by requiring projects to be filtered to the PT jurisdiction responsible for the project type’s lifecycle regulation as of right; and automatically designating a project for an IAA review only if a new trigger mechanism added to the Act is met; and the project is listed in an updated, constitutionally-sound Physical Activities Regulations.</p> <p>Remove the conditions in the IAA, particularly in s. 33, that make it difficult to recognize review substitutions with PT jurisdictions.</p>	<p>Definitions</p> <p>2 The following definitions apply in this Act. <i>[Define a new term.]</i></p> <p>responsible federal authority means the federal authority that is primarily responsible for regulating the construction, operation, decommissioning and abandonment of a designated project, or, in all other cases, the Office, as determined by the Minister under subsection [9(1)]. (<i>autorité fédérale compétente</i>)</p> <p>Responsible Federal Authority</p> <p><i>[Move provisions on substitution to before the Planning Phase, and amend to address RLRM as follows]</i></p> <p>Minister’s determination</p> <p>9 (1) The Minister must, within 15 days from the day on which the proponent provides the Office with an initial description of the designated project, determine whether the designated project is primarily regulated by a federal authority, or by any person, body or jurisdiction referred to in paragraphs (c) to (g) of the definition <i>jurisdiction</i> in section 2, and do one of the following:</p> <p>(a) if the Minister is of the opinion that a designated project is primarily regulated by any person, body or jurisdiction referred to in paragraphs (c) to (g) of the definition <i>jurisdiction</i> in section 2,</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>the Minister must designate the Office as the responsible federal authority and substitute that jurisdiction's assessment of the effects of the designated project for an impact assessment under this Act;</p> <p>(b) if the Minister is of the opinion that a designated project is primarily regulated by a federal authority, designate that federal authority as the responsible federal authority in relation to the assessment of the effects of the designated project under this Act; or</p> <p>(c) if the Minister is of the opinion that a designated project is not primarily regulated by any person, body or jurisdiction referred to in paragraphs (c) to (g) of the definition <i>jurisdiction</i> in section 2, designate the Office as the responsible federal authority in relation to the assessment of the effects of the designated project under this Act.</p> <p>Posting of Minister's designation on Internet site</p> <p>(2) The Office must post a notice of the Minister's designation and any substitution under subsection (1)(a), and the reasons for that designation, on the Internet site.</p> <p>Exception</p> <p>(3) The Minister must not approve substitution under subsection (1)(a) if the designated project includes activities that are regulated under the <i>Canada Oil and Gas Operations Act</i>, the <i>Canadian Energy Regulator Act</i>, the <i>Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management Act</i>, the <i>Canada–Newfoundland and Labrador Atlantic Accord Implementation and Offshore Renewable Energy Management Act</i>, or the <i>Nuclear Safety and Control Act</i>.</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>Office's role in substituted assessment</p> <p>(4) Where the Minister substitutes another jurisdiction's assessment of the effects of the designated project for an impact assessment under the Act under subsection (1)(a), the Office shall be responsible for coordinating with all federal authorities responsible for issuing eligible approvals for the designated project to ensure that the expertise of such federal authorities is incorporated into the other jurisdiction's assessment process, to the extent requested by the other jurisdiction. The Office shall also strive to ensure that federal authorities do not delay or frustrate a designated project subject to a substituted review process under subsection (1)(a), including by taking all reasonable steps to have federal authorities complete their reviews of the designated project concurrently with the other jurisdiction's assessment of the effects of the designated project, where applicable.</p> <p><i>[Remove section 33 re conditions for approving substitution.]</i></p>
2	18	<p>Adopt the RLRM by introducing a strong presumption to the IAA and the Physical Activities Regulations that projects should be reviewed under the legislative framework of that project type's responsible lifecycle regulator by default, if applicable (e.g., linear project reviews under the CER Act).</p> <p>For federally-reviewable projects that do not have a clear lifecycle regulator with its own review legislative framework, the MPCO should conduct the review under the IAA framework.</p>	<p>Projects requiring impact assessment</p> <p>7 (1) Subject to a decision under section [14], an impact assessment of a project is required for new projects and for significant expansions that are designated by regulations made under section [74(b)] and where a federal authority</p> <ul style="list-style-type: none"> (a) is the proponent of the project and does any act or thing that commits the federal authority to carrying out the project in whole or in part; (b) has the administration of federal lands and sells, leases or otherwise disposes of those lands or any interests in those lands, or transfers the administration and control of those lands or interests to His Majesty in right of a province, for the purpose of enabling the project to be carried out in whole or in part; or

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(c) issues a permit, licence, approval or other authorization designated by regulations made under section [74(b)].</p> <p>[Add new language to the <i>Physical Activities Regulations</i>, per below:]</p> <p>Physical activities — designated projects</p> <p>2 (1) The physical activities that are set out in the schedule are designated for the purpose of the definition of designated project in section 2 of the <i>Impact Assessment Act</i>.</p> <p>Physical activities that may be excluded</p> <p>(2) For the purpose of the definition of designated project in section 2 of the <i>Impact Assessment Act</i>, the physical activities that may be designated by the Minister under paragraph [77(1)(a.2)] of that Act are those referred to in section 34, 44 or 45 of the schedule.</p> <p>Exception</p> <p>(3) Subsections (1) and (2) do not apply to a physical activity that is a project, as defined in section 66 of the <i>Canadian Environmental Assessment Act, 2012</i>, if, before the coming into force of the <i>Impact Assessment Act</i>, an authority, as defined in that section, has made a determination under section 67 of the <i>Canadian Environmental Assessment Act, 2012</i> or has indicated in writing that it has started to make its determination for the purpose of that section of whether or not the carrying out of the project is likely to cause significant adverse environmental effects.</p> <p>(3.1) Subsections (1) and (2) do not apply to a physical activity that is reviewable under the <i>Canada Oil and Gas Operations Act</i>, the <i>Canadian Energy Regulator Act</i>, the <i>Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management Act</i>, the <i>Canada–Newfoundland and Labrador Atlantic Accord Implementation and Offshore Renewable Energy Management Act</i>, or the <i>Nuclear Safety and Control Act</i>.</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
3	19	Ensure the appropriate lifecycle regulator is tasked with conducting the impact assessment and coordinating all federal authorities involved, including for the permitting process.	[See Nos. 1, 32, 33 and 37]
4	21, 53, 31	<p>Reconstitute the IAAC under the MPCO name and give it the three-part mandate described above.</p> <p>Amend the IAA to grant the RLR the jurisdiction and powers to make rulings and orders in relation to its mandate.</p> <p>As part of the proposed MPCO's mandate as described in Chapter 1, the MPCO should...By request, assist in the development, coordination, and execution of the PT review regime's permitting and Indigenous consultation plans.</p>	<p>Impact Assessment Agency of Canada continued</p> <p>118 (1) The Impact Assessment Agency of Canada is continued as the Major Projects Coordination Office. The Office must advise and assist the Minister in exercising the powers and performing the duties and functions conferred on him or her by this Act.</p> <p>...</p> <p>Office's objects</p> <p>120 The Office's objects are to</p> <ul style="list-style-type: none"> (a) promote, monitor and facilitate compliance with this Act, including review scope and timelines; (b) through the Ombudsman established in section [129], review and adjudicate matters brought before the Ombudsman; (c) ensure public transparency and accountability through public progress tracking and document publication on the Internet site; (d) ensure coordination and consultation with all levels of government to avoid overlap and duplication in impact assessment processes; (e) coordinate federal resources and expertise for all designated projects to ensure integration and timely completion of all applicable regulatory processes;

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(f) assist in developing, coordinating, or executing a review of permitting or Indigenous consultation plans conducted by any person, body or jurisdiction referred to in paragraphs (a) to (g) of the definition <i>jurisdiction</i> in section 2, if requested by that jurisdiction;</p> <p>(g) in the case of the impact assessment of a designated project for which the Office is the responsible federal authority, conduct the impact assessment and administer any other requirements and procedures established by this Act and the regulations as expeditiously as the circumstances and procedural fairness and natural justice permit, but, in any case, within any time limit provided for under this Act;</p> <p>(h) promote harmonization in relation to the assessment of effects across Canada at all levels of government;</p> <p>(i) promote or conduct research in matters of impact assessment and to encourage the development of impact assessment techniques and practices, including testing programs, alone or in cooperation with other agencies or organizations;</p> <p>(j) promote impact assessment in a manner that is consistent with the purposes of this Act;</p> <p>(k) promote and monitor the quality of impact assessments conducted under this Act; and</p> <p>(l) develop policy related to this Act.</p> <p>Office's Jurisdiction</p> <p>121 For the purposes of fulfilling the objects in section [120], the Office has full jurisdiction to inquire into, hear and determine any matter</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>if the Commission considers that the circumstances may require the Office, in the national public interest, to make any order or give any direction, leave, sanction or approval that relates to anything that is prohibited, sanctioned or required to be done under this Act or an project authorization determination under this Act.</p> <p><i>[Global amendments to replace references to the Impact Assessment Agency of Canada to the Major Projects Coordination Office.]</i></p>
5	22	<p>Combine the Impact Statement and Impact Assessment phases into a single new “Impact Statement & Assessment Phase.”</p> <p>Update language in the IAA to encourage the RLR to review a proponent’s completed components of the Impact Statement iteratively rather than together once they are all done.</p>	<p>Impact Statement and Assessment Phase</p> <p>Information Gathering</p> <p>Time limit for information or studies</p> <p>17 (1) The proponent of a designated project must provide the responsible federal authority with the information or studies that are set out in the tailored impact statement guidelines for the designated project within 12 months after the day on which a copy of the tailored impact statement guidelines is posted on the Internet site.</p> <p>(1.1) The proponent of the designated project may provide the responsible federal authority with the information or studies that are set out in the tailored impact statement guidelines for the designated project in component parts throughout the time limit referred to in subsection (1).</p> <p>[...]</p> <p>Information</p> <p>21 (1) The responsible federal authority may, when conducting the impact assessment of a designated project and preparing the project authorization determination with respect to that designated project</p> <p style="padding-left: 40px;">(a) use any information that is available to it; and</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(b) review component parts of the information or studies a proponent provides pursuant to the tailored impact statement guidelines prior to receiving all such information or studies.</p>
6	24	<p>At the end of the Planning Phase, require an upfront national public interest determination from the Minister of the King's Privy Council for Canada.</p> <p>Clearly define the criteria for a "no" decision, such that it is limited to projects that are clearly not in the national public interest, and where impacts are sufficiently severe that they cannot be overcome through mitigations developed during the remainder of the IA review.</p> <p>The IAA should ensure the Part 1 national public interest determination does not require the typical processes involved in public interest decision-making, such as rounds of public consultation beforehand.</p> <p>Legal challenges of the Minister of the Privy Council's Part 1 national public interest determination should be restricted through practical limitations to help provide</p>	<p>Initial National Public Interest Decision</p> <p>President of the Privy Council's obligation</p> <p>16 (1) If the responsible federal authority has determined that an impact assessment is required for a designated project under section [14(1)], the President of the Privy Council must determine whether the designated project is, in principle and subject to a decision by the responsible federal authority under section [28], in the national public interest.</p> <p>(1.1) If the President of the Privy Council is of the opinion that the designated project is not in the national public interest, he or she must provide the proponent with a written notice that he or she is of that opinion. The written notice must set out the reasons for the Minister's opinion.</p> <p>Copy posted on Internet site</p> <p>(2) The Office must post a copy of the President of the Privy Council's determination under subsection (1) on the Internet site as soon as practical following the determination.</p> <p>Time limit</p> <p>(3) The President of the Privy Council's determination under subsection (1) must be made within 45 days from the day that the Office posts notice of the Minister's decision on designation of the designated project under section [9(1)].</p> <p>Notice of commencement</p> <p>(4) The President of the Privy Council's positive determination under subsection (1)</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
		<p>proponents with certainty that this decision can be relied upon.</p>	<p>shall constitute a notice of commencement of the impact assessment of the designated project.</p> <p>Appeal limited</p> <p>(5) An appeal of the President of the Privy Council's determination under subsection (1) may be brought in the Federal Court of Appeal on a question of law or of jurisdiction with leave of that Court if the request for appeal is filed within 30 days from the day that the President of the Privy Council's determination under subsection (1) is posted on the Internet site.</p> <p>(6) The President of the Privy Council's determination under subsection (1) must not be interfered with unless it is patently unreasonable.</p> <p>(7) For the purposes of subsection (6), a determination is patently unreasonable if it is made</p> <ul style="list-style-type: none"> (a) arbitrarily or in bad faith; (b) for an improper purpose; or (c) entirely or predominantly on irrelevant factors. <p><i>[Remove section 18 (Notice of commencement)]</i></p>
7	25	<p>Repeal reviews by Review and Integrated Review Panels.</p> <p>Remove the existing role of the Minister and Cabinet from making final IA review decisions and drafting conditions.</p>	<p><i>[Remove sections 36-59 [Impact Assessment by a Review Panel and related provisions]. Global changes to remove mentions of a review panel and references to section 36-59.]</i></p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
8	25, 33, 36, 37	<p>Task the RLR with independently conducting IAA reviews, including taking responsibility for making the final project authorization determination in its Impact Assessment Report.</p> <p>Require the final project authorization determination in the Impact Assessment Report to take into consideration the “yes” attained at the political level made in Part 1 of the Two-Stage Authorization Process.</p> <p>Remove the existing role of the Minister and Cabinet from making final IA review decisions and drafting conditions.</p> <p>Shorten legislated maximum timelines for the phases of IA as follows:</p> <ul style="list-style-type: none"> • Planning Phase: 60 days max. • Impact Statement and Assessment Phase: 21 months max. • Decision-making Phase: 30 days max. 	<p><i>[Move sections 24-27 [Impact Assessment by Agency – General Rules] up to above the Factors to be Considered.]</i></p> <p>Impact Assessment by the Responsible Federal Authority</p> <p>General Rules</p> <p>Responsible federal authority’s obligations</p> <p>19 The responsible federal authority must ensure that</p> <ul style="list-style-type: none"> (a) an impact assessment of the designated project is conducted; and (b) a project authorization determination is prepared with respect to that impact assessment. <p>[...]</p> <p>Information</p> <p>21 (1) The responsible federal authority may, when conducting the impact assessment of a designated project and preparing the project authorization determination with respect to that impact assessment</p> <ul style="list-style-type: none"> (a) use any information that is available to it; and (b) review component parts of the information or studies a proponent provides pursuant to the tailored impact statement guidelines prior to receiving all such information or studies. <p>Studies and collection of information</p> <p>(2) If the responsible federal authority is of the opinion that there is not sufficient information available to it for the purpose of conducting the impact assessment or preparing the project authorization determination, it may require the collection of any information or the undertaking of any study that, in the responsible federal authority’s opinion, is:</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
		<p>Require that all supplemental information requests to a proponent's submissions made during the Impact Statement and Assessment Phase be limited to what a reasonably resourced proponent could complete, and ensure all such requests are reviewed by the RLR before the Phase's maximum timeline expires.</p> <p>When the maximum review timeline published by the RLR is not met, require them to publicly release a "Reasons for Timeline Delay" document that:</p> <ul style="list-style-type: none"> • identifies by how many days the timeline was exceeded; • identifies the reasons the timeline was surpassed and the departments responsible for delays; and • outlines plans to remedy these reasons in the future. 	<ul style="list-style-type: none"> (a) required by the tailored impact statement guidelines; (b) necessary for the purpose of conducting the impact assessment or preparing the project authorization determination; and (c) reasonable for the project proponent to provide within the time limit for the impact statement and assessment phase. <p>Public participation – impact assessment</p> <p>22 (1) The responsible federal authority must ensure that interested parties are provided with an opportunity to participate meaningfully, in a manner that the responsible federal authority considers appropriate, within the time period specified by the responsible federal authority, in the impact assessment of a designated project, and may set out process steps for interested parties' participation in the impact assessment of the designated project.</p> <p>Time limit – impact statement and assessment phase</p> <p>23 (1) The responsible federal authority must ensure that the impact assessment of the designated project is completed within 21 months from the day that the notice of commencement is posted pursuant to subsection [17(5)].</p> <p>Notice of completion – impact statement and assessment phase</p> <p>(2) The Office must post a notice that the impact assessment has been completed on the Internet site.</p> <p>Extension of time limit</p> <p>(3) The responsible federal authority may only extend the time limit in subsection (1) if</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(a) the extension is requested by the project proponent;</p> <p>(b) the project proponent has failed to pay required fees to the Office or the responsible federal authority;</p> <p>(c) the responsible federal authority has determined pursuant to subsection [25(3)] that the designated project has substantially changed from the description submitted under subsection [11(1)]; or</p> <p>(d) the Governor in Council has notified the responsible federal authority and the project proponent in writing that additional time is required to ensure the adequacy of Crown Indigenous consultation.</p> <p>(4) If the responsible authority extends the time limit pursuant to subsection (3), such extension must be the shortest amount of time that the responsible federal authority determines to be necessary in the circumstances. The Office shall post a notice on the Internet site of any extensions to the time limit and the reasons for them.</p> <p>Reasons for delay – impact statement and assessment phase</p> <p>(5) If the responsible federal authority is unable to meet the time limit set out in subsection (1), the responsible federal authority must ensure that its reasons for timeline delay are posted on the Internet site. The reasons for timeline delay shall set out</p> <p>(a) the number of days the time limit was exceeded;</p> <p>(b) the reasons for the time limit exceedance and the department(s) responsible for the delays; and</p> <p>(c) a plan to remedy the reasons for the time limit exceedance in the future.</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>[...]</p> <p>[Amend 'Impact Assessment by Agency' section (i.e., sections 24-30) to refer to the responsible federal authority. Remove section 28(1)-(4) re Impact Assessment Agency's report.]</p> <p>[...]</p> <p>Public Authorization Determination</p> <p>[Remove sections 60-63, 65-66. Replace section 28 [Public notice in certain cases – draft report] with the below:]</p> <p>28 (1) The responsible federal authority must, within 30 days from the day the notice of completion is posted pursuant to section [23(2)], prepare a report that</p> <ul style="list-style-type: none"> (a) considers the factors listed for consideration in the tailored impact statement guidelines pursuant to subsection [14(6)]; (b) where a concurrent review plan has been issued under subsection [27(7)], considers any information, reports and recommendations provided by other federal authorities under that plan; (c) determines, after taking into account the implementation of any mitigation measures that the responsible federal authority considers appropriate, whether the adverse effects of the designated project within federal jurisdiction are likely to be significant; and (d) if the responsible federal authority determines that any of the effects referred to in paragraph (c) are likely to be significant, determine whether the effects so determined are justified in the national public interest, taking into account the President of the Privy Council's initial national public interest decision under subsection [16(1)].

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>Report – contents</p> <p>(2) The project authorization determination in subsection (1) must set out</p> <ul style="list-style-type: none"> (a) a description of the designated project; (b) the effects that, in the responsible federal authority's opinion, are likely to be caused by the carrying out of the designated project, and from among these effects, those that are adverse effects within federal jurisdiction and specify, from among those adverse effects within federal jurisdiction the ones that are likely to be significant, taking into account the implementation of any mitigation measures that the responsible federal authority considers appropriate; (c) the responsible federal authority's opinion regarding whether any of the significant effects identified in paragraph (b) are justified in the national public interest, taking into account the President of the Privy Council's initial national public interest decision under subsection [16(1)]; (d) subject to section [84], how the responsible federal authority, in determining the effects that are likely to be caused by the carrying out of the designated project, took into account and used any Indigenous knowledge provided with respect to the designated project; (e) a summary of any comments received from interested parties, as well as the responsible federal authority's recommendations with respect to any mitigation measures and follow-up program and the responsible federal authority's rationale and conclusions;

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(f) any conditions that are established under section [31] in relation to the designated project, including deadlines for the project proponent to submit any pre-construction condition filings and for the responsible federal authority to approve such filings to allow the designated project to proceed in the national public interest; and</p> <p>(g) for any eligible approval that was not included in a concurrent permitting plan established under section [27(7)], a detailed permitting plan for the designated project listing the deadlines for the project proponent to submit applications for such approvals, and deadlines for when such approvals should be issued by the responsible federal authority to allow the designated project to proceed in the national public interest.</p> <p>Copy posted on Internet site</p> <p>(3) A copy of the report or a summary of the report and an indication of how a copy of the report may be obtained must be posted on the Internet site on the day on which the report is issued to the proponent.</p> <p>Extension of time limit</p> <p>(4) The responsible federal authority may only extend the time limit in subsection (1) if</p> <ul style="list-style-type: none"> (a) the extension is requested by the project proponent; (b) the project proponent has failed to pay required fees to the Office or the responsible federal authority; (c) the responsible federal authority has determined pursuant to subsection [25(3)] that the designated project has substantially changed from the description submitted under subsection [11(1)]; or

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>d) the Governor in Council has notified the responsible federal authority and the project proponent in writing that additional time is required to ensure the adequacy of Crown Indigenous consultation.</p> <p>(5) If the responsible authority extends the time limit pursuant to subsection (4), such extension must be the shortest amount of time that the responsible federal authority determines to be necessary in the circumstances. The Office shall post a notice on the Internet site of any extensions to the time limit and the reasons for them.</p> <p>Reasons for timeline delay – project authorization determination</p> <p>(6) If the responsible federal authority is unable to meet the time limit set out in subsection (1), the responsible federal authority must ensure that its reasons for timeline delay are posted on the Internet site. The reasons for timeline delay shall set out</p> <ul style="list-style-type: none"> (a) the number of days the time limit was exceeded; (b) the reasons for the time limit exceedance and the department(s) responsible for the delays; and (c) a plan to remedy the reasons for the time limit exceedance in the future.
9	25, 54	<p>Task the RLR with drafting conditions under which a project can proceed.</p> <p>Add a provision to the IAA to prohibit the RLR from imposing conditions that are already addressed through existing regulatory requirements and compliance verification</p>	<p>Conditions – adverse effects within federal jurisdiction</p> <p>31 (1) The responsible federal authority may establish any conditions that the responsible federal authority considers appropriate to mitigate or otherwise address potentially significant adverse effects within federal jurisdiction that are indicated in the project authorization determination. The proponent of the designated project must comply with those conditions. Conditions established under this section must not include measures</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
		<p>activities throughout a project's lifecycle.</p>	<p>that are already addressed through existing regulatory requirements.</p> <p>Mitigation measures</p> <p>(2) The conditions referred to in subsection (1) must include the implementation of the mitigation measures that the responsible federal authority relies on to make any determination under subsection [28(1)], other than those the implementation of which the responsible federal authority is satisfied will be ensured by another person or jurisdiction.</p>
10	26	<p>Remove the Minister's ability to designate a physical activity that is not prescribed by the regulation.</p>	<p><i>[Remove section 9 of the IAA re Designation of Physical Activity].</i></p>
11	33, 36, 37, 42	<p>Shorten legislated maximum timelines for the phases of IA as follows:</p> <ul style="list-style-type: none"> • Planning Phase: 60 days max. • Impact Statement and Assessment Phase: 21 months max. • Decision-making Phase: 30 days max. <p>Remove all opportunities for the Minister, GIC, and the RLR to extend or suspend time limits unless</p> <ul style="list-style-type: none"> • they are requested by the proponent, the proponent fails to pay fees, or a project substantially changes mid-review; or • the GIC determines additional time beyond the two-year maximum time limit is required to ensure the adequacy 	<p><i>[Add a new section setting out the overall time limit at the end of the Planning Phase section, before the Initial National Public Interest Decision:]</i></p> <p>Responsible federal authority's obligation — Decisions regarding impact assessment</p> <p>14 (1) The responsible federal authority must, within 15 days from the day on which the Minister posts their determination of the responsible federal authority under section [9(2)], decide whether an impact assessment of the designated project is required.</p> <p>Limitation</p> <p>(2) The responsible federal authority may decide that an impact assessment is required only if it is satisfied that the carrying out of the designated project poses a high risk of causing adverse effects within federal jurisdiction that may be significant.</p> <p>(3) If the responsible federal authority decides that an impact assessment of the designated project is required under subsection (1), the responsible federal authority must, within</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
		<p>of Crown-Indigenous consultation.</p> <p>Require that all supplemental information requests to a proponent's submissions made during the Impact Statement & Assessment Phase be limited to what a reasonably resourced proponent could complete within review timelines, and ensure all such requests are reviewed by the RLR before the Phase's maximum timeline expires.</p> <p>When the maximum review timeline published by the RLR is not met, require them to publicly release a "Reasons for Timeline Delay" document that:</p> <ul style="list-style-type: none"> • identifies by how many days the timeline was exceeded; • identifies the reasons the timeline was surpassed and the departments responsible for delays; and • outlines plans to remedy these reasons in the future. <p>Require the RLR to include the list of factors from s. 22 that must be considered in a review in the Tailored Impact Statement Guidelines published alongside the Notice of Commencement.</p>	<p>45 days from the day on which the Minister posts their determination of the responsible federal authority under section [9(2)], provide to the project proponent</p> <ul style="list-style-type: none"> (a) tailored impact statement guidelines established under subsection (6); (b) a public participation plan; and (c) an Indigenous engagement and partnership plan. <p>Copy posted on Internet site</p> <p>(4) The responsible federal authority must ensure that a copy of the decision in subsection (1) and a copy of all of the documents listed in subsection (3) are posted on the Internet site.</p> <p>Additional information</p> <p>(5) Prior to making its decision in subsection (1), or finalizing any of the documents listed in subsection (3), the responsible federal authority may require the proponent to provide additional information that the responsible federal authority reasonably determines to be required for its decisions.</p> <p>Tailored impact statement guidelines</p> <p>(6) The tailored impact statement guidelines shall set out the full scope of the impact assessment of the designated project, and must</p> <ul style="list-style-type: none"> (a) take into account the applicable existing regulatory requirements and standard mitigation practices set out in applicable Codes of Practice; (b) consider only adverse effects within federal jurisdiction that have the potential to be significant; (c) include a list of those factors set out under section [25] that must be considered in the designated project's impact assessment; and

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(d) include a list of information and studies required for the impact assessment of the designated project.</p> <p>Time limit – planning phase</p> <p>15 (1) The responsible federal authority must ensure that the planning phase is completed within 60 days of the proponent providing the Office with an initial project description pursuant to section [11(1)].</p> <p>[...]</p> <p>Time limit for information or studies</p> <p>17 (1) The proponent of a designated project must provide the responsible federal authority with the information or studies that are set out in the tailored impact statement guidelines for the designated project within 12 months after the day on which a copy of the tailored impact statement guidelines is posted on the Internet site.</p> <p>(1.1) The proponent of the designated project may provide the responsible federal authority with the information or studies that are set out in the tailored impact statement guidelines for the designated project in component parts throughout the time limit referred to in subsection (1).</p> <p>Extension of time limit</p> <p>(2) The responsible federal authority may extend the time limit by any period up to a maximum of 6 months for the proponent to provide the responsible federal authority with the information or studies.</p> <p>(3) An extension under subsection (2) can only be granted if</p> <ul style="list-style-type: none"> (a) the extension is requested by the project proponent; (b) the project proponent has failed to pay required fees to the Office or the responsible federal authority;

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(c) the responsible federal authority has determined pursuant to subsection [25(3)] that the designated project has substantially changed from the description submitted under subsection [11(1)]; or</p> <p>(d) the Governor in Council has notified the responsible federal authority and the project proponent in writing that additional time is required to ensure the adequacy of Crown Indigenous consultation.</p> <p>(4) If the responsible authority extends the time limit pursuant to subsection (3), such extension must be the shortest amount of time that the responsible federal authority determines to be necessary in the circumstances. The Office shall post a notice on the Internet site of any extensions to the time limit and the reasons for them.</p> <p><i>[See above noted sections regarding Impact Statement & Assessment Phase and Decision Making Phase for additional amendments re. time limits.]</i></p>
12	35	<p>Before the end of the Planning Phase, require the RLR to:</p> <ul style="list-style-type: none"> Consider scaling down the maximum length of the Impact Statement & Assessment Phase according to the scalability of project impacts; and Either publish this new, binding maximum timeline, or publish reasons for adhering to the maximum timeline. 	<p>Impact Statement and Assessment Phase</p> <p>Shortened time limits for impact assessment</p> <p>20 (1) The responsible federal authority must consider whether an impact assessment of the designated project can be completed in less than 21 months from the day on which notice of the commencement of the impact assessment is posted pursuant to section [16(4)].</p> <p>(2) The responsible federal authority must, on the same day that the responsible federal authority issues a determination that an impact assessment of the designated project is required under section [14(1)], ensure that either of the following is posted on the Internet site</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(a) a new maximum time limit less than 21 months for the impact statement and assessment phase of the designated project; or</p> <p>(b) reasons for not shortening the maximum time limit for the impact statement and assessment phase of the designated project.</p>
13	39, 42	<p>Add a requirement to the IAA so that, when scoping and assessing adverse impacts in the Tailored Impact Statement Guidelines, the RLR must focus the assessment on the highest potentially significant impacts, taking into account existing regulatory requirements and standard mitigation practices. This can be accomplished, in part, by the following:</p> <ul style="list-style-type: none"> The federal government should draft or adopt existing Codes of Practice to develop minimum standards for mitigating common, routine, and lower-risk activities where standardized mitigation is well understood; and acknowledging where existing laws already mitigate impacts. Codes of Practice should be incorporated by reference into the IAA such that the proponent can agree to abide by them without having to assess these impacts 	<p>Externally produced documents</p> <p>78 (1) A regulation made under this Act may incorporate by reference documents that are produced by a person or body other than the Office, including a federal authority referred to in any of paragraphs (a) to (d) of the definition of federal authority in section 2.</p> <p>(1.1) The Codes of Practice listed under Schedule 5 are incorporated by reference into this Act and its regulations, as applicable.</p> <p>Ambulatory incorporation by reference</p> <p>(2) A document may be incorporated by reference either as it exists on a particular date or as amended from time to time.</p> <p>Accessibility of incorporated document</p> <p>(3) The Minister must ensure that any document incorporated by reference in a regulation is accessible.</p> <p>No registration or publication</p> <p>(4) For greater certainty, a document that is incorporated by reference into a regulation is not required to be transmitted for registration or published in the Canada Gazette by reason only that it is incorporated by reference.</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
14	40	<p>during an IA review. Compliance with Codes of Practice should be conducted via a trust-but-verify model of spot-auditing during project construction and operation.</p> <p>Require the RLR to include the list of factors from s. 22 that must be considered in a review in the Tailored Impact Statement Guidelines published alongside the Notice of Commencement.</p> <p>Strike “and its commitments in respect of climate change” from s. 22(1)(i).</p> <p>Strike out s. 22(1)(t) entirely to remove the ability for the Agency — or, in the case of this report’s revised IAA, the RLR — to require more factors to be considered.</p> <p>Add a factor to the s. 22 list about “the net economic benefits of the project”.</p> <p>Strike out “must” and replace it with “may” in s. 22(1) in order to provide the lead review regulator more discretion to not review listed factors.</p>	<p>Factors — impact assessment</p> <p>25 (1) The impact assessment of a designated project may take into account the following factors to the extent they are applicable to the designated project:</p> <ul style="list-style-type: none"> (a) the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including <ul style="list-style-type: none"> (i) the effects of malfunctions or accidents that may occur in connection with the designated project, (ii) any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out, and (iii) the result of any interaction between those effects;

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(b) mitigation measures that are technically and economically feasible and that would mitigate any adverse effects of the designated project;</p> <p>(c) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>;</p> <p>(d) the purpose of and need for the designated project;</p> <p>(e) alternative means of carrying out the designated project that are technically and economically feasible, including through the use of best available technologies, and the effects of those means;</p> <p>(f) any alternatives to the designated project that are technically and economically feasible and that meet the need for the designated project;</p> <p>(g) Indigenous knowledge provided with respect to the designated project;</p> <p>(h) the extent to which the designated project contributes to sustainable development;</p> <p>(i) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations;</p> <p>(j) any change to the designated project that may be caused by the environment;</p> <p>(k) the requirements of the follow-up program in respect of the designated project;</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(l) considerations related to Indigenous cultures raised with respect to the designated project;</p> <p>(m) community knowledge provided with respect to the designated project;</p> <p>(n) comments received from interested parties to the extent that such comments relate to the factors described in the tailored impact statement guidelines;</p> <p>(o) comments from a jurisdiction that are received in the course of consultations conducted under section [24];</p> <p>(p) any relevant assessment referred to in section [57, 58 or 60];</p> <p>(q) any assessment of the effects of the designated project that is conducted by or on behalf of an Indigenous governing body and that is provided with respect to the designated project;</p> <p>(r) any study or plan that is conducted or prepared by a jurisdiction – or an Indigenous governing body not referred to in paragraph (f) or (g) of the definition of <i>jurisdiction</i> in section 2 – that is in respect of a region related to the designated project and that has been provided with respect to the designated project;</p> <p>(s) the intersection of sex and gender with other identity factors; and</p> <p>(t) the net economic benefits of the designated project.</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
15	41	<p>Remove reference to the precautionary principle from IAA s. 6(2)</p> <p>Add language to the Act requiring a “risk-based approach.”</p>	<p>Purpose</p> <p>6 (1) The purpose of this Act is to prevent or mitigate significant adverse effects within federal jurisdiction that may be caused by the carrying out of designated projects, as well as significant adverse <i>environmental effects</i>, as defined in section 81, that may be caused by the carrying out of <i>projects</i>, as defined in that section, by establishing processes to anticipate, identify and assess the potential effects of those projects in order to inform decision making under this or any other Act of Parliament in respect of those effects.</p> <p>Mandate</p> <p>(2) The Government of Canada, the Minister, the President of the Privy Council, the Office and federal authorities, in the administration of this Act, must exercise their powers in a manner that fosters sustainable development, respects the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i>, takes into account Indigenous knowledge, considers the cumulative effects of physical activities, applies a risk-based approach whereby the assessment is focused on effects that have the potential to be significant, and promotes cooperation among jurisdictions and with the Indigenous peoples of Canada.</p> <p>Application of principles to powers</p> <p>(3) The Government of Canada, the Minister, the President of the Privy Council, the Office and federal authorities must, in the administration of this Act, exercise their powers in a manner that</p> <ul style="list-style-type: none"> (a) ensures that processes referred to in subsection (1) are fair, predictable and efficient; and (b) adheres to the principles of scientific integrity, honesty, objectivity, thoroughness and accuracy.

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
16	42	Require in legislation that, unless a project substantially changes from the description(s) submitted during the Planning Phase, neither the RLR nor federal authorities should be permitted to add additional scope to the assessment as defined in the Tailored Impact Statement Guidelines that are published alongside the Notice of Commencement (see s. 18(1) (a) and (b)).	<p>Factors to be Considered</p> <p>[...]</p> <p>Scope of consideration</p> <p>25(2) The scope of the responsible federal authority's consideration of the designated project shall include only the factors set out in the tailored impact statement guidelines under subsection [14(4)(c)] and such scope shall not be expanded unless the designated project substantially changes from the project description submitted under subsection [11(1)] and the responsible federal authority reasonably determines that the project changes warrant expansion of the tailored impact statement guidelines.</p>
17	42	Require the RLR to submit an application to an adjudicator within the MPCO for a timely decision regarding whether a new request for information or a study from a proponent can be added beyond what was originally included in the scope of a review as defined in the Tailored Impact Statement Guidelines.	<p>[New definition]</p> <p>Ombudsman means the Ombudsman appointed under section [129]. (<i>ombudsman</i>)</p> <p>Ombudsman</p> <p>129 (1) The President must appoint as Ombudsman an employee of the Office reporting directly to the President.</p> <p>Powers, duties and functions</p> <p>(2) The Ombudsman shall be responsible for the efficient and fair resolution of all matters referred to the Ombudsman under the provisions of this Act.</p> <p>(2.1) The Ombudsman must exercise any powers and perform any duties and functions that the President may assign.</p> <p>[...]</p> <p>25 (3) Where the responsible federal authority considers that the designated project is substantially changed from the description submitted under subsection [11(1)], the responsible federal authority must apply to the Ombudsman established under</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>section [129] for permission to</p> <ul style="list-style-type: none"> (a) amend the tailored impact statement guidelines, or (b) issue a request for additional information or studies from the proponent beyond the scope set out in the tailored impact statement guidelines for the designated project. <p>(4) Upon receipt of an application under subsection (3), the Ombudsman must issue a decision within 15 days granting or denying the responsible federal authority's request. Prior to making its decision, the Ombudsman shall provide the project proponent with a reasonable opportunity to make submissions on the responsible federal authority's request.</p>
18	43	<p>Reintroduce the concept of “standing” to the IAA, per CEAA 2012, to limit public (i.e., non-Indigenous communities) participation to those directly affected by the project, or those with relevant information or expertise.</p>	<p>Definitions</p> <p>interested party means a person who, in the responsible federal authority's opinion, is directly affected by the carrying out of the designated project, or has relevant information or expertise that will assist the responsible federal authority in its assessment of the designated project, and includes Indigenous peoples whose asserted or established interests or rights may be affected by the carrying out of the designated project. (<i>partie intéressée</i>)</p> <p>Public participation – impact assessment</p> <p>22 (1) The responsible federal authority must ensure that interested parties are provided with an opportunity to participate meaningfully, in a manner that the responsible federal authority considers appropriate, within the time period specified by the responsible federal authority, in the impact assessment of a designated project, and may set out process steps for interested parties' participation in the impact assessment of the designated project.</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
19	43	When public comments are related to adverse effects, only require the regulator or proponent to consider and/or respond when they pertain to the factors scoped in the Tailored Impact Statement Guidelines, which are meant to scope a review to only the highest potentially significant impacts.	<p>Factors To Be Considered</p> <p>Factors – impact assessment</p> <p>25 (1) The impact assessment of a designated project may take into account the following factors:</p> <p>[...]</p> <p>(n) comments received from interested parties to the extent that such comments relate to the factors described in the tailored impact statement guidelines;</p> <p>[...]</p>
20	43	Amend s. 75 to remove eligibility for funding from Participant Funding Programs for non-Indigenous communities and organizations.	<p>Participant Funding Programs</p> <p>Office's obligation</p> <p>40 (1) The Office must establish a participant funding program to facilitate the participation of Indigenous participants in</p> <p>(a) the impact assessment of and the design or implementation of follow-up programs in relation to designated projects; and</p> <p>(b) regional assessments and strategic assessments.</p> <p>Exception</p> <p>(2) The obligation does not apply with respect to any designated project for which the Minister has approved the substitution of a process under section [9(1)(a)]</p>
21	44	Amend the IAA to require the RLR – in its IA scoping, project authorization determination, and conditions-creating roles – to consider whether information or advice provided by a federal authority is included in a	<p><i>[This issue is addressed through the concurrent permitting proposals. See No. 31]</i></p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
		<p>permitting decision or another compliance requirement at a later stage in a project's regulated lifecycle. If so, this information or advice should not be considered in scope for IAA-related decision making.</p>	
22	44	<p>Provide proponents with the ability to quickly appeal to the MPCO's ombudsperson for timely adjudication regarding whether a federal authority's information requests or studies are considered in scope for the purposes of IAA review decision making (as defined by the recommendation above).</p>	<p>Consultation and Cooperation with Certain Jurisdictions</p> <p>Responsible Federal Authority's obligations</p> <p>24(1) The responsible federal authority must, for the purposes of efficiency and avoiding overlap and duplication, consult and cooperate with respect to the impact assessment of the designated project with</p> <ul style="list-style-type: none"> (a) any jurisdiction referred to in paragraph (a) of the definition jurisdiction in section 2 if the jurisdiction has powers, duties or functions in relation to an assessment of the environmental effects of a designated project that includes activities that are regulated under the <i>Canada Oil and Gas Operations Act</i>, the <i>Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management Act</i>, the <i>Canada–Newfoundland and Labrador Atlantic Accord Implementation and Offshore Renewable Energy Management Act</i> or the <i>Nuclear Safety and Control Act</i>; and (b) any jurisdiction referred to in paragraphs (c) to (i) of that definition if the jurisdiction has powers, duties or functions in relation to an assessment of the environmental effects of the designated project.

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
23	45, 56	<p>Adjust the following line in the IAA's preamble FROM:</p> <p>Whereas Parliament recognizes the importance of implementing the impact assessment process in a manner that: is transparent, efficient and timely and contributes to a positive investment climate in Canada,</p> <p>TO</p> <p>Whereas Parliament recognizes the importance of implementing the impact assessment process in a manner that, <u>through its transparency, efficiency, timeliness, and contribution to a positive investment climate in Canada, actively facilitates the successful completion of projects, thereby demonstrating its effectiveness.</u></p> <p>Adjust the preamble of the IAA to create a strong presumption that project development is in the public interest.</p>	<p>(2) The Ombudsman must, upon request by the proponent of the designated project, determine whether a request by a jurisdiction identified in subsection (1) falls within the scope of factors being assessed with respect to the designated project as set out in the tailored impact statement guidelines.</p> <p>(3) The Ombudsman must provide its decision within 7 days of receiving a request under subsection (2).</p> <p>Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples;</p> <p>Whereas the Government of Canada relies on the regulatory process, including procedural aspects of consultation conducted by the project proponent, to the extent possible to discharge the Crown's duty to consult with Indigenous groups;</p> <p>[...]</p> <p>Whereas Parliament recognizes the importance of implementing the impact assessment process in a manner that</p> <p>[...]</p> <p>strives to satisfy the Crown's duty to consult with Indigenous groups in a manner that minimizes duplicative consultation efforts to the extent possible,</p> <p>fosters meaningful public participation,</p> <p>through its transparency, efficiency, timeliness, and contribution to a positive investment climate in Canada, actively facilitates the successful completion of projects, thereby demonstrating its effectiveness,</p> <p>presumes that project development is generally in the national public interest,</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
		<p>Amend the preamble of the IAA to incorporate the following language (in italics):</p> <ul style="list-style-type: none"> • <i>Whereas the Government of Canada relies on the regulatory process, including procedural aspects of consultation conducted by the project proponent, to the extent possible, to discharge the Crown's duty to consult with Indigenous groups;</i> <p>AND</p> <ul style="list-style-type: none"> • <i>Whereas Parliament recognizes the importance of implementing the impact assessment process in a manner that strives to satisfy the Crown's duty to consult with Indigenous groups in a manner that minimizes duplicative consultation efforts to the extent possible,</i> 	
24	45	<p>Expand references to the “public interest” into the “national public interest” in the preamble and throughout the Act.</p> <p>Adjust the preamble of the IAA to create a strong presumption that project development is in the national public interest.</p>	<p>[Global changes to replace ‘public interest’ with ‘national public interest’.]</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
25	46	<p>Replace the term “sustainability” with “sustainable development” throughout the Act, particularly where it influences IA decision making.</p>	<p>[Global changes to replace ‘sustainability’ with ‘sustainable development’.]</p>
26	46	<p>Replace the definition of “sustainability” with a new definition for “sustainable development”. This should read:</p> <p>Sustainable development means development that is in the national public interest when considering the positive and adverse social and economic effects, and the effects on the environment, likely to be caused by the carrying out of a project.</p>	<p>sustainable development means development that is in the national public interest when considering the positive and adverse social and economic effects, and the effects on the environment, likely to be caused by the carrying out of a project. (<i>développement durable</i>)</p>
27	49, 48	<p>Adjust the IAA and other relevant legislation to allow the RLR to assess and issue permits concurrently with a positive IA project authorization determination with the support of other federal authorities.</p> <p>Adjust the IAA and other relevant federal legislation necessary to provide the responsible lifecycle regulator with decision-making authority over reviewing permit applications and granting permits.</p>	<p>[New definition]</p> <p>eligible approval means an approval under another federal enactment that is required to construct, operate, modify, dismantle, abandon or otherwise undertake all or part of a designated project. (<i>approbation eligible</i>)</p> <p>[Consider a new section under the Impact Statement and Assessment Phase.]</p> <p>Concurrent Permitting</p> <p>Applying for concurrent review</p> <p>27(1) If a proponent of a designated project has filed an application for an eligible approval in accordance with the applicable other enactment, the proponent may deliver an application for concurrent review of the eligible approval to the responsible federal authority.</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>(2) The application for concurrent review under subsection (1) must (a) be in writing;</p> <ul style="list-style-type: none"> (b) identify the eligible approval that the proponent has applied for; (c) be accompanied by a copy of the application for the eligible approval referred to in paragraph (b), together with all supporting materials; and (d) request that the eligible approval be considered by the responsible federal authority concurrently with the impact assessment of the designated project under this Act. <p>Deadline for applying for concurrent review</p> <p>(3) The proponent of a designated project must make an application for concurrent review within 12 months from the day the notice of commencement is posted on the Internet site under subsection [16(4)].</p> <p>Responsible federal authority must decide whether application is accepted</p> <p>(4) Within 30 days of receiving an application for concurrent review delivered under subsection (1), the responsible federal authority must provide the project proponent and the federal authority under the applicable federal enactment with written notice that the application for concurrent review is accepted or refused, together with the reasons for that decision.</p> <p>(5) The responsible federal authority may consult with the federal authority under the applicable federal enactment for the eligible approval before making a determination under subsection (4).</p> <p>Duties of the other federal authority</p> <p>(6) If the federal authority under the applicable federal enactment for the eligible approval receives notice under subsection (4) that the</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>responsible federal authority has accepted an application for concurrent review, the federal authority must</p> <ul style="list-style-type: none"> (a) in accordance with the enactment under which the eligible approval is required, proceed expeditiously with its technical review of the proponent's application for the eligible approval; (b) provide the results of the technical review in paragraph (a) to the responsible federal authority as soon as such technical review is complete, and within the timeline determined by the responsible federal authority; and (c) cooperate with the responsible federal authority in its review of the eligible approval, including responding to any requests from the responsible federal authority within the timeline determined by the responsible federal authority. <p>Duties of the responsible federal authority</p> <p>(7) The responsible federal authority must, within 30 days of providing notice under subsection (4) that the responsible federal authority has accepted an application for concurrent review, provide the proponent and the federal authority identified in subsection (6) with a concurrent review plan.</p> <p>(8) The concurrent review plan shall set out</p> <ul style="list-style-type: none"> (a) the date by which the responsible federal authority may request additional information from the project proponent, and the date by which the proponent is to provide any such additional information; (b) a timetable for the technical review in subsection (6) to be completed; (c) the date by which the federal authority identified in subsection (6)

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>must provide a report of its technical review and any recommendations resulting from that review to the responsible federal authority; and</p> <p>(d) guidance to the proponent regarding procedural aspects of Crown Indigenous consultation delegated to the proponent in respect of the eligible approval and timelines respecting the proponent's engagement with Indigenous peoples.</p> <p>Issuance of eligible approval</p> <p>(9) If the responsible federal authority issues a project authorization determination finding that the designated project will not likely result in any significant adverse effects within federal jurisdiction, or that any significant adverse effects within federal jurisdiction are justified in the national public interest, the responsible federal authority shall immediately also issue all eligible approvals identified in the application for concurrent review, along with any conditions to the eligible approvals that the responsible federal authority determines to be appropriate in the national public interest.</p>
28	49	<p>Adjust the IAA to put the RLR in charge of establishing binding service standards and timelines for the assessment and granting of concurrent permits such that these permits are delivered at the point of the IA final project authorization determination, if a proponent so chooses. In such instances, the IAA should establish:</p> <ul style="list-style-type: none"> • timetables for when a permitting decision with respect to an application 	<p>Post-Approval Permitting</p> <p>Detailed Permitting Plan</p> <p>37 (1) The responsible federal authority and the proponent of a designated project shall adhere to the detailed permitting plan included in the project authorization determination pursuant to section [28(2)].</p> <p>Responsible federal authority must decide whether application is accepted</p> <p>(2) Within 30 days of receiving an application for an eligible approval under a detailed permitting plan, the responsible federal authority must provide the project proponent</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
		<p>must be made relative to the anticipated IA final project authorization determination date;</p> <ul style="list-style-type: none"> • the maximum amount of time required to assess a permit and make a decision; • guidance for a proponent on how early a permit application must be submitted to provide the RLR the time required to assess the application. <p>For proponents that indicate they wish to seek permits on a timeline not aligned with the IA project authorization, the RLR should establish a detailed, binding permitting plan when final project authorization is granted. This plan should establish the same types of binding timelines for assessments and decisions on the RLR as for concurrent permits, but in consideration of a proponent's desired construction schedule — especially as it relates to pre-identified mandated construction windows.</p>	<p>and the federal authority under the applicable federal enactment with written notice that the application for the eligible approval is accepted or refused, and whether additional information is required to support the application, together with the reasons for that decision.</p> <p>(3) The responsible federal authority may consult with the federal authority under the applicable federal enactment for the eligible approval before making a determination under subsection (2).</p> <p>Duties of the other federal authority</p> <p>(4) If the federal authority under the applicable federal enactment for the eligible approval receives notice under subsection (2) that the responsible federal authority has accepted an application for an eligible approval, the federal authority must</p> <ul style="list-style-type: none"> (a) in accordance with the enactment under which the eligible approval is required, proceed expeditiously with its technical review of the proponent's application for the eligible approval; (b) provide the results of the technical review in paragraph (a) to the responsible federal authority as soon as such technical review is complete, and within the timeline determined by the responsible federal authority; and (c) cooperate with the responsible federal authority in its review of the eligible approval, including responding to any requests from the responsible federal authority within the timeline determined by the responsible federal authority. <p>Issuance of eligible approval</p> <p>(5) Following completion of its technical review of the application for an eligible approval, the responsible federal authority</p>

NO.	REPORT PAGE #	REPORT'S RECOMMENDATIONS	LEGISLATIVE AMENDMENTS TO THE IAA
			<p>shall issue the eligible approval to the proponent of the designated project, including any conditions to the approval that the responsible federal authority determines to be appropriate in the national public interest.</p>
<p>29</p>	<p>50</p>	<p>Adjust the IAA to make the RLR responsible for drafting binding service standards and timelines on the assessment of a proponent's pre-construction conditions filings, such that they respect and not hinder a proponent's planned construction activities. These standards and timelines should include the following:</p> <ul style="list-style-type: none"> • setting schedules for when conditions filing decisions must be made relative to pre-identified construction windows; • the maximum amount of time that the RLR has to review conditions compliance filings; and • guidance for a proponent on how early conditions filings should be submitted prior to an identified construction window. 	<p>[See No. 8]</p>
<p>30</p>	<p>52</p>	<p>Require that permit issuance decisions must not frustrate the final project authorization determination made during an IA.</p>	<p><i>[Addressed through the various proposed amendments above.]</i></p>