

Is Canada's

Impact Assessment

Act working?



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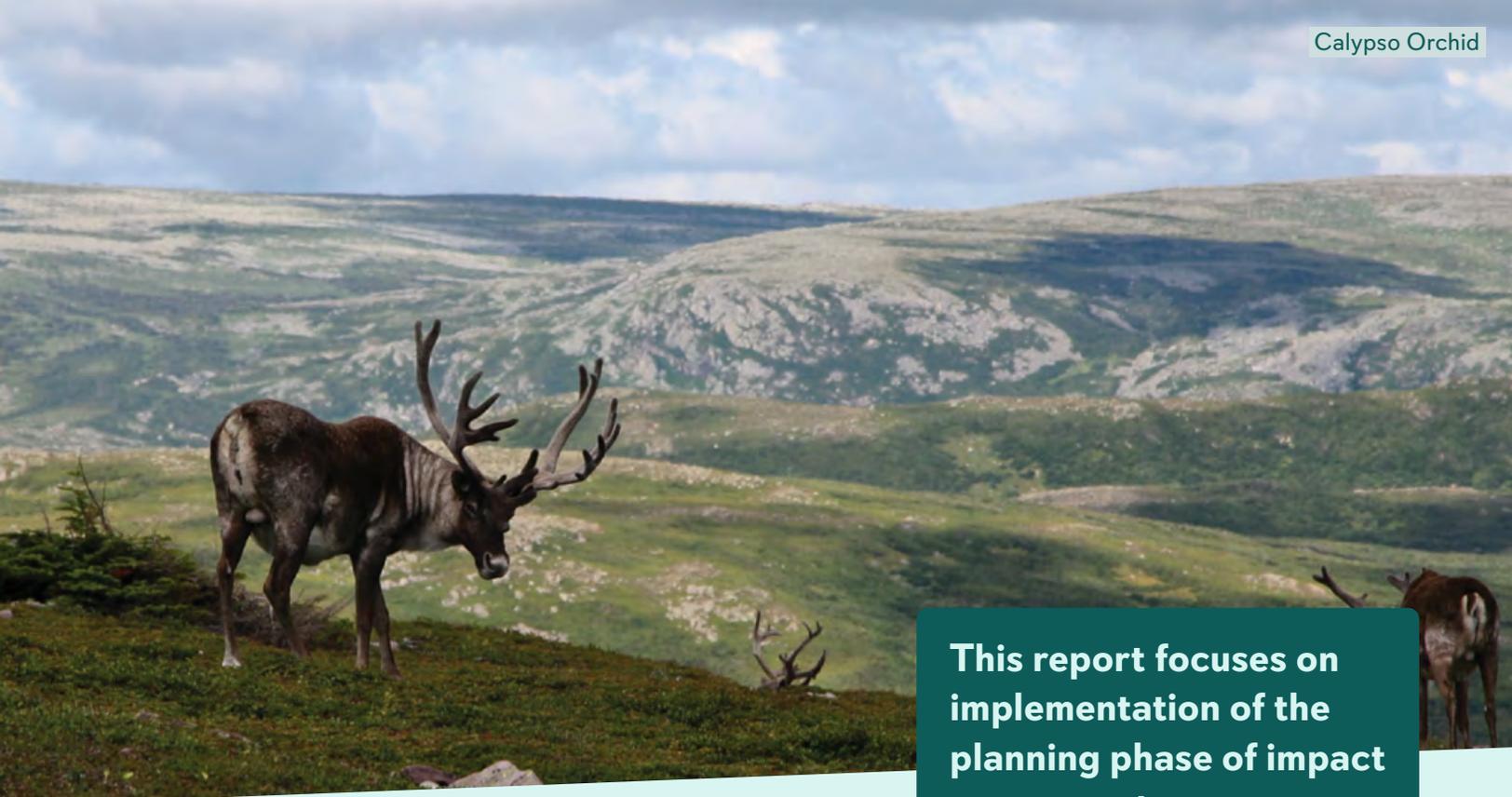


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This report focuses on implementation of the planning phase of impact assessments

Introduction

The *Impact Assessment Act* (IAA) came into force in August 2019, replacing the widely criticized *Canadian Environmental Assessment Act, 2012*. Is the IAA meeting the government’s commitment to new legislation that would “restore robust oversight and thorough environmental assessments of areas under federal jurisdiction”?¹

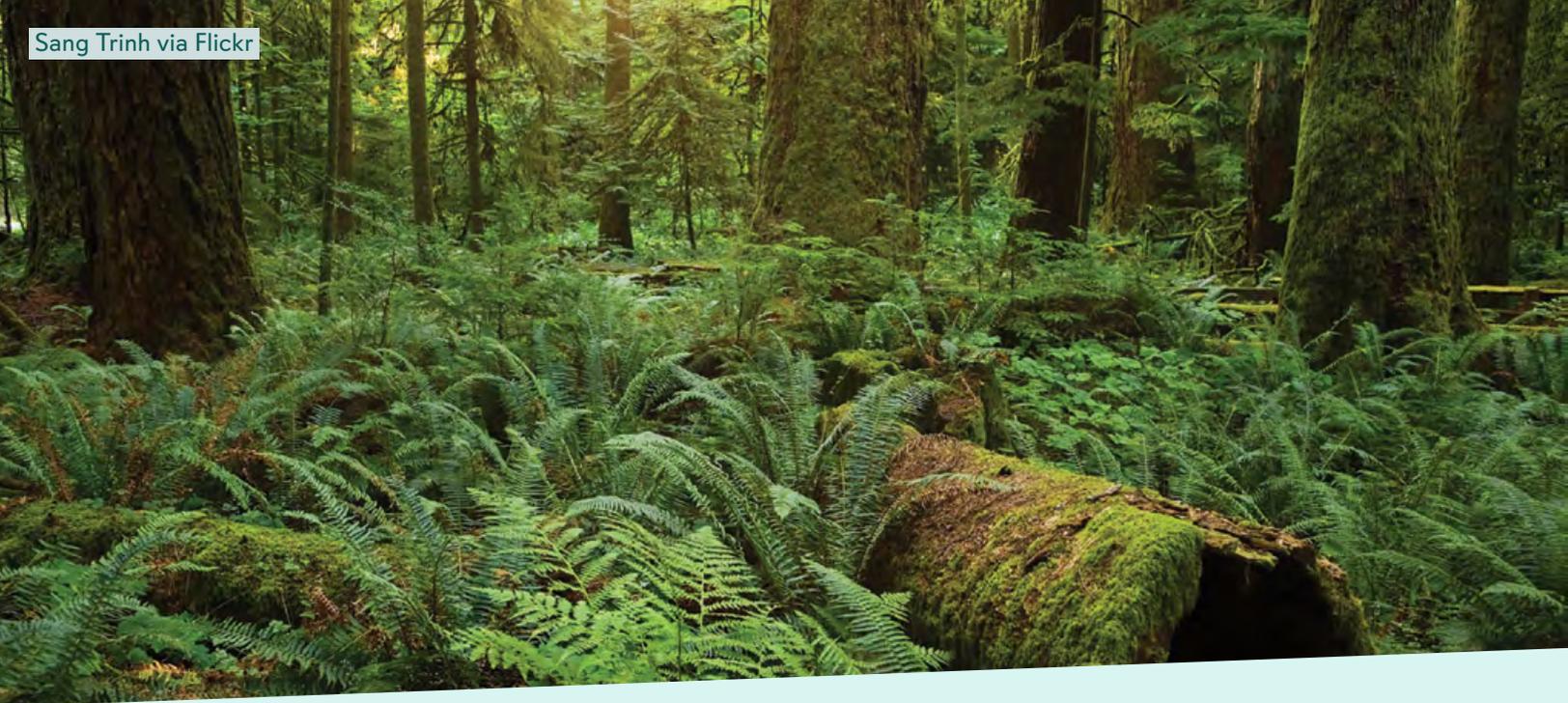
In this report, implementation of the IAA is compared to 12 “essential elements of next generation environmental assessment” established by leading Canadian experts and thought leaders.² Findings are based on a detailed analysis that compares IAA implementation against key indicators under each of these 12 elements. The analysis includes the projects that have been designated for assessment under the IAA through the end of 2020, as well as the regulations, policies and guidance developed to date to support the IAA. The report also analyzes the several regional and strategic assessments initiated under the IAA.

Since the IAA is still in its infancy, no projects have yet proceeded to the later assessment or decision-making phases. As a result, this report focuses on implementation of the planning phase, and examines implementation along the following five themes:

- ▶ Climate and sustainability
- ▶ Meaningful public participation
- ▶ Looking at the big picture
- ▶ Multijurisdictional collaboration and respect for Indigenous rights and authority
- ▶ Science and Indigenous knowledge

While all projects that have entered into the IAA process have been considered, the focus is on the first three projects to have completed the planning phase, as they present the most comprehensive picture of planning phase implementation to date. They are: Gazoduq LNG Project (Quebec); Marten Falls Community Access Road Project (Ontario); and Webequie Supply Road Project (Ontario).³ The Regional Assessment for the Ring of Fire and the Strategic Assessment of Climate Change are also discussed.





Sustainability and Climate



The first two listed purposes of the *Impact Assessment Act* are to protect the environment and foster sustainability. Fostering sustainability requires assessing all projects that might harm federal matters and considering the various options for ensuring projects avoid environmental harms and equitably distribute lasting benefits. It means having the information and tools to say “no” to projects that pose too great a risk, especially to climate, biodiversity, and human health and wellbeing. It also means making sure that impact assessment helps advance reconciliation and intergenerational and intragenerational equity. And it means respecting the laws, knowledge and rights of Indigenous People, and ensuring assessments have a robust evidentiary basis, derived from science and Indigenous knowledge, not politics. To best ensure that assessments promote sustainability, regulations and policies must be clear about the principles, criteria and methodologies used to assess projects’ contributions to sustainability, and require the Agency and review panels to compare the alternatives according to those methods.

How does the IAA stack up?

Experience to date indicates that the IAA will be applied annually to a dozen or fewer projects that pose the most harmful environmental effects within federal jurisdiction.⁴ By failing to assess thousands of projects with harmful federal effects, the federal government is severely compromising its ability to effectively protect the environment, including climate and biodiversity. Small modular nuclear reactors, uranium mines, coal mines with production capacity less than 5,000 tonnes per day, and oil and gas pipelines on existing rights-of-way are no longer required to be assessed. Most development projects in national parks and national wildlife areas are not required to be assessed, nor are high carbon polluting projects such as cement plants and *in situ* oil sands projects.

Only a dozen or so projects are likely to be assessed annually, far fewer than under previous laws

While it is encouraging that the Minister has exercised his discretion to designate for assessment two coal mines not prescribed in the *Physical Activities Regulations*, these designations represent a fraction of the requests the Minister has received. These decisions were also the result of significant public pressure, meaning that non-designated projects that escape public attention are at higher risk of going unassessed (see Coal Mines sidebar). To ensure sustainability, the *Physical Activities Regulations* must be far more comprehensive and designation requests must be made public.

Current Impact Assessment Agency of Canada guidance outlines four principles of sustainability:

- ▶ interconnectedness and interdependence of human-ecological systems;
- ▶ well-being of present and future generations;
- ▶ consideration of positive effects and reduction of adverse effects; and
- ▶ need for precaution.

These principles are welcome, but fall short of those required to achieve sustainability. Notably, they omit environmental protection and requirements to minimize harm and maximize benefits, rather than simply “consider” them. Public involvement in the selection of alternatives and more detailed principles or criteria to transparently guide the comparative assessment of those alternatives are essential. Such transparency and public involvement have been absent in impact assessments (for example, Gazoduq) thus far. It is also imperative that assessments respect Indigenous rights and decision-making authority throughout.

COAL MINES

Coal burning is the single largest contributor to global temperature rise, and mining both thermal and metallurgical coal can significantly harm fish. Canada has promised to phase out coal-fired power generation by 2030 and is a cofounder of the *Powering Past Coal Alliance*, a coalition of national and subnational governments, businesses and organizations working to advance a rapid global phase-out of coal power. Coal burning to make steel is also a high emitter of GHG emissions, meaning all coal mining should be subject to IA and a stringent climate test.

Despite Canada’s climate commitments and the known impacts of coal mining, new coal mines are being proposed in biodiverse habitats such as Elk Valley, British Columbia and Crowsnest Pass, Alberta. New IAA regulations only require the biggest coal mines (producing more than 5,000 tonnes per day) to be assessed federally. However, Environment and Climate Change Minister Wilkinson exercised his discretion under the IAA to designate for federal assessment the Coalspur Vista mine expansion in Alberta and the Fording River Extension Project in British Columbia.

As coal burning and coal mining are phased out, the federal environmental minister needs to state clearly that all proposed coal mines in Canada will be comprehensively assessed by federal review panels (with provincial and Indigenous engagement where appropriate) to ensure that impacts on climate and biodiversity are understood and mitigation measures prescribed before any digging starts.

The IAA now requires assessment of climate impacts

For the first time, the IAA introduced an explicit requirement that assessments consider the climate impacts of a project. The framework that was developed to implement this requirement is the Strategic Assessment of Climate Change (SACC). While the SACC describes the climate-related information requirements that proponents must provide, it does not set out a framework for assessing whether projects (or their alternatives) help or hinder Canada's ability to meet its domestic and international climate commitments. Also missing is a framework for assessing projects' impacts on biodiversity, or Canada's other environmental obligations.⁵ Concerningly, none of the tailored impact statement guidelines issued to date mention Canada's obligations under the *Paris Agreement* or any particular GHG emissions reductions target. Clear direction on acceptable project GHG emissions and how they are to be weighed against Canada's climate commitments is essential to ensure that projects are compatible with a climate-safe future.

Recommendation 1:

Establish a framework for maximizing the sustainability of our natural environment for future generations.

Recommendation 2:

Establish a climate test for assessing the extent to which projects help or hinder Canada achieve its climate commitments.

Recommendation 3:

Require assessments of all projects that could affect the sustainability of federal matters like species at risk, migratory birds, fisheries, navigation and climate.

Map of the ten projects designated for assessment under the *Impact Assessment Act* by February 2021

Cedar LNG

Suncor Base Mine Extension Project

Coalspur Vista Coal Underground Mine and Expansion Activities Project

Value Chain Solutions – Heartland Complex Expansion Project

Tilbury Phase 2 LNG Expansion

Fording River Extension Project

“By failing to assess thousands of projects with harmful federal effects, the federal government is severely compromising its ability to effectively protect the environment, including climate and biodiversity.”

Webequie Supply Road Project

Marten Falls Community Access Road Project

Wasamac Gold Mine Project

Gazoduq Project



Regional Assessment in the Ring of Fire Area



Meaningful public participation

To be meaningful, public participation must start early and continue throughout assessments. More than a checkbox exercise, public participation must go beyond providing information and allowing comments. Meaningful public participation is a transparent and reciprocal dialogue that influences decisions and lets the public know they have been heard. Public participation is an iterative process, based on respect and mutual learning, and requiring flexibility, active listening and ample participant funding. Public participation windows also constitute opportunities for experts, independent from government and the proponent, to be engaged on particular aspects of the assessment to augment in-house expertise.

How does the IAA stack up?

The COVID-19 pandemic disrupted conventional public engagement and forced a steep learning curve on authorities and the public alike as engagement moved online. It has also highlighted the risks of rigid timelines and limited mechanisms for stopping the clock, as participants' capacity has become stretched due to emotional and physical stresses brought on by the pandemic, the shift to sometimes isolated and remote work and learning conditions, home-schooling and other family obligations, and other barriers to participation in remote and rural areas (e.g., poor or no internet access). This set of circumstances has underscored the need for the *Information and Management of Time Limits Regulations* (IMTL Regulations) to be amended to allow greater flexibility for the Agency to suspend IAA timelines to allow for meaningful engagement. Also, online engagement sessions should be more than presentations by the Agency followed by question-and-answer time; they must be conducted by qualified facilitators if they are to achieve deliberative discussions about issues of concern to the public.

The IAA strengthens public participation but, in practice, comment periods are too short

In each planning phase to date, the Agency has offered multiple opportunities for the public to engage, including on the initial project description and key issues, in processes for determining whether the designated project requires an impact assessment and on the draft tailored impact statement guidelines. These opportunities align with the principles of “early and ongoing” public engagement. However, comment periods have been very short, allowing only 20 days to comment on the initial project description and key issues — a difficult timeline for most participants to meet. For the Webequie and Marten Falls road projects, comment periods overlapped with the year-end holiday period, thereby exacerbating time pressures for participants. For the Gazoduq project, citizens located in one of the regions that would be directly affected by the pipeline received a letter from the Agency informing them of upcoming information sessions *after* the actual sessions had taken place.

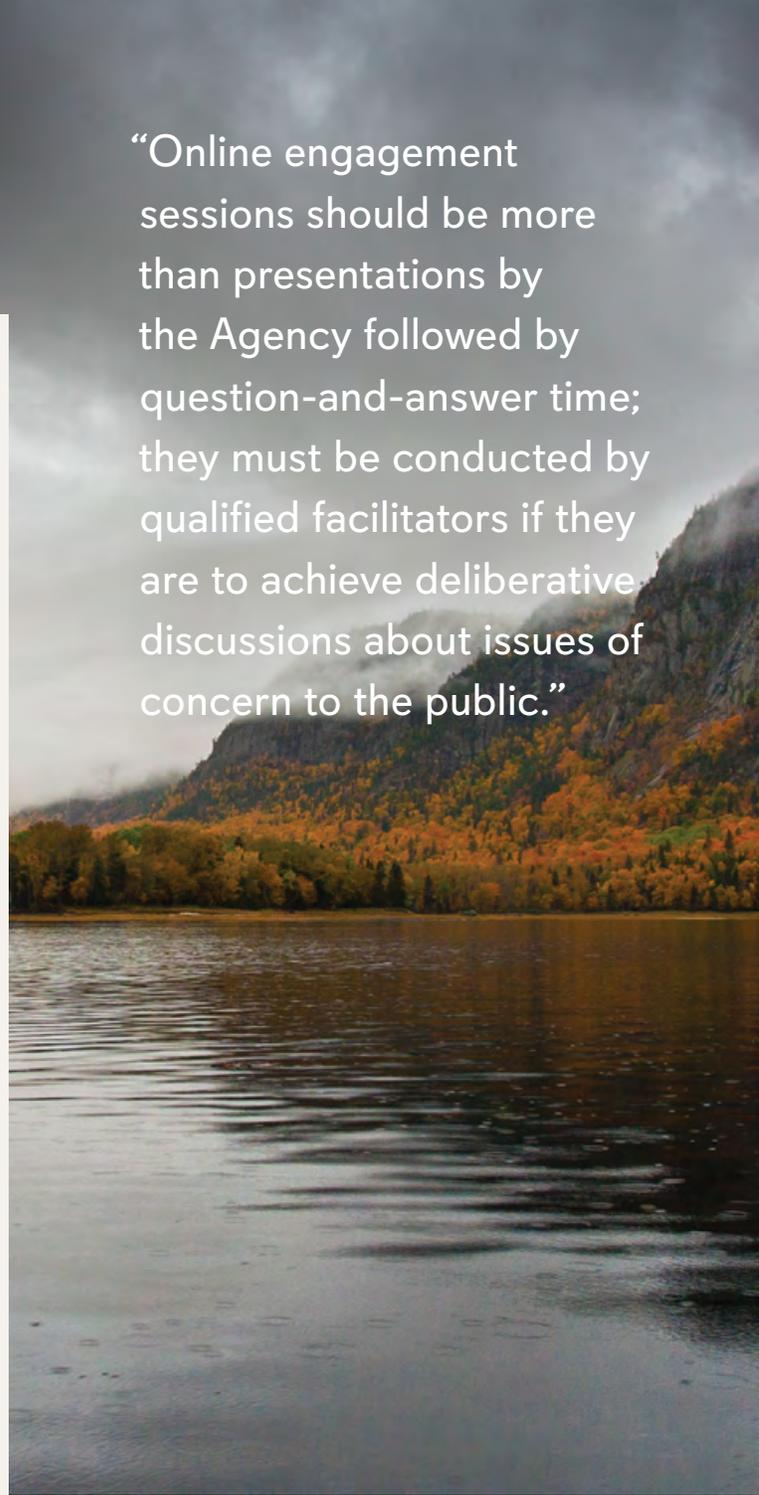
GAZODUQ PROJECT

Gazoduq Inc. is proposing a 780 km natural gas pipeline connecting an existing pipeline in northeastern Ontario to a GNL Québec natural gas liquefaction facility in Saguenay, Québec. An integrated panel review was initiated in July 2020 under the IAA in parallel with hearings by Québec’s Bureau d’audiences publiques sur l’environnement (BAPE).

Many concerned members of the public, environmental groups and Indigenous nations submitted comments during the planning phase of the Gazoduq assessment. Their concerns included risk of explosions, impacts on biodiversity and species at risk and GHG emissions, many of which were not reflected in the tailored impact statement guidelines issued to the proponent. For example, despite numerous calls to have the assessment consider the project’s impacts on Canada’s ability to meet its *Paris Agreement* obligations, reference to that treaty was left out of the final guidelines.

The Gazoduq planning phase process illustrates the need to better reflect public and Indigenous concerns in assessment documents, and to clearly justify any decisions to leave information off the table.

“Online engagement sessions should be more than presentations by the Agency followed by question-and-answer time; they must be conducted by qualified facilitators if they are to achieve deliberative discussions about issues of concern to the public.”





The participation plans produced for both the Webequie and Marten Falls road projects do not call for engaging the public during the impact assessment phase until the Agency has begun drafting its report. As these plans note, meaningful public participation must occur early in order to be meaningful. Early engagement means engagement *before* the Agency has begun preparing its report, and must include more than mere public comment periods. Public participation plans should include in-person (or online) facilitated, deliberative engagement at each stage of the assessment *before* key decisions have begun to be made.

In the Ring of Fire regional assessment (see Ring of Fire sidebar, page 18), the Agency sought comments on the draft terms of reference before beginning to draft.⁶ That example should be followed for each stage of project assessments. Public engagement funding should also be increased: some participants stated that funding provided during the planning phase was helpful towards ensuring broad, more equitable engagement, but was insufficient to cover the true costs of their participation.

 **Recommendation 4:**

Ensure that all assessments provide opportunities for meaningful public engagement, including facilitated reciprocal dialogue, throughout.

 **Recommendation 5:**

Create a policy to establish working groups early in the planning phase to bring public, expert and Indigenous voices to the table and help shape meaningful, effective processes.



Looking at the big picture

Impact assessment can truly foster sustainability only if its lens is broadened to include a focus on cumulative effects and strategies for halting – or reversing – incremental damage done by largely unmonitored and unregulated development that amounts to “death by a thousand cuts” to ecosystems, health and wellbeing. Addressing cumulative effects will require a different mindset than the one that is driven by piecemeal project-level assessments, particularly in places where multiple projects are contemplated, or where ecologically intact regions are being “opened up” for resource development. Regional assessments must be comprehensive in scope and provide a roadmap to a sustainable future. Strategic assessments must ensure that federal policies, plans and programs address systemic issues and align with environmental and climate obligations. Project assessments must focus first and foremost on cumulative effects to reverse alarming trends such as climate change and biodiversity loss.

How does the IAA stack up?

It is too early to evaluate the implementation strength of strategic and regional assessments connected to the IAA, but recent assessments under other laws are cause for concern.

Greater use of regional and strategic assessments under IAA is a positive, but implementation has been problematic so far

The Strategic Assessment of Climate Change (SACC) was launched prior to the IAA becoming law, and was conducted under the *Department of the Environment Act*, not the IAA. The SACC sets a troubling precedent, as it was not actually a strategic assessment, but rather a semi-transparent policy-drafting exercise that will do little to improve how climate is considered in impact assessments. Prior to the IAA's enactment, the fix was in to ensure that a regional assessment of exploration drilling in the Newfoundland and Labrador offshore (NF-LB RA)⁷ would exclude offshore drilling projects from IAA project assessment, with the federal government making deals with the provincial government and oil and gas industry players to amend the bill in the House and Senate to facilitate these changes. The NF-LB RA exercise does not meet the criteria for regional assessments, and it should not be used as a precedent for RAs conducted pursuant to the IAA.

The federal decision to conduct a regional assessment in Ontario's Ring of Fire region in response to several requests is encouraging (see Ring of Fire sidebar). However, its potential as a good precedent is far from certain. The provincial government has not yet agreed to participate, and the Agency halted outreach to Indigenous communities and members of the public in the early stages

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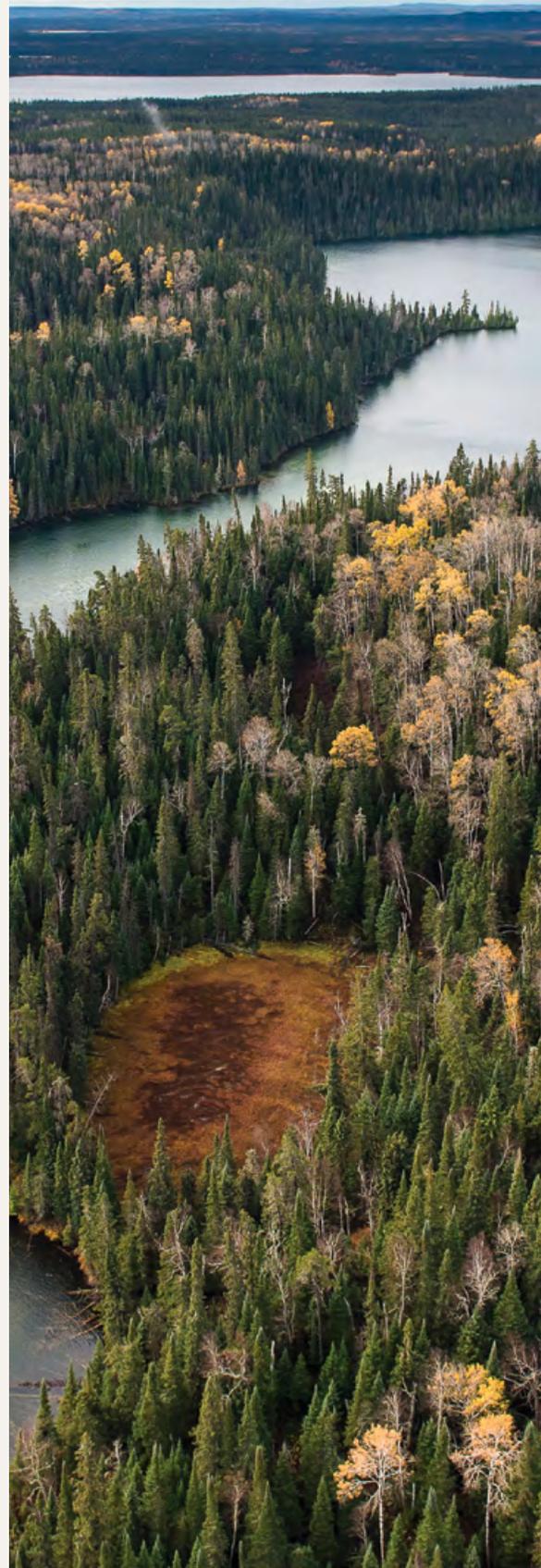
RING OF FIRE

In February 2020, federal environment minister Jonathan Wilkinson decided to establish a regional assessment (RA) for the Ring of Fire area in north-western Ontario in response to requests by Aroland First Nation, Wildlife Conservation Society Canada, and Osgoode Environmental Justice and Sustainability Clinic. Federal project assessments already underway in the Ring of Fire include the Webequie Supply Road and Marten Falls Community Access Road.

The federal decision to conduct an RA is encouraging, but its potential to set a good precedent is uncertain. The Ontario government has not yet agreed to participate, and the Agency halted outreach to Indigenous communities and members of the public in the early stages of the COVID-19 pandemic. Additionally, lack of Indigenous cooperation regulations means that First Nations in the Ring of Fire cannot formally co-govern the RA.

Even as the RA is delayed, impact assessments of the Webequie and Marten Falls road projects have continued. If these projects are approved prior to the completion of the RA, they could stimulate new mines and associated infrastructure, and compromise the sustainability of the region, including communities downstream of the projects.

Had regulations authorizing “Indigenous governing bodies” to engage as full jurisdictions in the Ring of Fire RA been issued, a cooperative RA with First Nations may have been possible. Despite these delays, the Agency now seeks preliminary public involvement in planning the RA. The terms of reference will reveal how the RA will address the ambitious goals articulated by the environment minister in February 2020.





of the pandemic. Even as the RA is delayed, assessments of road projects in the region that will stimulate potentially significant growth of mining and associated infrastructure have continued.

Improved cumulative effects assessment is essential if the IAA is to meet its key purposes. While it is too early to determine how well cumulative effects will be assessed in project assessments, existing policy documents and tailored impact statement guidelines (TISG) appear to downplay their importance. For example, as cumulative effects are the most important effects to assess, the TISG should focus on cumulative effects early on in the document, as well as throughout it. Instead, the template TISG and TISG issued for projects to date continue the historical and much-criticized practice of tacking cumulative effects sections onto a separate section at the end of the TISG. Ample experience has demonstrated that this practice de-emphasizes their importance and creates the probability that cumulative effects assessments will be token. Improvement in these areas will be critical to the IAA's success.

Assessment of cumulative effects remains problematic under IAA

 **Recommendation 6:**

Establish a framework for regional and strategic assessments that ensures they are participative, transparent and scenario-based, and help project-level sustainability analyses.

 **Recommendation 7:**

Update Agency policies and guidance to place greater emphasis on cumulative effects assessment and ensure that all relevant effects are considered.

 **Recommendation 8:**

Continue to prioritize regional assessments in regions with or facing cumulative effects pressures.



Multijurisdictional collaboration and respect for Indigenous rights and authority

Most projects assessed under the *Impact Assessment Act* will affect areas of Indigenous, federal, and provincial authority. To ensure respect for Indigenous law and authority and avoid unnecessary duplication with provincial reviews, the IA Agency should offer to coordinate with provincial and Indigenous authorities early in the planning phase to co-design processes according to the highest standards (or substitute Indigenous assessments for federal ones). The Agency must also seek the free, prior and informed consent of Indigenous peoples and respect Indigenous decisions. Where Indigenous and provincial authorities agree to collaborate, working groups could facilitate the design and implementation of collaborative processes.

Additionally, Indigenous authorities should have access to long-term capacity funding and funds to cover the full costs of their engagement in individual impact assessments, with simplified and respectful application and reporting requirements. The ability to suspend or extend timelines is critically important for respecting Indigenous rights and authority.

IA processes must fully implement the UN Declaration on the Rights of Indigenous Peoples, including the need to obtain free, prior and informed consent

How does the IAA stack up?

As of December 2020, one project had been substituted to a provincial authority,⁸ one was being conducted collaboratively via a joint federal-provincial review panel,⁹ and two were being conducted by the Agency only.¹⁰ British Columbia (BC) and Canada have entered into a substitution agreement that sets out the conditions under which BC processes can be substituted for federal ones. Notably, that agreement is bilateral, rather than including Indigenous nations in BC.

Given that the BC *Environmental Assessment Act* requires provincial authorities to seek to achieve consensus with participating Indigenous Nations at various stages of the assessment,¹¹ coordinated assessments in BC may help ensure respect for Indigenous rights and authority. However, the IAA does not acknowledge Indigenous peoples' inherent jurisdiction, but rather requires Indigenous bodies to enter into an agreement with the Minister under regulations that have not yet been issued. Indigenous Cooperation Regulations are part of the Agency's Forward Regulatory Plan and may be an opportunity to set the stage for better respect for Indigenous laws and authority.

“The IA Agency should offer to coordinate with provincial and Indigenous authorities early in the planning phase to co-design processes according to the highest standards (or substitute Indigenous assessments for federal ones).”

Rigid timelines impede cooperation and undermine reconciliation

Finally, the COVID-19 pandemic has exacerbated the barriers that mandatory timelines pose to Indigenous groups' ability to exercise their rights and authority.

First Nations already facing social, environmental and health crises have been forced to direct even more attention away from project proposals as they seek to keep their communities safe during the pandemic. The *Information and Management of Time Limits Regulations* must be amended to allow the Agency to stop the clock at the request of Indigenous peoples for as long as is necessary for co-governance of the planning phase to occur.

The Agency should seek to co-establish working groups with provincial and Indigenous authorities early in the planning phase so Indigenous people, the public and experts can engage in the design of the impact assessment.

“The IAA does not acknowledge Indigenous peoples’ inherent jurisdiction, but rather requires Indigenous bodies to enter into an agreement with the Minister under regulations that have not yet been issued.”

 **Recommendation 9:**

Immediately prioritize Indigenous Cooperation Regulations that legally recognize the inherent jurisdictional authority of Indigenous nations and groups, and respect that decision-making authority throughout assessments and decisions.

 **Recommendation 10:**

Amend the *Information and Management of Time Limits Regulations* to allow the Agency to stop the clock upon the request of Indigenous peoples and work with Indigenous authorities to ensure recognition of their laws and decisions.

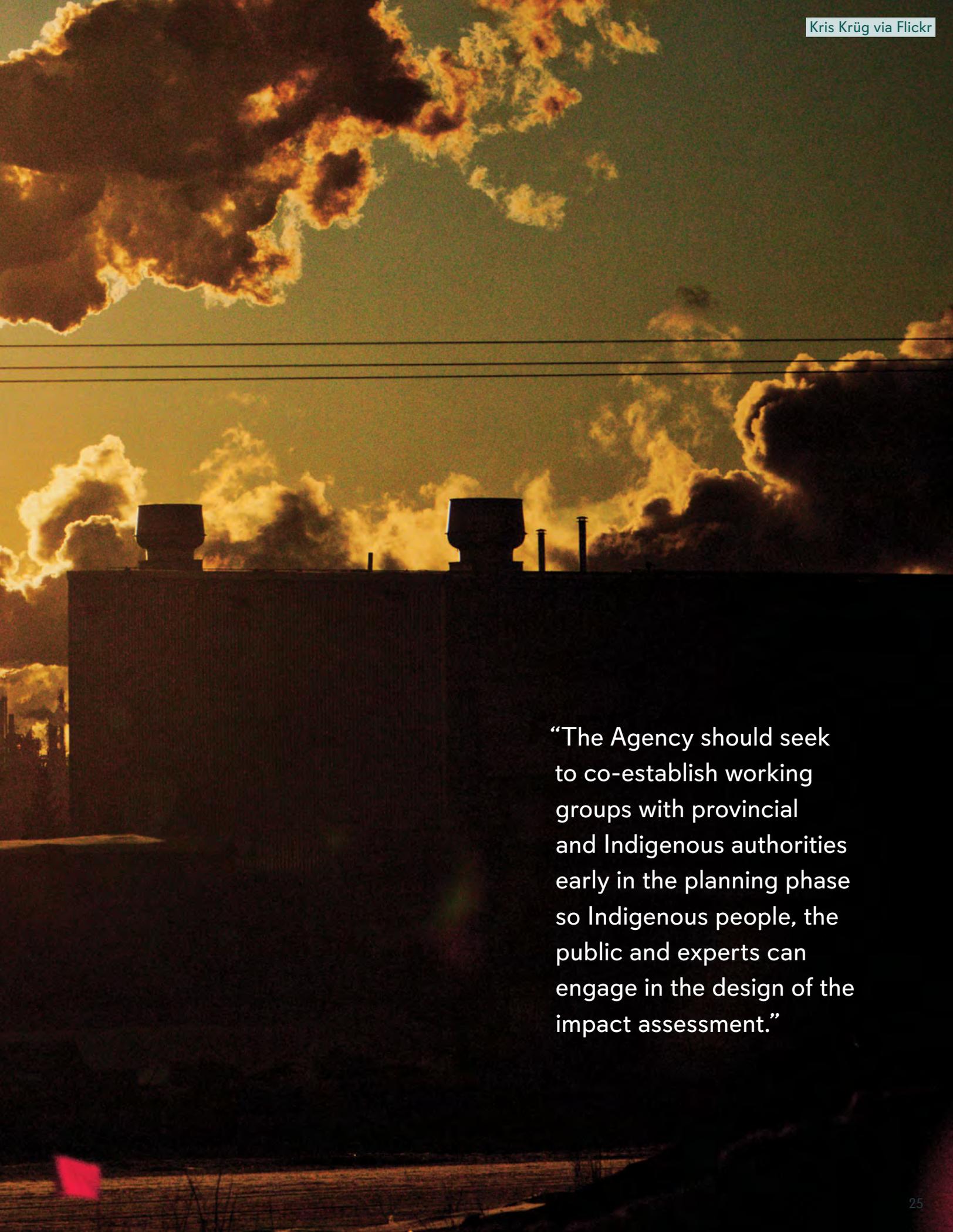
 **Recommendation 11:**

Design cooperation plans with provincial authorities according to the principle that assessments should adhere to the highest standards.

 **Recommendation 12:**

Indigenous authorities should have access to long-term capacity funding and funds to cover the full costs of their engagement in individual impact assessments, with simplified and respectful application and reporting requirements.





“The Agency should seek to co-establish working groups with provincial and Indigenous authorities early in the planning phase so Indigenous people, the public and experts can engage in the design of the impact assessment.”



Science and Indigenous knowledge

To be credible, impact assessment must be based on science and Indigenous knowledge, with political considerations kept distinctly separate in decision-making processes. Ensuring strong science and respect for Indigenous knowledge means engaging independent experts and Indigenous knowledge-holders early in the planning phase to identify the most important and relevant issues to be addressed and the studies that will be needed; this engagement must be continued throughout assessments. It also requires that all decisions, including Agency documents produced during assessments, include detailed and transparent reasons that show how Indigenous, expert and public comments influenced the decision, and justify any departure from those comments. Additionally, respect for Indigenous knowledge must be indicated through respect for Indigenous laws and decision-making authority.

How does the IAA stack up?

The IAA has created more opportunities than predecessor laws to help ensure that impact assessments are based on sound science and knowledge, and early results are encouraging. Federal expert departments have commented on key issues during the planning phase, and those comments appear to be incorporated into TISG. For the Webequie Supply Road Project, multiple federal, provincial and some independent experts submitted comments that are reflected in the TISG. However, it is vital that the Agency be proactive about seeking independent expertise, especially for topics that are not well covered by federal authorities. Sound science also depends on the ability and capacity (through participant funding) of the public to retain expert advice, including during the planning phase in order to identify key issues.

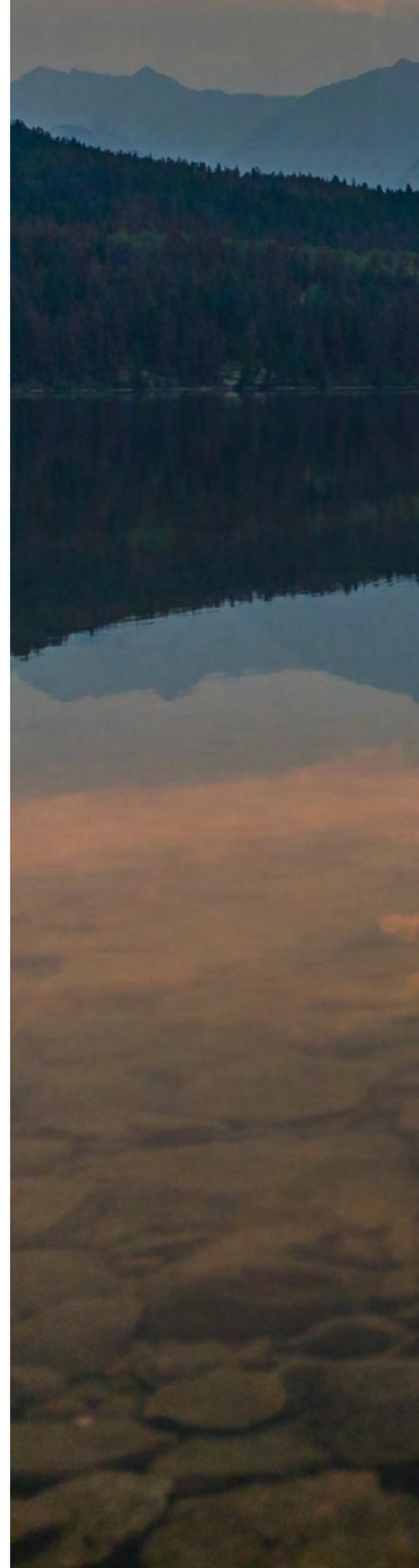
Impact assessments must be based on science and Indigenous knowledge, not politics

While the Agency has made efforts to be thorough in providing guidance to the proponents, the TISG issued to date are still relatively generic and not tailored to the circumstances as well as they should be. It may be that the mandatory timelines are hindering the Agency from being able to undertake the careful thought and consultation that would help them properly tailor assessments to focus on key issues. The Agency should consider contracting independent experts to assist in that process. It would also be helpful to establish working groups of Indigenous groups, experts, the public and authorities early on in the planning phase to help design the assessment, and to keep a roster of subject-matter experts the Agency can call on for help during the planning and assessment stages.

Ensuring capacity of participants to engage independent experts is a key to a scientifically rigorous assessment

Funding for Indigenous groups will also need to be increased to cover the full costs of engagement. Additionally, respecting Indigenous knowledge requires respecting Indigenous laws, governance and ways of knowing (see “Multijurisdictional collaboration and respect for Indigenous rights and authority,” above).

While it is premature to determine how well the planning phase in various assessments learns from past experience (including ongoing monitoring of project impacts), the Agency should establish a system to foster mutual learning and ensure that implementation continues to improve. The Agency also should establish a library of resources, including literature it has produced or commissioned over the last 30 years and a roster of non-government and government experts in the many dimensions that IAs touch upon, to ensure that the vast amount of research and analysis generated over decades of environmental impact assessment practice is not lost.





“It is vital that the Agency be proactive about seeking independent expertise, especially for topics that are not well covered by federal authorities.”

Recommendation 13:

Establish a roster of subject-matter experts in different regions and on different issues relevant to different project types to better enable the Agency and review panels to draw on their expertise.

Recommendation 14:

Ensure that independent experts as well as relevant and provincial experts are engaged in early planning to identify key issues and review key materials.

Recommendation 15:

Post all relevant information, including all information respecting strategic assessments (including the SACC and a strategic assessment of thermal coal announced in December 2019) on the Registry.

Recommendation 16:

Create a policy respecting how the Agency intends to foster learning within and among assessments, including among participants, experts and authorities.



Conclusions and Recommendations

The first 18 months of implementation of the *Impact Assessment Act* has seen positive results and yielded lessons for future assessments. The COVID-19 pandemic threw a wrench into traditional operations in 2020 and forced all parties to adapt quickly. Implementation of the IAA has seen earlier public and expert engagement than under previous legislation, and the planning phase has helped identify key issues and better shape assessments according to community needs. However, there is room for improvement, in particular on triggering, scoping, engagement, and the bigger picture (cumulative effects and regional and strategic assessment).

Some of the biggest barriers to effective implementation are built into the IAA itself and will require legislative amendments, such as the lack of respect for Indigenous jurisdiction and the mandatory timelines. Barring legislative change, the recommendations above will help ensure that the planning phase lives up to its full potential and the IAA achieves its goals of respecting Indigenous rights, fostering sustainability (including by helping Canada achieve its climate and biodiversity commitments and obligations) and meaningfully engaging the public.



Endnotes

- 1 Letter from Rt. Hon. Justin Trudeau, PC, MP, Prime Minister of Canada, to the Hon. Catherine McKenna, PC, MP, Minister of Environment and Climate Change (November 2015): <https://pm.gc.ca/en/mandate-letters/2015/11/12/archived-minister-environment-and-climate-change-mandate-letter>.
- 2 Anna Johnston, *Federal Environmental Assessment Reform Summit: Executive Summary* (West Coast Environmental Law, 2016), online: https://wcel.org/sites/default/files/publications/WCEL_FedEnviroAssess_ExecSum%2Bapp_fnldigital.pdf.
- 3 Gazoduq Project: <https://iaac-aeic.gc.ca/050/evaluations/proj/80264>; Marten Falls Community Access Road Project: <https://iaac-aeic.gc.ca/050/evaluations/proj/80184>; Webequie Supply Road Project: <https://iaac-aeic.gc.ca/050/evaluations/proj/80183>.
- 4 As of February 22, 2021, ten projects had been designated for assessment under the *Impact Assessment Act*. The *Canadian Environmental Assessment Act 2012* applied to roughly 75 projects annually, while the *Canadian Environmental Assessment Act 1995* applied to thousands of projects per year.
- 5 See ss 22(1)(e) and 63(e) of the *Impact Assessment Act*.
- 6 Such early engagement also occurred on the Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador (NF-LB RA), commenced under *CEAA 2012*.
- 7 Like the SACC, the NF-LB RA was launched prior to the IAA's coming into force. Like the SACC in the case of strategic assessments, it sets a concerning precedent for regional assessments under the IAA.
- 8 Cedar LNG Project in British Columbia: <https://iaac-aeic.gc.ca/050/evaluations/proj/80208>.
- 9 Gazoduq Project, *supra* note 2.
- 10 Marten Falls Community Access Road Project and Webequie Supply Road Project, *supra* note 2.
- 11 SBC 2018, c 51, ss 16(1), 19(1), 19(2)(b), 27(5), 28(3), 29(3), 29(6)(b), 31(5), 32(7)-(8), 34(3), 35(2), 73(2).

