

Deep dive

**Faster, higher, stronger**

**Enhancing efficiency and effectiveness in national interest project assessments  
under the *Building Canada Act (BCAct)* and the *Impact Assessment Act (IAAct)*  
and in standard project assessments solely under the *IAAct***

Robert B. Gibson, SERS, University of Waterloo  
rbgibson@uwaterloo.ca  
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## Agenda

This paper considers how to identify best means to enhance efficiency and effectiveness in federal project-level assessments. Applying the Olympic motto to this agenda may reach slightly too far. However, “Faster, higher, stronger” captures well the challenge and ambition of enhancing efficiency and effectiveness together as a single objective.

The following discussion uses the interdependency of efficiency and effectiveness as the foundation for examining the two major processes for federal assessments:

- the new (June 2025) process for national interest projects under the *Building Canada Act* (*BCAct*)<sup>1</sup> that incorporates application of an adjusted version of *Impact Assessment Act* (*IAAct*) process and
- the recently amended (June 2024) standard process for federal project-level assessments under the *IAAct*.<sup>2</sup>

The two processes differ in structure face different challenges and opportunities. They also feature different uncertainties. However, both are accompanied by policy commitments to

- a 2-year time-to-completion maximum for assessments of national interest projects<sup>3</sup> and for assessments of more ordinary projects designated under the *IAAct*,<sup>4</sup>
- “one project, one assessment,”<sup>5</sup> and
- respect for Indigenous rights.<sup>6</sup>

Also, in their different ways, both processes are meant to serve the public interest.

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<sup>1</sup> The *Building Canada Act*, the second part of Bill C-5, was enacted on 26 June 2025, <https://www.parl.ca/documentviewer/en/45-1/bill/C-5/royal-assent>

<sup>2</sup> *Impact Assessment Act*, S.C. 2019, c.28, s.1, as amended, <https://laws.justice.gc.ca/eng/acts/i-2.75/index.html> and the Physical Activities Regulations, <https://laws.justice.gc.ca/eng/regulations/SOR-2019-285/index.html>.

<sup>3</sup> Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

<sup>4</sup> Impact Assessment Agency of Canada (IAAC), “Project proponents, investors and industry leaders,” <https://www.canada.ca/en/impact-assessment-agency/corporate/our-impact/impact-assessments-that-work/project-proponents.html>. The commitment is also described as an “aim”: IAAC, “[Impact assessment process](#),” inset box on “Timelines,” 10 July 2025, <https://www.canada.ca/en/impact-assessment-agency/programs/impact-assessments-101/impact-assessment-process.html>.

<sup>5</sup> Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

<sup>6</sup> “Canada is committed to respecting the rights of Indigenous Peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* and the rights set out in the *United Nations Declaration on the Rights of Indigenous Peoples*.” Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

The paper begins with a brief elaboration of efficiency and effectiveness as mutually supporting objectives, then undertakes a critical examination of the efficiency- and effectiveness-related issues and response options in each process. It concludes by considering the main findings and implications for action. A summary of the conclusions is provided below.

## **Key findings**

In concept and in consequences, efficiency and effectiveness are interdependent. Serving them together is crucial in assessment process design, reform and day-to-day practice. It is also uncommon. The consequences include as many opportunities as problems.

### ***Findings applicable to both the BCAct/IAAct process for national interest projects and the process for IAAct-only federal project assessments***

The most promising (and challenging) means of enhancing both efficiency and effectiveness centre on the following positive steps:

- Insist on attention to the interdependence of efficiency and effectiveness in the planning and implementation of all federal assessment initiatives and practices.
- Build and apply new relationships, structures, best practice standards and exemplary case applications for multi-jurisdictional joint assessments including with Indigenous partners to
  - reverse inter-jurisdictional fragmentation
  - minimize overlaps, gaps, uncertainties and aggravation,
  - mobilize and align capacities,
  - meet “one project, one assessment” commitments, and
  - deliver actual nation building.
- Focus assessments on key issues and options (e.g., cumulative effects and potentially desirable alternatives) that are most likely to affect significant contributions to lasting public gains and reduced harms, instead of narrowing assessment scope towards mere permitting.
- Align assessment process components and phases more directly with proponents’ project development steps, including through
  - greater emphasis on pre-planning engagement and deliberation for timely early influence and direction, and
  - clearer determination of suitable timing of assessment decisions and final permitting.
- Situate the simple time-to-completion timeline objective in a more defensible and more useful package, with public reporting on
  - measurement of assessment time in the process components and phases where the government controls the activities and can keep the commitments, and
  - accomplishments in those components, phases and time periods that deliver specific efficiency and effectiveness (include inter-jurisdictional as well as federal only assessments).
- Recognize the dependence of efficiency and effectiveness on process integrity and credibility, especially by

- respecting Indigenous rights, including rights to free, prior and informed consent.
  - maintaining transparency and meaningful engagement, and
  - elaborating and applying explicit criteria for evaluations and decisions.
- Reduce unnecessary uncertainties about substantive and process requirements, including through
  - inter-jurisdictional collaboration and best practice harmonization,
  - clear elaboration of core assessment components and phases, plus possibilities and expectations for related activities including pre-planning, and readiness for next steps,
  - timely guidance on case specific expectations information requirements, criteria, and/or frequently changing assessment expectations and processes.

***Major specific findings for efficiency and effectiveness in the BCAct/IAAct process for identifying and assessing national interest projects***

The new *BCAct/IAAct* process is largely undefined as well as untested. The process has two parts: (i) deliberations leading to the decision on whether or not to list (and thereby pre-approve) a potential national interest project, and (ii) the post-listing assessment and permitting leading to an authorization document that consolidates all permitting and other conditions of approval.

The efficiency and effectiveness potential for the two parts of the process depends on how the parts are elaborated and how they will fit together. The main needed steps are the following:

- Establish comprehensive and elaborated pre-defined listing criteria for evaluating and making decisions on all potential national interest projects, beginning with the five factors listed in *BCAct* paragraph 5(6) and covering all the key factors for due diligence determination whether the proposed project
  - is economically and technically viable,
  - will deliver reliably lasting and fairly distributed net positive contributions to the national public interest, with minimal adverse effects,
  - has provincial/territorial approval and Indigenous consent, and
  - is prepared for expedited assessment and permitting.
- For each candidate project, use the mandatory consultations with relevant provincial, territorial and Indigenous authorities to prepare collaborative arrangements for a joint inter-jurisdictional assessment and permitting process to ensure that the process is ready for expedited assessment in the event of the project being listed as pre-approved in the national interest.
- Use these listing deliberations as an initial assessment process that must have a sufficiently comprehensive and detailed base of information and analysis to
  - support fully-informed application of the criteria for making the listing decision-making;
  - cover implications for Indigenous consent;
  - establish the readiness of the proponent and project, and the relevant jurisdictions and inter-jurisdictional processes, for immediate entry into the expedited assessment and permitting process; and
  - facilitate prompt delivery of case-tailored impact statement guidelines (in the absence of a planning phase in the expedited assessment).

- Ensure the two decision stages are tightly linked and mutually supportive, including through engagement of federal and other joint-process assessment and permitting authorities in the listing process.
- Focus the expedited impact statement on major issues and opportunities to enhance net positive contributions and avoid adverse cumulative effects while also paying due attention to federal permitting considerations and means of integrating the assessment and permitting work of other joint-process authorities.
- Develop the Major Projects Office as a coordination and integration vehicle rather than a new layer of politicized authority.
- Incorporate transparency and meaningful engagement to maintain process and decision credibility.

***Major specific findings for efficiency and effectiveness in standard IAA process for designated projects***

Experience in the relatively well-defined standard *IAAct* process should make steps to enhance efficiency and effectiveness easier to identify, apply and defend than steps for the new *BCAct* and *IAAct* process. Important efficiency and effectiveness priorities include the following:

- Place priority emphasis on building inter-jurisdictional collaboration agreements for joint comprehensive assessments, including in individual demonstration cases as models of best practice. This is needed to expand the efficiency and the effective authority and capacity of assessments that are broad enough to address the most important issues and opportunities. It will also meet the “one project, one assessment” commitment.
- Recognizing the challenges of the longer-term inter-jurisdictional agenda, use the comprehensive assessment requirements retained under *IAAct* amendments of 2024 to ensure effective attention to the biggest issues and opportunities. That is especially important in, but not limited to, assessments involving federal funding and/or effects on Indigenous rights and authorities.
- Combine priority attention to effects on responsibilities within federal jurisdiction with focus on major valued components and interactions, cumulative effects, and the legislated public interest considerations. This is necessary in any event for projects that may have adverse effects on Indigenous Peoples and/or adverse effects in federal permitting matters that cannot be accepted without justification based on informed evaluation in light of identified public interest factors (*IAAct*, sections 60-63).
- Identify and address openings for efficiency and effectiveness gains through analysis of each phase and component of the assessment process. Give special attention to strengthening use of the informal pre-planning stage. The multiple benefits include better alignment with proponent project development steps and earlier identification of priorities for tailored guidance.
- Expand complementary use of regional and strategic assessments to address larger scale issues and options and inform project assessments.



***Findings concerning the 2-year time-to-completion deadline initially chosen for both the expedited BCAct/IAAct process and the standard IAAct process***

Assessment process time-to-completion is an attractively simple measurable that seems to provide a rough indicator of efficiencies, but for practical analyses and specific action, the current 2-year federal commitment is deeply problematic.

The choice of exactly 2 years as the specified period is not supported by analysis or rationale, not tied to effectiveness, and not tied to what matters for efficiency (which should focus on additional time beyond what's necessary for project planning and elaboration in any event). It covers important process components (including time for proponent work or for alignment with other jurisdictions) that are not within federal government control for meeting commitments. And so far at least, there are no evident grounds for adopting the same maximum time for two processes with quite different components.

Overall time-to-completion is useful only as an established but misleading measurable to be corrected through comparison with more feasible, accurate and revealing measures to track time use and other efficiency and effectiveness performance indicators

- in the individual components and phases of the two processes, and
- in the interactions of these components and phases with each other and with other activities – for example, having detailed information from the *BCAct*'s national interest project listing stage can expedite post-listing assessment and permitting, and how early pre-planning work can expedite planning phase guidance and inter-jurisdictional collaboration in standard *IAAct* assessments.

That approach is particularly important for joint assessments, which involve many activities beyond federal control of time expended.

## **1. Efficiency and effectiveness fundamentals**

### ***1.1 Context***

The immediate context for efforts to improve the efficiency and effectiveness of *BCAct* and *IAAct* assessment and permitting processes involves

- moving quickly to re-orient the Canadian economy in the face of geopolitical turmoil, while also
- meeting continuing obligations to align present activities with the interests of future generations.

Both are crucial – and they need to be addressed together, at the same time.

The practical assessment context also includes broad governance complexities including

- a half century of assessment law challenges in ensuring efficient and effective attention to broad public interest factors in the planning and development of public and private sector projects and
- an even longer record of tensions among Canadian federal, provincial, territorial and Indigenous authorities over how best to respect each other's overlapping powers and responsibilities while also serving the public interest;

plus more opportunities as well as challenges at the conjunction of

- perennial debates about the assessment process rigour and timeliness;
- apparently significant though uneven provincial support<sup>7</sup> for a federal government commitment to identify and expedite national interest projects, especially ones that address economic and trade issues, and
- long standing and recently deepening fragmentation of assessment roles and approaches among Canada's many assessment jurisdictions, including in the 2024 amendments to the *IAAct*.

### ***1.2 Basic understandings***

#### ***1.2.1 The core concepts***

Useful steps to enhance assessment efficiency and effectiveness begin with the following understandings of the core concepts and their Canadian context:

- Efficiency and effectiveness are interdependent. Efficiency not tied to meeting objectives effectively is meaningless.

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<sup>7</sup> Prime Minister's Office, "First Ministers' statement on building a strong Canadian economy and advancing major projects" 2 June 2025, <https://www.pm.gc.ca/en/news/statements/2025/06/02/first-ministers-statement-building-strong-canadian-economy-and-advancing-major-projects>

- Efficiency and effectiveness are jointly needed to serve the essential purpose of assessment law – to ensure that public and private sector projects (and other undertakings) are conceived, designed and implemented with lower risks and greater gains in the public interest than would happen reliably in the absence of the legislated requirements.
- IA efficiency and effectiveness are impaired jointly in Canadian assessments by many interacting factors that need attention in informed policy making. Among the key interacting factors are the following:
  - fragmentation and inconsistency among the assessment regimes and practices of federal, provincial, Indigenous and other jurisdictions and authorities – some of which are Constitutionally inherent, some reflect the diversity of regional needs and capacities, and some are largely due to political and institutional unwillingness to collaborate;
  - poor alignment of assessment requirements and processes with the conception, design and elaboration of project proposals;
  - vagueness about objectives and expectations, including criteria for assessment evaluations;
  - insufficient attention to proponent realities, including incremental development of project proposal details, delays and interruptions due to difficulties and gaps in financing, market fluctuations and unexpected technical complexities;
  - failure to focus assessment design and practice on the most promising opportunities (e.g., innovative alternatives) and most serious risks (e.g., adverse cumulative effects) – often combined with retreat into superficial treatment of countless specific matters or by narrow consideration of more manageable individual permitting matters to mitigate particular adverse effects;
  - little rigorous examination of likely project viability, economic contributions and risks;
  - confusions about the different roles and timing of the requirements for assessment and permitting and consequently about how to coordinate them;
  - failure to devote careful attention to the specific nature and causes of avoidable delays and other inefficiencies that impair effectiveness;
  - administrative manageability priorities favouring performative assessments, especially in response to time and resource constraints;
  - political priorities favouring near term considerations; and
  - process streamlining that sacrifices key considerations, analyses and process openness, undermining credibility as well as potential effectiveness of results and spurring court actions and other approaches to critique and resistance.

### *1.2.2 Fundamentals with an emphasis on effectiveness*

The fundamentals centred mostly on effectiveness considerations in project-level impact assessment include the following imperatives:<sup>8</sup>

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<sup>8</sup> For a more comprehensive discussion of core assessment criteria, see from Meinhard Doelle and John Sinclair, eds., *The Next Generation of Impact Assessment: A Critical Review of the Canadian Impact Assessment Act* (Toronto: Irwin Law, 2021), chapter 2.

- Mitigate adverse effects and contribute to sustainable net gains, recognizing multiple scales and time scales of concerns and contributions.
- Facilitate as well as guide development projects to provide lasting net improvements in the national interest and beyond.
- Direct project planning and design to consider alternatives and deliver best options in the overall lasting public interest, with attention to cumulative economic, social, health and environmental effects and their interactions.
- Coordinate and harmonize application of assessment jurisdiction, expertise and capacity.
- Respect Indigenous rights, interests and authority, and foster reconciliation.
- Focus on key issues and opportunities, recognizing the particulars of each case and context.
- Align assessment steps with project planning steps to maximize the influence of assessment findings on decision making in project planning as well as on decision making on approvals and conditions.
- Combine attention to immediate national priorities with imperatives for intergenerational wellbeing.
- Build the impartiality and credibility of IA processes and products.
- Promote continuous learning about how to do all of this better.

### *1.2.3 Fundamentals with an emphasis on efficiency*

The fundamentals centred mostly on efficiency considerations in project-level assessment under the *IAAct* include the following imperatives:

- Serve the effectiveness goals and priorities.
- Focus on key issues of substance and process, while serving the broader goals – including cumulative effects, positive alternatives, key transitions, and support for positive lasting contributions to the economy, environment and society.
- Foster intra- and inter-jurisdictional collaborations that mobilize mutually supporting knowledge and powers, minimize gaps and overlaps and facilitate attention to interactions.
- Establish and maintain credibility of processes and approved products (projects, regional and strategic undertakings, etc.).
- Be clear about the roles and inter-relations of assessment phases<sup>9</sup> and align them with project development, elaboration and implementation so assessment contributions can be integrated when most likely to inform design choices and so time required for assessment steps overlaps with time required anyway for project planning;
- Avoid/reduce unjustifiable gaps, delays and wasted opportunities (e.g., due to process fragmentation, conflicts or unpreparedness).
- Promote continuous learning about how to do all of this better.

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<sup>9</sup> Under the *IAAct* are formal phases (planning, tailored scoping, impact statement preparation and review, decision making on approval and conditions) plus early pre-process preparedness, post-assessment permitting, follow-up monitoring, compliance enforcement and adaptive management, and closure or equivalent. The *BCAct* presumes early pre-process preparedness and adds not-yet-well-elaborated pre-listing deliberations and a listing decision (pre-approval), prior to reliance on the *IAAct* process minus its planning phase. The *BCAct* also combines permitting requirements with assessment approval conditions.

## 2. A structured approach to enhancing assessment efficiency and effectiveness

The following points outline a simple logical path to understanding the issues and options for enhancing assessment efficiency and effectiveness:

- Begin with the basic understandings above, including the purposes to be served and the context of application and translate these understandings into explicit criteria for evaluations and decisions in the public interest.
- Recognize the different challenges, opportunities and uncertainties in project-level assessments of
  - national interest projects listed under the *BCAct* as well as designated under the *IAAct*<sup>10</sup>
  - projects designated under the *IAAct*, including those with activities and effects largely under provincial jurisdiction and those largely under federal jurisdiction.

Project assessments in these categories face significantly different demands and constraints. For example, they enter assessment process at different stages of planning and involve different administrative authorities and decision options. They also serve somewhat different priorities and engage somewhat different jurisdictional participants. They are not adequately informed by one general TISG template, one set of information requirements for decision making, or one standard expectation for time to completion.

- For each category of project-level assessments,
  - examine the substantive requirements and process specifics through each of the core phases of assessment, and the related record of experience to
    - identify the most significant points of fragmentation, misalignment with project planning, avoidable delay, wasted effort and missed opportunities,
    - determine the causes and the actors involved, and
    - recognize uncertainties, including about capacities.
  - identify and evaluate response options, with attention to identifying the best alternatives;
  - consider the interactions and cumulative effects of the most promising options; and
  - assemble an overall package of recommended responses for each category of project-level assessments and each phase and component of assessment in these categories.
- Only then, determine overall implications for process timelines.

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<sup>10</sup> *Impact Assessment Act*, S.C. 2019, c.28, s.1, as amended, <https://laws.justice.gc.ca/eng/acts/i-2.75/index.html> and the Physical Activities Regulations, <https://laws.justice.gc.ca/eng/regulations/SOR-2019-285/index.html>.

The announced commitments to a 2-year process time-to-completion have added motivations for re-examining process efficiency and effectiveness.

However, the 2-year goal also provides a rough, but misleading benchmark. It is not supported by specifics on measurement or rationale. Those will have to be developed through close examination of how efficiency and effectiveness objectives can be met together, given best understanding of what's needed and possible – in each component and phase of assessment and related deliberations and decision making, recognizing how they affect each other. See the discussion below, including in Appendix 2.

### **3. Considerations for analysis: efficiency and effectiveness in the different project assessment process categories under the *BCAct* and *IAAct* or solely under the *IAAct***

Means to improve efficiency and effectiveness must respect the different demands and constraints of the *BCAct/IAAct* and solely *IAAct* processes. The two processes involve different basic process rules, planning-related entry points, administrative authorities and decision options. They also serve somewhat different priorities and jurisdictional participants.

One result is that the two processes are not adequately informed by one general Tailored Impact Statement Guidelines (TISG) template or only generic criteria for decision making. Arguably, they should not be assigned one standard expectation for time to completion either.

Three examples illustrate the differences involved:

- The assessment and permitting portion of the new federal assessment process for projects under the *BCAct and IAAct* no longer includes a planning phase or overall approval, but it introduces a pre-assessment approval decision step. That step is in effect an early planning and approval stage. While this first step is not counted as part of the assessment process, it comes with requirements and expectations for consultation with other jurisdictions and Indigenous authorities plus unspecified requirements for information and analysis. Consequently, it brings new and uncertain implications for initial proponent preparedness and for overall process time, efficiency and effectiveness problems and solutions. Also, the final decision centres on an authorization document that consolidates all permits. For this expedited process, the need for proponent readiness extends to readiness with permitting details.
- The solely *IAAct* federal assessment process for projects under significant provincial jurisdiction is required to focus on potential adverse effects subject to federal permitting authority. However, many project assessments will involve larger responsibilities to address effects on Indigenous groups and their rights. The law also retains requirements to consider an extensive list of impact-related factors (s.22, limited modestly by s.18(1.2)) and apply an overall public interest test (ss.62&63) to justify permitting adverse federal effects.

The requisite comprehensive base of information and analyses would be most efficiently and effectively developed in collaboration with provincial and other authorities. How best to develop such collaborations and how best to deal with the integration challenges in the interim are crucial questions. Also, the *IAAct* process, unlike the *BCAct* process, has typically ended prior to final permitting. To what extent the solely *IAAct* assessments could benefit from the anticipated new means of coordinating federal (and perhaps provincial) requirements, short of final permitting, for national interest projects is not known.

- The assessment process for largely federal projects under the *IAAct* alone has potential efficiency and effectiveness advantages. It is less restricted by provincial jurisdictional concerns and does not involve the extra layer of political-level decision making for

national interest projects. However, it is fully responsible for comprehensive assessment and decision making in the public interest, while enjoying less potential for collaborative provincial assistance. Whether solely *IAAct* federal assessments could benefit from the anticipated new means of coordinating federal requirements is not known.

The following sections give more detailed initial attention to efficiency and effectiveness considerations for the project assessments under the *BCAct/IAAct* and solely under the *IAAct*.



#### 4. Efficiency and effectiveness and the *BCAct/IAAct* process for identifying and assessing national interest projects

##### *4.1 Essential characteristics of the BCAct/IAAct process for “national interest projects”*

Careful attention to efficiency and effectiveness considerations in assessment of national interest projects is especially important and timely because the *BCAct*'s means of implementation are largely undefined. The new legislation enables a wide range of possibilities but specifies little. Consequently, it presents an immediate opportunity for designing processes to combine efficiency and effectiveness in light of past learning, present needs and future consequences.

Evaluations and decision-making centre on two key process stages:

- the listing stage – deliberations under a largely unspecified process<sup>11</sup> leading to decision making by Cabinet on whether or not to pre-approve a “national interest” project by listing it in Schedule 1 under the *BCAct*, thereby initiating the expedited assessment and permitting process; and
- the expedited assessment and permitting stage – deliberations involving an *IAAct* process revised for national interest projects under the *BCAct* and relevant regulatory bodies leading to decision making by the Minister (of Intergovernmental Affairs) on the conditions of approval, including permit conditions, to be set out in the authorization document issued to the project proponent.

Candidate national interest projects

- enter the first stage of the process with a project description and sufficient supporting documentation and analysis to be judged by Cabinet to be complete, reliable and persuasive enough to justify pre-approval and listing in Schedule 1;<sup>12</sup>
- are not yet subject to elaborated pre-listing information requirements, but seem unlikely to be listed unless they are accompanied by
  - evidence of provincial/territorial support and willingness to cooperate in expedited assessment/permitting at a level sufficient for Cabinet decision making purposes, and

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<sup>11</sup> Modest clarification beyond the contents of the Act accompanied the 29 August 2025 launching of the Major Projects Office, which will coordinate the processes for national interest process decision making. See especially, Major Projects Office, “Projects of National Interest: The Process,” 29 August 2025, <https://www.canada.ca/en/privy-council/major-projects-office/info.html>.

<sup>12</sup> The nature of the assessment process, its information requirements and the transparency of the evaluations leading to listing of a project in Schedule 1 have not yet been announced. Even minimal due diligence in considering a proposed project for pre-approval in the national interest would demand reliable analyses of project costs, merits and risks. That would cover information needed to establish whether the proposed project would meet

- the identified possible decision-making criteria in paragraph 5(6) of the legislation as introduced,
- criteria covering all other important grounds for anticipating net positive national interest effects and evidence of provincial/territorial and Indigenous support, and
- criteria establishing expectations for advanced proponent readiness for engagement in an accelerated assessment and permitting process with expected completion within two-years.

- evidence of Indigenous acceptance, indicating likely consent at a level sufficient for Cabinet decision making purposes;<sup>13</sup>
- are subject to evaluation on the basis of a process not yet clearly specified and are to be evaluated in light of mandatory national interest criteria that are also not yet established, though the law lists five possible criteria that may be considered<sup>14</sup> and requires specific criteria to be set out by Cabinet order;<sup>15</sup>
- if judged worthy of pre-approval, are listed in Schedule 1, then subject to a process that assumes approval and determines the conditions of approval set out in an authorization document that combines all relevant assessment and permitting conditions;<sup>16</sup>
  - are exempted from the *IAAct*'s planning phase requirements;<sup>17</sup>
  - are subject to other *IAAct* requirements and (except where explicit exemptions are made under the *BCAct*'s regulatory powers);
    - including a post-approval version of the *IAAct*'s requirements for a public interest determination,
    - and perhaps somewhat different implications for addressing matters largely under provincial jurisdiction;
  - are subject to existing federal permitting requirements (except where explicit exemptions are made under the *BCAct*'s regulatory powers), but unlike under the *IAAct*, all the permit conditions are to be consolidated in the authorization document); and
  - may be de-listed prior to the issuing of an authorization document, if the government concludes the project is no longer in the public interest.<sup>18</sup>

Further Cabinet powers established under the *BCAct* include potential full or partial exemption of a listed national interest project from a broad range of possible requirements under federal laws, including the *BCAct* itself.<sup>19</sup>

Beyond the legislated provisions, two key policies have been established:

- The new assessment and permitting process is subject to a firmly stated but non-legislated expectation for completion in 2 years.<sup>20</sup> For the *BCAct/IAAct* process, the measured 2 years apparently does not include the time required for pre-listing information provision, consultations and deliberations leading to the listing decision.
- The *BCAct* was also accompanied by a policy commitment to collaborate with provincial and territorial governments to enable “a ‘one project, one assessment’ approach.”<sup>21</sup>

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<sup>13</sup> These expectations are suggested by background information issued when the legislation including the *BCAct* was introduced. See Intergovernmental Affairs Canada, “[One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act](#),” 6 June 2025.

<sup>14</sup> *BCAct*, paragraph 5(6)

<sup>15</sup> *BCAct*, paragraph 4.1.

<sup>16</sup> *BCAct*, paragraph 7. The document would include conditions that would otherwise be in regulatory permits.

<sup>17</sup> *BCAct*, paragraphs 22 and 23 and Schedule 2.

<sup>18</sup> *BCAct*, paragraph 5(4&5).

<sup>19</sup> *BCAct*, paragraph 19.

<sup>20</sup> Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

<sup>21</sup> *Ibid.*

Finally, the public and official discussions of anticipated candidate national interest projects indicate that many of the proposed national interest projects may include expectation of substantial federal funding and other supports.<sup>22</sup> For those projects, the decision making outlined above will effectively include decision making on federal funding. That would have implications for information requirements, evaluation criteria and overall analyses.

#### ***4.2 Efficiency and effectiveness problems, opportunities and uncertainties concerning the process for “national interest projects”***

The following discussion considers efficiency and effectiveness matters in the two key decision-making steps for national interest projects under the *BCAct*:

- the deliberations leading to beginning-of-process decision making on whether or not to pre-approve a project and list it as a national interest project in Schedule 1, and
- the deliberations leading to end-of-assessment decision making centred on contents of the single authorization document for conditions of approval for the national interest project.

In both cases, key concerns include uncertainties about how the Act will be implemented. However, the processes and issues facing the two main decisions differ considerably. They will be addressed separately in the following sections.

#### ***4.3 Issues centred on the process for the first key decision – whether or not to pre-approve a proposed project and list it as a national interest project in Schedule 1***

Major uncertainties surround how efficiency and effectiveness may be affected by approaches taken to make and justify the initial decision to pre-approve a proposed project in the national interest and to list it in Schedule 1.

The *BCAct* provides few specifics about the process for determining what projects will be listed as pre-approved. However, its contents and context suggest recognized needs for

- substantial information, analyses and inter-jurisdictional consultations prior to any listing decision; and
- clarity about the criteria to be used in determining what potential national interest projects are to be pre-approved and listed in Schedule 1.

##### ***4.3.1 The pre-listing process in the BCAct***

For the purposes of listing a project in Schedule 1, only basic legislated requirements are established. Concerning pre-listing information, analysis, transparency, consultation and associated processes, the *BCAct*

- requires only the name and a detailed description of the project, including its location;<sup>23</sup>

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<sup>22</sup> John Woodside, “[Meet the megaprojects](#),” *National Observer*, 17 July 2025.

<sup>23</sup> *BCAct*, paragraph 5(1).

- does not establish a process for informing or making a listing decision other than assigning a designated Minister to recommend projects for a listing decision by Cabinet;<sup>24</sup>
- does not specify requirements for information or analysis in support of a listing recommendation or decision;
- does not establish any mandatory criteria for use in determining whether or not a project should be listed in Schedule 1, but identifies five factors for possible consideration<sup>25</sup> and indicates that Cabinet “may, by order,” define “national interest,” and must eventually set out the criteria to be met by a project if it is to be in the national interest;<sup>26</sup>
- requires pre-listing consultation with the government(s) of the province(s) and/or territory(ies) of the project and pre-listing approval from any province or territory whose exclusive jurisdiction is involved;<sup>27</sup>
- requires pre-listing consultation with Indigenous peoples whose rights under s.35 of the Constitution may be adversely affected,<sup>28</sup> but does not require the consent of these peoples, despite government commitments to apply the United Nations Declaration on the Rights of Indigenous Peoples;
- requires a 30-day pre-listing public notification through publication of the project name and description in the *Canada Gazette*;<sup>29</sup>
- requires post-listing publication of the detailed project description, defined aspects of the reasons for the listing decision, cost estimates and estimated timelines to completion, but does not require publication of the information and analyses used, or the criteria applied in the decision making;<sup>30</sup>
- establishes no other public information requirements or public consultation opportunities.

Government policy commitment to “one project, one assessment” accompanied passage of the legislation;<sup>31</sup> however, initial Major Projects Office information on the listing process does not address how that commitment may affect application of the Act.<sup>32</sup>

#### *4.3.2 Means of providing more adequate pre-listing process guidance*

As is evident from the summary of *BCAct* provisions for the listing decision, the law does not set out information requirements for the decision making and is less than clear about when specific criteria will be established for evaluating candidate national interest projects. The Act says Cabinet “may, by order, ... define national interest” but also requires the responsible Minister to

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<sup>24</sup> *BCAct*, paragraphs 3 and 5(1)

<sup>25</sup> *BCAct*, paragraph 5(6).

<sup>26</sup> *BCAct*, paragraph 4.1.

<sup>27</sup> *BCAct*, paragraph 5(1.1).

<sup>28</sup> *BCAct*, paragraph 5(7).

<sup>29</sup> *BCAct*, paragraph 5(1.1).

<sup>30</sup> *BCAct*, paragraph 5.1.

<sup>31</sup> Intergovernmental Affairs, Implementation of Bill C-5: One Canadian Economy, 26 June 2025, <https://www.canada.ca/en/intergovernmental-affairs/news/2025/06/implementation-of-bill-c-5-one-canadian-economy.html>

<sup>32</sup> Major Projects Office, “Projects of National Interest: The Process,” 29 August 2025, <https://www.canada.ca/en/privy-council/major-projects-office/info.html>.

provide justification for any delay and a timeline for making an order specifying the criteria to be met by national interest project.<sup>33</sup> The resulting uncertainties are problematic for efficiency and effectiveness and for all assessment participants. They will need to be addressed clearly in regulatory and policy guidance and the anticipated criteria order.

While the *BCAct* is deficient on the information, consultation requirements and decision criteria for the pre-listing process, these matters could and should be addressed promptly for efficiency and effectiveness purposes. Multiple assessment participants – including federal bodies involved in national interest projects and related assessment and permitting matters, potential proponents, potentially supporting and/or collaborating jurisdictions and authorities, and Indigenous organizations – would benefit from clarity about the process and its requirements.

Suitable rules, expectations and guidance for pre-listing information and analysis could be established in regulations and/or policies under the Act to cover the following:

- standard factors/criteria for mandatory use in every listing decision for evaluating the potential national interest project;
- expectations for information and analyses for each criterion and for overall evaluations, including attention to cumulative effects and interactions among the criteria;
- suitable process(es) for identifying case-specific factors and priorities and associated information and analytical needs;
- special requirements for cases potentially involving significant direct or indirect federal funding, recognizing that
  - projects unable to attract sufficient interest from private investors and/or otherwise needing government assistance merit particular due diligence in spending public funds;
  - decision making on the expenditure of federal funds involves the full suite of public interest considerations and is not restricted by constitutional limitations on potential assessment overreach into provincial jurisdiction;
- clarity about expectations for evidence of provincial/territorial and Indigenous support and collaborative commitment;
- means of dealing with early-stage uncertainties about
  - financial feasibility, potential revenues and public costs over time;
  - risks of technological changes, security threats, obsolescence, stranded assets, positive and adverse socio-economic, environmental, health and cultural effects and implications for Indigenous rights and interests;
  - the anticipated range of positive and adverse effects on or from revenues, induced development and spinoffs, cumulative gains and damages, dependencies, vulnerabilities and adaptive capacities, etc.
  - long-term legacies;
- means of establishing readiness for immediate entry to the expedited assessment and permitting stage of the process, including
  - the readiness of the proponents with sufficiently detailed project plans for assessment and permitting;

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<sup>33</sup> *BCAct*, paragraph 4.1.

- the readiness of the process, especially if other jurisdictions are involved and an inter- or multi-jurisdictional collaboration agreement needs to be in place;
- the readiness of an equivalent of tailored impact statement guidance, since the assessment stage will not have the planning phase normally in *IAAct* assessments;
- responsibilities for meeting the identified information and analytical needs and for assembling the overall conclusions and recommendations for the listing decision.

#### 4.3.3 Likely needs for detailed information requirements

The possible approaches to the listing decision extend across a range

- from anticipatory pre-approval and Schedule 1 listing of largely conceptual projects with
  - limited available detail beyond core information on project basics and potential benefits relating to identified national interest considerations; and
  - early reporting of support from relevant provincial and/or territorial governments and Indigenous authorities;
 to restriction of Schedule 1 listing to projects with reasonably advanced plans and assessment information/analysis including
  - strong documentation of viability and reliably lasting net benefits, with specifics on
    - project components, costs and revenues, associated risks;
    - direct and induced contributions to and hindering of national interest objectives as set out in the national interest criteria;<sup>34</sup>
    - positive and adverse economic, social, health and ecological effects over time, including induced effects and with special attention to cumulative and interactive effects, lasting effects and legacies;
    - implications for Indigenous peoples and their rights;
    - consultations during project planning;
    - evidence of firm provincial and/or territorial government support, and
    - evidence of likely consent from relevant Indigenous authorities and communities;
    - specifics on implications of and grounds for justifying any federal funding support;
  - grounds for confidence that finalized multi-jurisdictional collaborative arrangements, for meeting the “one project, one assessment” commitment will be in place prior to listing; and
  - evidence of a high level of proponent preparedness and collaborative process readiness to proceed immediately into the expedited assessment process, with the capacity to deliver quickly project information sufficiently specific to satisfy requirements for federal and other jurisdictions’ permitting and to proceed promptly into implementation.

For its own purposes as well as the practical needs of potential proponents and those implementing the new assessment process, Cabinet will need to choose among various options

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<sup>34</sup> The *BCAct*, paragraph 5(6), provides only illustrative criteria for Cabinet’s national interest project listing decisions. Clarifications will be needed to give proponents and other reasonable clarity about the expectations.

for information requirements. Some options may be politically compelling but less realistic than others.

For example, listing a project at the conceptual stage with only general project information may seem to be a useful signal of government activism in tough times and provide proponents and investors with early grounds for confidence in federal government support. However, poorly informed commitments to major national interest projects are at best risky and likely to undermine process credibility.

For even minimal due diligence, Cabinet would need reliable analyses covering the criteria it establishes for evaluating candidate projects and making listing decisions (see the following section), plus satisfactory grounds for confidence that a project will deliver net positive effects and solid evidence of provincial support and Indigenous consent. Also, proponents of projects at the conceptual stage would not be prepared to move immediately into expedited assessment and permitting, much less to complete the process in the expedited 2-year period<sup>35</sup> to which the government has expressed commitment.

For efficiency and effectiveness, the needed clarifying policy guidance for listing proposals and decisions would include

- specification of the information required for deliberation and decision on a proposal for listing a national interest project in Schedule 1;
- a firm Cabinet statement of and commitment to the factors that it will consider as criteria for decision making on proposed listings; and
- expectations for evidence of provincial/territorial support, Indigenous consent, proponent readiness and multi-jurisdictional collaboration to proceed with an expedited assessment.

Such policy guidance is needed especially by proponents of potential national interest projects and by the listing decision makers. However, it will also be important for most other participants, including the provincial and territorial governments considering possible support for the project and for Indigenous authorities and communities considering implications for their rights and the potential for consent.

For a short list of reasons to anticipate and favour specification and elaboration of pre-listing information requirements and decision criteria, see appendix 1, below.

#### *4.3.4 Criteria for evaluating candidate national interest projects*

As noted above, the *BCAct* does not set out mandatory criteria for evaluating candidate national interest projects but lists five factors and anticipates fully specified criteria by Cabinet order.

The five listed factors<sup>36</sup> begin with political economy considerations that emerge from current geopolitical turbulence but entail longer-term initiatives, proceed to a core practicality and end with two complementary objectives that bridge immediate and inter-generational imperatives:

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<sup>35</sup> Or some equivalent but practically measurable period. See appendix 2, below.

<sup>36</sup> *BCAct*, paragraph 5(6). More specific expectations in the form of “criteria that must be met by the

- a) strengthen Canada's autonomy, resilience and security;
- b) provide economic or other benefits to Canada;
- c) have a high likelihood of successful execution;
- d) advance the interests of Indigenous peoples; and
- e) contribute to clean growth and to meeting Canada's objectives with respect to climate change.

As factors for consideration, the five are usefully indicative of what is needed – forward-looking, broad and potentially compatible. However, for clear direction to proponents, decision makers and other assessment participants, they are insufficient.

More specific criteria need to be elaborated to serve multiple purposes, including to inform and direct the following:

- project conception and elaboration by proponents;
- clarity for proponents and decision makers about
  - what project characteristics and contributions are likely to qualify for national interest status;
  - what project uncertainties, risks and adverse effects are likely to be unacceptable; and
  - what approval conditions may be imposed on pre-approved national interest projects;
- identification of requirements for project information and analysis for listing, with particular requirements for evaluation of any associated requests for federal funding or other support;
- preparation of materials for consultations with provincial and/or territorial governments and with Indigenous governments and peoples;
- deliberations on and negotiation of collaborative inter-jurisdictional assessment agreements comprehensive and open enough to address the key considerations for national interest projects;
- final evaluation for possible national interest projects for listing;
- development of specific tailored guidance for assessment of individual listed national interest projects (needed at the listing stage because the planning component normally in the assessment stage has been eliminated); and
- public reporting, monitoring and review of the listing decision, assessment and project implementation.

To serve these multiple purposes, the elaborated criteria will need to go beyond covering project characteristics and likely contributions/risks. For example, they need to include matters such as ensuring reasonable clarity on

- level and nature of expected provincial/territorial and Indigenous support;

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proponent of a project in order for the project to be found to be in the national interest,” are strongly encouraged in the *BCAct*, paragraph 4.1



- the readiness of the proponent for well-prepared engagement in the expedited assessment and permitting process;
- the readiness of collaborative inter-jurisdictional arrangements for expedited as well as comprehensive joint assessment (“one project, one assessment”); and
- criteria issues that could have major implications for conditions of approval as well as listing decisions.

The latter centre on needs to clarify expectations and implications related to general criteria such as the identified possible criteria for providing “economic or other benefits to Canada,” advancing “the interests of Indigenous peoples” and contributing “to clean growth and to meeting Canada’s objectives with respect to climate change.”<sup>37</sup> For example, elaborated expectations for “economic and other benefits to Canada” could include ensuring (including through approval conditions) that pre-approved national interest projects do not leave behind major public liabilities.<sup>38</sup> Similarly, expectations for contributing to Canada meeting Canada’s “objectives with respect to climate change” could include ensuring net zero project-attributable greenhouse gas emissions by 2050.<sup>39</sup> Clarifying such expectations in criteria prior to listing evaluations and decisions is clearly more efficient and effective than leaving consideration and determination of implications to the specification of conditions of approval.

Other key efficiency and effectiveness considerations centre on

- combining immediate priorities with attention to the inherent legacy role of national interest projects;
- recognizing and exploiting the potential for positive interactions among criteria – especially by setting out the full range of key national interest objectives and directing project conception, design and pre-approval to projects that can deliver multiple, mutually-reinforcing and lasting net gains, including in priority areas;
- using near term inter-jurisdictional collaboration to build long term inter-jurisdictional harmonization to best practice as the most crucial route to improved assessment efficiency and effectiveness;<sup>40</sup>
- developing practical means of evaluating project and proponent readiness/preparedness for expedited assessment; and
- ensuring sufficient clarity and specificity in criteria to minimize misunderstanding and confusion (e.g., avoiding vague, ambiguous or disputed concepts/terms such as undefined “clean growth”) while recognizing that some concepts/terms are characterized by evolving and context-specific understanding (e.g., “free, prior, and informed consent”).

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<sup>37</sup> *BCAct*, paragraph 5(6)

<sup>38</sup> Continuing public liabilities from past major projects include contaminated sites. In March 2023 the Auditor General of Canada [reported](#) \$10.1 billion in public liabilities including only those north of 60°.

<sup>39</sup> The net zero by 2050 objective remains [Canadian policy](#).

<sup>40</sup> For example, see Minister’s Advisory Council on Impact Assessment, [Third Report to the Honourable Julie Dabrusin, Minister of Environment and Climate Change](#), 28 April 2025.

#### 4.3.5 Pre-listing transparency and engagement

In addition to clear, published criteria for evaluations and decisions, process credibility as well as overall efficiencies and effectiveness will depend on guidance for proponents and other participants covering the mandatory pre-listing consultations and encourage pre-listing engagement and transparency beyond those requirements. Decision-maker transparency beyond the postings required in the *BCAct* would also contribute to credibility without tangible time or resource demands.

The *BCAct* does not address pre-listing process transparency and openings for meaningful public engagement. However, greater openness is not precluded. Assessment transparency and engagement, including in national interest project listing, can have substantial efficiency and effectiveness advantages:

- In concept and promise, national interest projects are to be inspirational as well as practical. That is their political attraction. Candidate projects should be subjects of national public discussion to build understanding and commitment, to test merits and to reveal deficiencies that can be addressed more efficiently and effectively in early planning.
- In contrast, deliberations behind closed doors are too likely to be informed largely by promoters, miss well-founded critiques and foster skepticism. Reasons for skepticism are already well-rooted in the long record of costly project failures (stretching from the Mirabel airport and the Glace Bay heavy water plant to the Phoenix Pay System) that began with political enthusiasm.
- Process credibility, and practical efforts to present grounds for provincial, territorial and Indigenous support for candidate national interest projects would seem likely to depend on considerably more transparency than is required under the Act.
- The importance of process credibility was demonstrated clearly in experience under the *Canadian Environmental Assessment Act, 2012*. Especially in cases involving hydrocarbon pipeline projects in British Columbia, perceived compromises to assessment process integrity contributed to an increase in other forms of expression and critique, including court actions. The results included delay and abandonment of major projects supported by the government of the time.
- Mandatory consultations and necessary negotiations with provincial and territorial governments and Indigenous peoples and authorities will depend on quite extensive and reliable information and analyses on the national interest merits, concerns and uncertainties of each candidate project. More complete material on the evidence and reasons for recommendations would be expected for any defensible Cabinet decision to list a project in Schedule 1.
- If that internally available material is sufficient for public interest decision making, it should be suitable for public release and would serve as a contribution to process credibility as well as transparency.

- Given the time necessarily required for planning a major project to the level required for a defensible pre-approval decision, time should be available for public discussion, including funded opportunities for communities and public interest organizations. Such opportunities at the pre-listing stage are likely to be valuable for
  - building broad understanding of the national interest qualifications/limitations of the proposed project
  - beginning publicly visible process collaboration with the other assessment jurisdictions involved in the case;
  - early identification of key needs for adjustments in early planning and identification of issues and other priorities for scoping at the assessment stage; and
  - establishing process credibility.

#### *4.3.6 Time and resources for the pre-listing process*

The pre-listing process has important time and resource implications.

An incomplete list of the process requirements includes

- assembling project and other information and analyses concerning the evaluation criteria and otherwise needed for the evaluation (plus adjustments if federal funding or other support is a potential part of the package);
- ensuring due diligence review, especially of proposal components, contributions to cumulative effects, costs, benefits, risks and uncertainties that have often been problematic in past experience (e.g., predicted infrastructure costs, resource extraction closure/cleanup commitments, assumptions about future markets and technological change) and may need independent expert review;
- carrying out a national security review;<sup>41</sup>
- consulting with other jurisdictions, Indigenous peoples and authorities<sup>42</sup> and, where listing seems likely, preparing collaboration agreements for joint (“one project, one assessment”) processes and drafting tailored guidance for the assessment stage (in the absence of a planning phase in the *IAAct* process for national interest projects);
- determining overall prospects for and confidence in net gains and the equity of their distribution; and
- summarizing recommendations and rationales for decision makers.

None of these pre-listing activities is included in the maximum 2-year expedited assessment period as discussed so far. But for national interest projects, pre-listing is in effect the assessment process for the purposes of project approval and the consequences of getting it wrong are daunting.

For the process readiness purposes of proponents and other participants, careful anticipation of, and guidance on, the information needed for pre-listing preparations would be helpful. Setting a

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<sup>41</sup> *BCAct*, paragraph 7(2)(b&d).

<sup>42</sup> *BCAct*, paragraphs 5(1.1) and 7(2)(c).

general timeline for meeting the requirements listed above is unrealistic, given the likely diversity of candidate national interest projects and their different stages of initial elaboration. However, clarification of the pre-listing expectations should help participants to estimate the time and resources likely to be involved.

For tracking, gradually increasing experience with pre-listing would reveal the extent to which detailed pre-listing information and thorough pre-listing deliberations would reduce the time required for the expedited assessment process that follows listing for national interest projects.

#### *4.3.7 Listing process roles for the Impact Assessment Agency of Canada (IAAC)*

As discussed above, the listing process seems likely to involve substantial requirements for information and analysis to support a defensible decision making on pre-approval and to ensure proponent readiness for engagement in the expeditious assessment process. Some of the required information and analyses would amount to pre-planning materials that would substitute for a portion of the planning process elements that have been removed for *IAAct* assessments of national interest projects.

Consequently, it is reasonable to anticipate that IAAC expertise would be called upon to assist in the listing deliberations and that such early IAAC involvement would facilitate more efficient and informed transition from listing to expedited assessment.

IAAC would likely be able to contribute usefully to

- development of guidance on what information and analyses are to be required from proponents for evaluation of potential national interest projects,
- early identification of case and context-specific considerations, including issues, options and priorities to inform tailored impact statement guidance,
- identification of major considerations for proponent preparedness for expedited assessment,
- guidance on practice for consulting with Indigenous authorities and communities on assessment matters,
- experience on the potential for and approaches to collaborations with particular other assessment jurisdictions,
- review of submitted documentation, including on potential biophysical and socio-economic impacts, and
- attention to interactions among considerations for overall evaluations and recommendations on candidate projects.

Similarly, IAAC would benefit from

- early familiarity with
  - differences between priorities for national interest projects and established priorities in standard project assessments under the *IAAct*,
  - individual projects and proponents that may be listed and assessed, and associated key issues,

- the other federal bodies that would be engaged in the assessment and permitting in specific cases,
- progress on establishing collaborative agreements with the other jurisdictions and Indigenous authorities that may be assessment collaborators, also in specific cases; and
- opportunities to build a foundation of general and case-specific
  - awareness of the extent and limitations of proponent preparedness,
  - understandings and draft guidance in anticipation of key issues and assessment needs, including for more specific assessment tailoring, and
  - initial arrangements for assessment stage information sharing and process collaboration, within government and with collaborating jurisdictions and authorities.

#### *4.3.8 Potential use and effects of the de-listing power*

Under the *BCAct*, the pre-approved projects listed in Schedule 1 can be de-listed by Cabinet decision any time before the final authorization document is issued.<sup>43</sup> The implications are uncertain.

The pre-approvals are meant “to send a clear early signal, to build investor confidence and get projects to investment and construction faster.”<sup>44</sup> That confidence could be compromised by potential use of the legislated de-listing powers. However, the de-listing provision recognizes the importance of assessments as means of uncovering unanticipated project deficiencies and protecting the national interest. Especially given the significance of national interest projects, and the understandable enthusiasm of their advocates, the power to act upon the findings of careful and detailed assessment is crucial.

The delisting option might be used rarely if at all. The *BCAct* gives Cabinet many sweeping discretionary powers it may never choose to exercise. Historically, Canadian assessment jurisdictions have seldom used their discretionary powers to reject projects that are found to be problematic. Moreover, emphasis on good early work to clarify project merits and deficiencies remains a more efficient and effective option than relying on a late-process rejection. In that light, the availability of the delisting option provides no excuse for poorly informed listing decisions.

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<sup>43</sup> *BCAct*, paragraph 5(4&5).

<sup>44</sup> See also Intergovernmental Affairs Canada, “[One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act](#),” 6 June 2025.

#### 4.3.9 Summary of efficiency and effectiveness issues and implications for the pre-listing process

The efficiency and effectiveness of the pre-listing process will depend on specifics of application yet to be announced, though apparently to be the responsibility of the Major Projects Office announced on 29 August 2025.<sup>45</sup>

The government's immediate effectiveness objective centres on building proponent and investor confidence through assessments that lead to quickly approved and permitted national interest projects. However, that expedition is necessarily combined with ensuring that the permitted projects are viable, that their likely benefits, costs, damages and risks have been rigorously examined, and that they will actually serve the lasting national interest. Much will depend on designing and guiding the decision-making process for project listing to deliver well-informed rigour and credibility as well as expeditious results.

Major uncertainties that could undermine effectiveness and efficiency include the absence of firm information requirements and criteria for evaluations. The criteria are particularly sensitive because of tensions between short and long-term national interests. The currently driving national interest concerns arise out of immediate economic turbulence. But many of the potential national interest projects now being discussed<sup>46</sup> will take many years to complete and are evidently meant to contribute to a longer-term economic transition, including to less risky trade dependency. Over that time, other key transitions will need attention – including those centred on national collaboration (versus jurisdictional fragmentation), climate commitments, environmental obligations and Indigenous reconciliation. Effectiveness will not be well served unless a reasonably complete version of the lasting national interest is reflected in the criteria for listing decisions.

For timeline efficiency considerations, the location of the pre-listing process is a confusing factor (see also section 4.4.7, below). Technically, the *BCAct* removes the *IAAct*'s planning phase from assessments of national interest projects. However, proponents of these projects will still need to prepare quite detailed plans, with well-focused analyses and well-supported rationales for critical evaluations by the federal Cabinet and by other relevant governments and Indigenous authorities prior to project pre-approval. The need for details will be particularly significant for project proposals that come with expectations for substantial public funding.

Under the *BCAct*, planning for project approval/listing and readiness for expedited assessment comes before the 2-year clock starts. However, it serves functionally as the initial step in assessment. To do that effectively and efficiently, the listing period and process should begin as early as possible to ensure timely as well as adequate gathering of the information and analyses needed for a reliable and credible national interest determination, as discussed above.

The major implications for the listing stage are that

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<sup>45</sup> Canada, "Prime Minister Carney launches new Major Projects Office to fast-track nation-building projects," August 29, 2025, <https://www.pm.gc.ca/en/news/news-releases/2025/08/29/prime-minister-carney-launches-new-major-projects-office-fast-track-nation-building-projects>.

<sup>46</sup> See for example, [John Woodside, "Meet the megaprojects," \*The National Observer\*, 17 July 2025.](#)

- policy guidance should be provided for potential project proponents and other assessment participants on the rules, expectations and steps in the now largely undefined listing stage process (see section 4.3.2);
- the listing stage process should combine early identification of candidate national interest projects with encouragement of public discussion as well as initiation of listing stage planning and analyses;
- the listing stage analyses and evaluations in each case should incorporate
  - information and other material from the increasingly detailed project planning and proposal elaboration (see section 4.3.3);
  - consultations with Indigenous peoples and provincial/territorial governments, including about comprehensive inter-jurisdictional arrangements for joint one-project, one assessment (see section 4.3.4);
  - early engagement with IAAC and the regulatory permitting bodies concerning implications and expectations for use of the expedited or standard assessment process after the listing decision (see section 4.3.7);
  - application of explicit criteria in rigorous evaluation of each candidate project's national interest potential (see section 4.3.4) and particular evaluation of whether the project merits federal funding;
- the end-of-listing-stage evaluation criteria should include whether or not a candidate national interest project, its proponent and the arrangements for joint inter-jurisdictional assessment are prepared for the expedited assessment process (see section 4.3.4); and
- the stage's final decision on pre-approval and listing in Schedule 1 should await conclusion of the previous steps and lead to the project's immediate entry into the expedited assessment and permitting process.

The efficiency and effectiveness of the listing stage process should contribute to assessment performance following project listing in Schedule 1.

#### ***4.4 Issues centred on the process for the second key decision – assessment of a pre-approved project to determine contents for the authorization document consolidating assessment and permitting conditions of approval***

The *BCAct* sets out few firm requirements for assessments of listed national interest projects. It also adds to uncertainties by giving Cabinet sweeping authority to make regulations that specify new requirements or exempt projects from existing requirements. The following discussion considers

- what is established in the *BCAct*,
- what is uncertain – not addressed or not specified but open to determination and clarification by regulation, and
- what the implications are for efficiency and effectiveness.

##### ***4.4.1 The law's requirements for the assessment process for national interest projects under the BCAct and IAAct***

Project assessments under the *BCAct* and *IAAct*

- are centred on deliberations leading to two decisions, an initial decision on whether or not to pre-approve a candidate national interest project by listing it in Schedule 1 under the *BCAct*<sup>47</sup> and final decision making on the contents of an authorization document<sup>48</sup> consolidating all conditions arising from the assessment and related permitting;
- are to be coordinated by the new Major Projects Office under the Minister responsible for implementation of the Act;<sup>49</sup>
- are subject to the *IAAct*'s assessment requirements with adjustments to recognize pre-approval, but are exempted from the *IAAct*'s planning phase requirements;<sup>50</sup>
- may be informed from the outset by tailored guidance and other assistance based on information and analysis prepared for the consultations and decision making on listing the project in Schedule 1;<sup>51</sup>
- include requirements for consultation with federal authorities with responsibilities related to potential approval conditions (especially the energy, nuclear and offshore regulators<sup>52</sup> and with Indigenous peoples whose rights may be affected;<sup>53</sup>
- are not subject to legislated requirements for consultation with provincial, territorial or Indigenous authorities, but such consultations, especially with provinces and territories, are implied by a federal policy commitment to “a ‘one project, one review’ approach;”<sup>54</sup>
- are generally subject to the requirements of the *IAAct*, other than the early planning provisions and pre-determination of approval; however, Cabinet is empowered to make regulations exempting projects from some or all provisions of the *IAAct*;
- are, in the absence of regulatory exemptions, presumably subject to a version of the *IAAct*'s requirements for a public interest determination, but with differences because of pre-approval and uncertainties for projects largely under provincial jurisdiction;
- are generally subject to all permitting and other requirements related to the matters to be addressed in the consolidated conditions of project approval set out in authorization document that ends the assessment process;<sup>55</sup> however, Cabinet is empowered to exempt projects from some or all provisions of most other permitting-related federal legislation;<sup>56</sup>

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<sup>47</sup> *BCAct*, paragraph 5(1).

<sup>48</sup> *BCAct*, paragraph 7.

<sup>49</sup> *BCAct*, paragraph 20, and associated policy. See also Intergovernmental Affairs Canada, “[One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act](#),” 6 June 2025.

<sup>50</sup> *BCAct*, paragraph 19.

<sup>51</sup> *BCAct*, paragraph 22 and Schedule 2; also see the previous section.

<sup>52</sup> *BCAct*, paragraphs 9-18.

<sup>53</sup> *BCAct*, paragraphs 7(2 and 2.1).

<sup>54</sup> The full statement is “To reduce project approval duplication between the federal and provincial/territorial governments, the Government of Canada is committed to a ‘one project, one review’ approach. This will include working with provinces and territories to eliminate project assessment duplication and build a more efficient and timely system.” Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025

<sup>55</sup> *BCAct*, paragraph 6(2).

<sup>56</sup> *BCAct*, paragraph 22 and schedule 2. Exemption from provisions of the Canadian Nuclear Safety and Control Act is not included.



- are, at the end of the assessment process, to be approved with conditions set out in an authorization document that consolidates all the conditions, including those related to other applicable federal permitting requirements;
- are not subject to legislated timelines; however, the initial policy objective has been “to ensure these nation-building projects complete the federal review within 2 years;”<sup>57</sup>
- are, after the authorization document is released, to be documented in public information covering the assessment materials, federal agency recommendations and responses, conditions set out in the authorization document;<sup>58</sup> and
- are to be followed by monitoring and reporting sufficient to inform independent annual public reviews of each project’s progress, including “measurable outcomes, including in relation to timelines and budgets.”<sup>59</sup>

#### *4.4.2 Process uncertainties likely to affect efficiency and effectiveness in the assessment stage of decision making about national interest projects under the BCAct and IAAc*

As summarized above, the provisions of the *BCAct* provide few specifics on the assessment process for listed national interest projects. The resulting uncertainties are deepened by the *BCAct*’s provision of Cabinet authority to determine what new or existing assessment and permitting requirements will apply overall and in particular cases. The legislation enables flexibility but leaves mystery about how implementation may proceed.

Important areas of uncertainty with implications for process efficiency and effectiveness include the following:

- What *IAAc* assessment requirements will apply to national interest projects?
  - Will the regulation-making powers in the *BCAct* be used to alter to eliminate assessment requirements and, if so, will they be applied to all national interest projects or to particular categories (e.g., by sector) or only to exceptional individual projects?
  - When, by whom and with what transparency will decisions be made on adjusting or removing and existing requirements?
- What decisions, when, by whom and with what transparency will be made to exempt projects from certain regulatory permitting requirements?
- When, how and by whom will collaborations or other arrangements be established to combine or coordinate with provincial, territorial and/or Indigenous authorities’ assessments and permitting (e.g., by the Major Projects Office prior to or at the time of listing a project on Schedule 1 or after listing by that Office and/or IAAC)?
- How will process transparency and opportunities for meaningful public engagement be ensured in the face of pressures for expedited decision making?
- How will the addition of the Major Projects Office as a new layer of authority lead to greater effectiveness and efficiency?

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<sup>57</sup> See also Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

<sup>58</sup> *BCAct*, paragraph 8.1.

<sup>59</sup> *BCAct*, paragraph 23.1.

- How will the apparently central roles of the Minister and Major Projects Office fit with the work of IAAC and the sector regulators and permitting bodies?
- How will the Major Projects Office, reporting to the Minister,
  - negotiate the tension between political engagement and arm's length administrative impartiality in implementing the long-term and inter-jurisdictional agenda of national interest projects?
  - avoid the historical risks of political-level assessment delays, and the credibility challenges of non-transparent deliberations?
- How will the exercise of more central authority strengthen collaboration and dispatch in reviews and permitting with provincial, territorial and Indigenous assessment and permitting authorities as well as federal authorities?
- How will assessment deliberations
  - overlap with, integrate or and be otherwise linked with deliberations on possible federal funding for national interest projects including project-specific decisions on indirect project funding support such as allocation of funding from the Indigenous Loan Guarantee Program?
  - be used to confirm or re-consider the pre-approval of listed projects?<sup>60</sup>
- How will effective identification and assessment of project alternatives and cumulative effects (potentially the most significant contributions of advanced assessment regimes) be accomplished in an expedited process centred on establishing permitting conditions for pre-approved projects? Or can those matters be addressed efficiently and effectively in the pre-listing phase or through other means positioned to inform and influence the *BCAct* process?
- What range of tools will the new process use to encourage and facilitate efficiency and effectiveness gains through assessment and permitting collaborations with provinces, territories and Indigenous authorities in multi- as well as inter-jurisdictional cases?
- How will the new process recognize the interdependence, rather than only the commonly perceived tensions, between
  - broadly recognized needs for economic strengthening through pre-approval and expedited assessment and permitting of resource exploitation and trade-facilitating infrastructure projects and
  - commitment to “continuing to ensure environmental protections and commitments to Indigenous rights”<sup>61</sup>?
- How will the new process deliver greater “certainty” for proponents and investors, and consult adequately with provinces, territories and Indigenous rights holders, in the face of the multiple uncertainties of new and minimally elaborated processes, and new risks to process credibility due to reduced attention to public information and process transparency and questions about potential to meet environmental, climate and Indigenous rights commitments?

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<sup>60</sup> The *BCAct* (paragraphs 5(4&5)) provides for deletion of projects initially included as pre-approved in Schedule 1, so long as the deletion is done before the concluding authorization document has been issued.

<sup>61</sup> See also Intergovernmental Affairs Canada, “[One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act](#),” 6 June 2025.

#### 4.4.3 *Uncertainties about assessment stage process requirements*

The first set of key uncertainties about the assessment stage process for national interest projects concern what will be done in and delivered by the listing stage deliberations. Chief among these are uncertainties about

- the adequacy of listing stage project information, including about remaining project options (alternative means of carrying out the project) and key issues (valued components, potential interactions and cumulative effects) and assessment priorities to be recognized in tailored impact statement guidelines;
- the criteria to be applied in evaluating potential national interest projects prior to a listing decision;
- the extent to which provincial, territorial support and Indigenous consent have been established;
- the status of inter- and multi-jurisdictional cooperation agreements, especially the extent to which they establish a comprehensive joint assessment agenda and co-leadership arrangements; and
- the extent to which listed projects, their proponents and other key participants are prepared for an expedited assessment process.

All these have been discussed in section 4.3.

Within the assessment stage itself, the most important broad uncertainties may be those about what assessment and permitting requirements will apply beyond those of the *BCAct* itself. The starting point is application of the existing *IAAct* requirements (except for the planning phase and project approval elements) plus application of existing federal permitting requirements under various laws. However, Cabinet is given broad powers to remove or adjust any of those requirements for national interest projects.<sup>62</sup>

The open question about possible use of removal and adjustment powers leaves project proponents without a reliable base for determining how and what to prepare to meet the assessment and permitting requirements of the process. IAAC and the regulatory authorities would face uncertainties about how to prepare suitable tailored guidance, ensure appropriate advisory and review capacity and establish relations with other relevant experts and authorities, including those in potentially collaborating provincial, territorial and Indigenous governments. The preparation, coordinating and one-window work of the Major Project Office would also be hampered.

Options for avoiding the inefficient consequences of these uncertainties centre on establishing a reasonably firm and reliable set of process rules. Prospects begin with reducing the extent, severity and unpredictability of process-disturbing regulatory interventions. That would seem plausible despite the sweeping character of the *BCAct's* provisions enabling regulatory interventions, given

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<sup>62</sup> *BCAct*, paragraphs 21 and 22.

- the absence in the *BCAct* of any evident and immediate general need to remove or adjust any existing law or regulation beyond the changes already made in the Act to exempt national interest projects from the *IAAct* planning phase and approval role; and
- the likelihood that the *BCAct*'s broadly enabling regulatory provisions reflect the government's desire for extensive flexibility to pursue specific efficiencies in particular cases where existing requirements could be removed or adjusted without impairing important process contributions.

In that context, greater process predictability and better preparedness could be achieved with no loss of regulatory flexibility by a policy announcement emphasizing

- that implementation of the process will proceed as established in the *BCAct*, including application of the adjusted *IAAct* assessment steps and regulatory permitting (the starting point described above);
- that use of the regulatory powers to remove or adjust requirements will be reserved for exceptional case application and only when sufficient specific information is available to justify the use of a regulatory change; and
- that this approach will be subject to future review in light of experience.

#### *4.4.4 Inter- and multi-jurisdictional collaborations*

For the listing decision process, the *BCAct* requires consultations with provincial and territorial governments and Indigenous people. The assessment process provisions also emphasize consultation and "active and meaningful participation of the affected Indigenous peoples" (s.7(2.1)). However, the *Act*'s provisions for the assessment process do not mention provincial and territorial consultations and contain no references to assessment collaborations with provincial, territorial or Indigenous authorities.

More advanced efforts and results are needed. Well-functioning and reliable inter- and multi-jurisdictional collaboration could be the single greatest contribution to improved assessment efficiency and effectiveness. It is also crucial to meet the government's policy commitments to a 2-year timeline for national interest project assessment and permitting and to taking a "one-project, one assessment" approach.

At the listing stage, actions to meet the *BCAct* requirements for consultation with provincial and territorial governments and Indigenous people should be extended to finalizing the core commitments and joint process structure for inter- and multi-jurisdictional collaboration to deliver one project, one assessment. In many cases, the joint process arrangements should include Indigenous as well as provincial and territorial authorities.

Initiatives so far have begun the longer process of building assessment relations, starting with a reasonably collaborative provinces and will presumably extend to other provinces, territories and Indigenous authorities. Illustrative individual case collaborations could demonstrate the efficiency and effectiveness advantages of collaborative inter- and multi-jurisdictional assessments as a standard approach to all assessments. Options include the now neglected but historically often exemplary uses of reasonably speedy joint review panel assessments. Some equivalent for national interest projects should be easy enough to establish under the *BCAct*.

Key preparatory considerations for joint inter- and multi-jurisdictional assessments for expedited high profile national interest projects include the following:

- Ensuring transparency and process credibility will be crucial, especially because expedited processes attract suspicions that are magnified by opaque processes.
- Joint processes promise the potential efficiency of “one project one assessment” and the potential effectiveness of multiple authorities’ powers, responsibilities and capacities but can also suffer from difficulties serving more than one taskmaster, especially if there are political or administrative inclinations to intervene. The joint review panel model of the assessment partners appointing independent panels is a tested solution.
- Joint assessment should always combine the authority, expertise and objectives of the participating assessment jurisdictions in ways that harmonize assessment standards upwards. National interest project assessments can be expedited effectively with best practice.

#### *4.4.5 The new layer of federal authority*

The *BCAct* introduces a Minister and a Major Projects Office as a new layer of political and administrative authority. Normally, that would be a counter-intuitive approach to enhancing efficiency and effectiveness.

In the case of federal assessment and permitting, there is some logic in mobilizing central power. The key end-of-process task is to compile the comprehensive authorization document, with conditions arising from assessment findings plus conditions tied to specific permitting requirements. Doing that efficiently and effectively goes beyond process development to building a culture of inter-agency teamwork throughout the assessment reviews and permitting process. It’s a daunting challenge.

Moreover, to meet the government’s “one project, one assessment” commitment, the collaborative integration must include the other assessment jurisdictions. As discussed in section 4.4.4, above, establishing the necessary structures and processes for multi-jurisdictional collaboration must begin in the initial identification of a candidate national interest project and be finalized before listing. Otherwise, the inter- or multi-jurisdictional process will not be ready for expedited assessment and permitting.

That presents major challenges. But willing national collaboration is a key criterion for, and test of, national interest projects. Without that collaboration, the assessments will not be sufficiently comprehensive to be effective or efficient, and without the practical arrangements in place, the projects as well as the process will not be well enough prepared for expedited assessment.

Efficient and effective results from addition of the new authority will depend on

- quick development of sufficient central authority expertise, including on the actual record of assessment and permitting practice and the evident lessons about where and how better and more timely decisions can be achieved;

- establishment of supportive relations with IAAC, other federal regulators and other participating jurisdictions and authorities, with clearly understood approaches to often overlapping roles and expectations;
- achievement of administrative distance despite proximity to the political centre to limit tensions
  - between short-term political priorities and forward-looking project and assessment objectives and
  - between political discomfort with scrutiny and assessment needs for transparency and informed engagement; and
  - between flexibility and clarity in relations between/among the layers of authority and responsibility.

The structure established under the *BCAct* may be best treated as an experiment – to be implemented with adaptive design, monitored like an assessed project, and reviewed early and often as it settles into the role.

In the meantime, considerable uncertainty will surround prospects for Major Projects Office success in achieving willing collaborations, expeditious completion, and smooth assembly and integration of all regulatory permit requirements in the end-of-process authorization document. That is a new *BCAct* task, not required under the *IAAct*. While the new Major Projects Office may be situated well, it could take some time to meet the high expectations.

#### *4.4.6 The process timeline commitment*

As noted above, the *BCAct* was announced with a policy commitment to complete national interest project assessment and permitting within 2 years. What that means is not clear.

The simple literal approach to time-to-completion would be as follows:

- The measured time would start when the national interest project name and project description are posted on the Schedule 1 list and end when the authorization document with the approval conditions is issued;
- The timed period would cover all assessment activities between those two points, including
  - the assessment steps carried out by the government bodies, including work by IAAC and the Major Projects Office along with the regulators to
    - develop initial guidance,
    - review the proponent's Impact Statement and other submissions,
    - prepare conclusions and recommendations, and
    - assemble all the assessment and permitting conditions for the decision makers,
  - and
  - the proponent's work in preparing its Impact Statement.

That approach would be problematic for three immediate reasons:

- The time period would not include the pre-listing deliberations on whether or not the candidate project should be pre-approved. The listing decision has major national interest consequences, including quite negative ones if a poor decision is made. If listing is to be adequately informed and justified, the deliberations would constitute the rough equivalent of an assessment process. Not including that assessment work in the measured assessment period would be misleading at best.
- In the timed assessment period beginning after listing, the federal government would have reliable authority only over its own government bodies' assessment activities. Proponents' impact statement preparation is normally expected to take up more than half of the timed assessment period,<sup>63</sup> has been delayed frequently in past cases, and is largely beyond government control. In multi-jurisdictional assessments, the federal government would also have limited reliable authority over its assessment partners, though careful preparation and detailed collaboration agreements may help.

Covering all activities, including delays by proponents and assessment partners, in the measured period would be reasonable for revealing how long the process takes. But it would obscure how long the federal government and its partners in multi-jurisdictional assessment take in the process. Insofar as the timeline commitments are responses to allegations of government inefficiencies, the measured times should cover only activities within government control. Including the time taken by delays by others would misrepresent government efforts to be more efficient in its own efforts.<sup>64</sup>

- Many of the key assessment components of the combined *BCAct/IAAct* process are not yet defined well enough, or tested by enough experience, to allow determination of process time requirements that are realistically ambitious and avoid compromising effectiveness.

The upshot appears to be that no single process timeline, or timeline commitment, will be sufficiently clear and useful even for the limited purposes of a time-use indicator.

Since the 2-year process commitment is apparently also to be applied to project assessments solely under the *IAAct*, these difficulties will affect both processes. A more detailed consideration of timeline issues and response options will be presented in Appendix 2, below.

#### 4.4.7 Fragmentation and misalignment

In section 1.1.1, above, two of the leading barriers to efficient and effects assessment in Canada are

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<sup>63</sup> In the current process under the *IAAct*, proponents are allocated up to 3 years for impact statement preparation and delivery, while IAAC and decision makers get 1.6 years (or 2.4 years for the rare panel reviews) in total for all their activities. IAAC, [The Impact Assessment Process: Timelines and Outputs](#), 21 June 2024.

<sup>64</sup> Timeline accounting in IAAC has long attempted to distinguish time for federal government assessment activities from time taken by proponents. Under the earlier legislation, CEAA 2012, federal practice was to pause the clock for proponent time in preparing the impact statement and responding to requests for further information, and to continue that pause for the Agency to determine whether the impact statement covers the information requirements (maximum 30 days) or whether the response to a further information request is sufficient (15 days). See IAAC, [Operational Policy Statement: Information Requests and Timelines](#), (February 2016).

- fragmentation and inconsistency among Canada's many overlapping assessment regimes, and
- poor alignment of assessment requirements and processes with the steps of proponent work in the conception, design and elaboration of project proposals.

Both represent long-standing problems. But while uncertainties surround how they may be addressed most successfully in the *BCAct/IAAct* process, useful steps can be taken.

#### Fragmentation and inconsistency

Canada's constitutional divisions, diverse and separately incomplete assessment process, and inter-jurisdictional tensions are long-recognized and persistent. In individual case applications, they have been best addressed through joint assessment process, including use of joint review panels that combine the requirements of two or more jurisdictions (federal, provincial, territorial and/or Indigenous) and deliver conclusions for both or all. Inter-jurisdictional cooperation agreements have also been demonstrably helpful. Broader success in harmonizing assessment approaches to a common high standard has been elusive, but there have been promising initiatives<sup>65</sup> and the possibilities are illustrated by the reasonably similar approaches of the three territories.

For assessments of national interest projects, many of which are likely to involve various combinations of assessment jurisdictions, case-by-case arrangements for joint processes would seem to be practical necessities. Given the nation-building intent of the *BCAct* law and process, having a joint process in place should be a pre-requisite for listing. That requirement would encourage and enable both effectiveness and efficiency in the deliberations and decision making leading to the authorization document. How far the arrangements could go towards integration of the participating jurisdictions' permitting as well as assessment remains to be seen. But considerable gains from collaborative national interest project assessments seem likely and positive experience there could spread to more ordinary case practice under the *IAAct*.

#### Poor alignment of assessment processes and project development steps

Assessment alignment difficulties are (even) more complex. As noted in section 1.1.1 above, essential purpose of assessment law has always been to spur proponents to develop their projects with attention to more issues, options and objectives than they would consider otherwise. Accordingly, assessment has been most effective and efficient where it influences proponents

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<sup>65</sup> The nearest approach to major achievement came in the late 1990s, in an initiative hosted by the Canadian Standards Association. The immediate objective was a non-binding best-practices "guideline standard" for impact assessment process design. But the hope was that it would provide a basis for process harmonization. The appointed technical committee for the initiative included the contrasting perspectives of members from federal, provincial and territorial governments, Indigenous bodies, private sector proponents, consultants, environmental organizations and other experts. The committee came near to consensus on a fourteenth draft with many advanced components before the initiative collapsed. Although the "guideline standard" exercise failed in the end, it revealed the potential for broad multi-stakeholder agreement on advanced assessment.



over the whole process in which they address project aims, alternatives, potential contributions and risks as well as later matters of detailed design – typically in succession but with iterations.

The usual assessment processes don't do this well. They are increasingly crammed into a timeline spanning two specific points in the process, even though they are meant to inform the many, roughly successive steps of much longer project planning and elaboration for implementation. For example, under the *IAAct's* current legislated timing, IAAC begins the process by requiring quite advanced project planning and description before setting out tailored assessment requirements for proponents to address in their Impact Statements. But capable proponents will have started their project development decision making and impact assessment work much earlier because quite advanced understanding of project options and impacts was needed to support a viable project description.

The assessment players adjust to the narrow boundaries of the formal process. Proponents guess what the tailored requirements will entail. The assessment agency gives little attention to alternatives and other early-stage considerations and leaves permitting details for later regulatory decisions. If adherence to an apparently short timeline is achieved in the measured part of the process, the exercise may seem efficient. But it's not well-aligned with the reality of process steps and misses openings, especially in early planning, for more effective contributions to ensuring better projects.

For assessments of national interest projects, the *BCAct* represents a different approach. Both of the two main decisions – the pre-approval listing and the final authorization that consolidates assessment and regulatory permit conditions – have alignment potential.

The process for *pre-approval listing* decision making is not yet defined. But as discussed above, the decision makers are likely to need extensive and quite detailed information, including on project options, economic viability, contributions to autonomy, resilience and security, positive and adverse effects, arrangements for inter-jurisdictional collaboration, Indigenous support and readiness for expedited assessment. If so, the listing deliberations period could start early and be organized for well-aligned continuing influence through the early and advanced planning of potential national interest projects. That would include the initial steps considering objectives and alternatives as well as the later steps covering more specific effects, arrangements, supports and preparation for the post-approval assessment.

For the final *authorization*, decision making would need to reach more deeply into anticipated particular and cumulative effects, risks and gains over the project's lifetime and legacies, needs and openings for mitigations and enhancements. Efficiency and effectiveness would depend on particular attention to cumulative and interactive effects, which have the greatest positive and adverse consequences. All components would be in aid of identifying and specifying requirements for conditions of approval and permitting, covering a wide range of broad and specific requirements.

In addition to the usual assessment and permit conditions, national interest project authorizations could involve a long list of other matters:

- assignment of federal, provincial, territorial and/or Indigenous responsibilities for next steps, including those below;
- funding and other program implementation for project support and/or for mitigating or enhancing effects;
- revenue distribution arrangements;
- continuing collaborative governance and administrative roles;
- follow-up monitoring of effects and compliance;
- public reporting for learning from experience and for adjusting current guidance;
- funded security for accidents and closure costs;
- ecological restoration and community support obligations; and
- regular reviews.

All these authorization conditions or associated requirements would have implications for proponents and/or the conditions the proponent must meet. However, many would be primarily directed to the governments involved and would require actions by them to enhance project benefits and/or reduce adverse effects and risks.

Whether all these would be most efficiently and effectively consolidated into the single authorization document, or better addressed using other tools in some succession aligned with process logic, is perhaps best determined in practice.

#### Pre-approval vs assessment logic

While early pre-approval of listed national interest projects is central to the *BCAct's* agenda and process, this element does not align with normal assessment approaches and poses difficulties in practice.

Some of these difficulties are

- addressed above in discussions about the extent to which pre-listing requirements include
  - detailed project information and related analyses of likely project contributions and risks,
  - inter-jurisdictional collaborative arrangements,
  - Indigenous support, and
  - other preparations needed for adequate readiness for expedited assessment and permitting); or
- addressed below in the section 4.3.8 discussions about the role of broad scoping and public interest information in identifying priorities for authorization conditions.

Basic and long-standing assessment logic holds that final approvals are properly determined on the basis of the evidence gathered and assessed in the process. Denial of approval has been rare in most if not all jurisdictions globally – in part because good and consistent assessment requirements drive better project planning and proposals.

The *BCAct's* approach is not aligned with that logic and the suggested means of addressing the resulting difficulties would only reduce the misalignment problem.

#### 4.4.8 *IAAct assessment without a planning phase and without an approval role*

The final category of assessment phase uncertainties involves how the *IAAct* process will work without the planning phase provisions and without an approval role.

##### Planning

National interest projects are exempted from the *IAAct* planning phase provisions. Normally, components in that phase play crucial roles in

- public release of the initial and eventually detailed project description;
- formal engagement with relevant interests, authorities and Indigenous governing bodies and communities;
- determination of whether or not an assessment is required;
- determination of collaborative arrangements with other assessment jurisdictions;
- identification of key issues; and
- development of draft and final Tailored Impact Statement Guidelines.

With or without a formal planning process, most of these components are needed in national interest project assessments. The exception is that the need for assessment has been pre-determined. The other components are practical necessities for both efficiency and effectiveness:

- Indigenous consultation and attention to effects on Indigenous people and their rights is mandatory for legislated, Constitutional and consent reasons.
- Public information and engagement with relevant interests and authorities is needed for issue identification and process credibility.
- Established collaborations with other assessment jurisdictions are necessary to meet the “one project, one assessment” commitment and to clarify scoping, permitting and expectations.
- Identification of key issues, valued components and interactions, and their inclusion in tailored guidelines, are needed to focus the proponent’s impact statement work and align it with the decision-makers’ requirements.

A major problem is that the tailored impact assessment guidance exercise comes very late in the process. The proponent of a national interest projects will already have done enough planning and assessment to convince federal authorities to pre-approve the project and to convince consulted provinces, territories and Indigenous peoples to express support. For efficiency and effectiveness, substantial initial engagement on tailored guidance matters is needed earlier, in pre-listing, when the project is being elaborated and initially reviewed. It is also needed to ensure readiness to proceed promptly with an expedited assessment process that does not include a planning phase.

As discussed above, the listing process for identifying national interest projects could provide some elements of pre-assessment planning. Whether or to what extent that happens depends on how the requirements are defined for

- listing information and analyses,
- evidence of support (and collaborative intent) from provinces/territories, and
- evidence of pre-approval Indigenous consent (and perhaps also assessment collaboration).

While credibly consultative and detailed identification of key issues conditions of approval could be left for the *IAAct* assessment stage, involvement of IAAC in the listing stage identification of key issues, options and priorities would be desirable to link and align the two decision processes.

#### Pre-approval, assessment scope and public interest justification

The pre-approval of national interest projects entails adjustments for application in the post-listing *IAAct* process. One key question concerns the practical implications for assessment scope and public interest evaluation.

The *IAAct*, as amended in 2024, establishes a focus on adverse effects within federal jurisdiction but also retains broadly scoped assessment requirements (s.22(1)) and a public interest test to determine justification for acceptance of non-negligible adverse federal effects (ss.60-63).

For national interest projects, pre-approval removes part of the need for the public interest justification in the conditions portion of the process for national interest projects. However, the broadly scoped assessment requirements remain mandatory under the *IAAct* and a public interest test is still needed to ensure

- due attention to implications for Indigenous rights and “free, prior and informed consent”
- a suitably comprehensive base for collaborations with provincial and territorial as well as Indigenous assessment jurisdictions, many of which have a similarly broad scope; and
- detailed grounds for conditions applied to any provision of federal funding.

More generally, a broad public interest assessment scope is a minimum expectation for projects expected to be especially valuable contributors to the national interest. That expectation is consistent with the *BCAct* legislators’ choice to retain application of the *IAAct* rather than rely on permitting alone. *IAAct* assessment requirements cover positive as well as adverse effects. The underlying purpose is to favour design of projects to deliver net positive contributions to the public interest.

That public interest objective remains appropriate for pre-approved national interest projects because it also provides the necessary basic foundation for evaluating the extent of requirements for mitigation and enhancement of anticipated effects through conditions of approval and permits. In addition to beneficial conditions of approval in the national interest, process requirements featuring comprehensive attention to minimizing risks and maximizing diverse and lasting gains should contribute to better initial project design for the listing decision.

For practical application, suitable guidance on attention to broad public interest matters will be needed before as well as in Tailored Impact Statement Guidelines. An efficient and effective approach would

- include public interest scope guidance for the pre-listing phase (e.g., concerning the scope and foci of requirements for pre-listing project information, analyses and evaluation criteria) as well as for the assessment phase (e.g., in more specific Tailored Impact Statement Guidelines);
- combine the public interest scope with priority attention to the key determinants of conditions of approval including
  - project contributions to be enhanced;
  - project risks, costs and adverse effects to be mitigated (with particular attention to valued components and positive and adverse induced, cumulative and interactive effects);
  - federal funding, program support and other assistance to be provided; and
  - other matters related to the listing criteria;
- especially at the listing stage, emphasize attention to key determinants of prospects for overall positive and lasting net contributions to the national interest, anticipating needs for such information in the development of conditions of approval in the assessment and permitting stage;
- within the national/public interest scope,
  - combine attention to adverse effects within federal jurisdiction with capacity to ensure smooth integration with the requirements of collaborating assessment jurisdictions (provincial, territorial and/or Indigenous); and
  - focus well on key issues and opportunities to facilitate expeditious Impact Statement completion by suitably assessment-ready proponents.

#### *4.4.9 Summary of efficiency and effectiveness issues and implications for the assessment and permitting process for national interest projects*

Efficiency and effectiveness at the assessment stage are adversely affected both by uncertainties inherited from the listing stage, and by uncertainties introduced by the *BCAct*'s legislated and potential changes to the *IAAct*'s assessment process.

Clear policies, administrative steps and consistent implementation could reduce these adverse effects and take advantage of new opportunities.

From the listing stage come needs for policy guidance and other steps for assessing to what extent the listing stage deliberations have delivered

- adequate information about remaining project options, issues and assessment and permitting priorities for tailored assessment stage guidance;
- reasonably comprehensive and firm inter-jurisdictional cooperation agreements for comprehensive joint assessments and co-leadership; and
- readiness of proponents and other participants for an expedited assessment.

Suggested approaches to avoiding listing stage inadequacies are discussed in section 4.3.9, above.

Where any project is listed as pre-approved despite gaps or other inadequacies in the delivered listing stage results, early assessment stage tasks would include

- completing the necessary discussions, data collection and analyses to determine project options, issues and assessment priorities for tailored assessment stage guidance;
- completing the needed comprehensive and firm inter-jurisdictional cooperation agreements and initiating joint assessment implementation (see section 4.4.4);
- identifying and coordinating relevant permitting bodies as well as bodies to be involved in federal funding and other supports; and
- assisting proponents and other assessment participants to move with dispatch and capability into the assessment phase.

Reduction of other uncertainties in the assessment stage could entail

- steps, perhaps largely assigned to IAAC, to combine listing stage planning and issue identification with early assessment stage discussions to
  - inform collaborative assessment deliberations with other participating jurisdictions,
  - enable informed tailored guidance for national interest project assessments,
  - address the gap left by the *BCAct*'s elimination of the *IAAct* planning stage requirements, and
  - meet practical needs to set impact assessment priorities (see section 4.3).
- Cabinet action to increase the predictability of assessment requirements through a firm policy commitment to use the *IAAct* process as adjusted by the *BCAct* and confirmation that Cabinet will use its powers to change assessment requirements for exceptional case application only (see section 4.4.3);
- guidance clarifying that assessments of pre-approved national interest projects must still be comprehensive enough for application of the *IAAct* public interest test to
  - cover implications for Indigenous rights and “free, prior and informed consent”; and
  - provide a suitable base for
    - collaborative joint assessments with provincial and territorial as well as Indigenous assessment jurisdictions (see sections 4.4.7 and 4.4.8); and
    - drafting conditions of approval that ensure delivery of the net project contributions anticipated in the listing/pre-approval decision;
- careful development of the Major Projects Office as a coordination and integration vehicle rather than a new layer of politicized authority, and with particular responsibilities (see section 4.4.5);
- system planning and relationship building to enable the new Major Projects Office, IAAC and the regulatory bodies to

- establish practical working relations with the other jurisdictions and authorities in the joint assessment processes;
  - meet the expanded *BCAct* requirements for the authorization document to consolidate all federal assessment and permitting conditions of approval;
  - integrate attention to overall and specific joint inter-jurisdictional process results, including provincial, territorial and/or Indigenous approval and permitting conditions, especially those involving effects that overlap with federal effects and responsibilities; and
  - help ensure that the approval conditions of all the participating assessment jurisdictions are consistent, comprehensive and sufficient and that joint means of ensuring proper monitoring, reporting, compliance and adaptive management are established (see section 4.4.5); and
- a firm Cabinet policy, aiming to increase process clarity and predictability in the assessment stage, centred on
    - commitment to consistent use of the *IAAct* process as revised by the *BCAct* for national interest projects, and
    - confirmation that Cabinet will reserve its powers to remove or alter other assessment requirements for exceptional case application only (see section 4.4.3).

The expedited assessment stage for national interest projects is subject to statements of commitment to “one project, one assessment” and a 2-year maximum timeline. The two objectives affect each other. Moreover, prospects for how both might be achieved depend in large part on successful resolution of the main uncertainties discussed above.

Most important may be efforts to ensure the listing process delivers

- rigorously well-informed, broadly understood and credibly developed analyses to support each listing of a national interest project, including firm grounds for confidence in project viability and delivery of lasting net positive gains;
- Indigenous consent, or grounded confidence in achieving it, prior to listing;
- established agreement among the relevant jurisdictions and authorities on arrangements for joint assessment; and
- advanced proponent, project and process preparedness for entry into the expedited assessment stage.

## **5. Efficiency and effectiveness and the standard assessment process under the *IAAct*, including for projects with activities and effects largely under provincial jurisdiction or largely under federal jurisdiction**

### ***5.1 Essential characteristics of the *IAAct* process for ordinary designated projects***

In contrast to the *BCAct*, the *IAAct* is accompanied by a suite of regulations and policy guidance plus some years of implementation experience. It was, however, amended significantly in 2024 in response to the Supreme Court of Canada’s concerns about overreach into matters of

provincial jurisdiction. The record of practice under the amended law remains thin and the overall record is still mostly limited to the first few phases of the assessment process. Nevertheless, the essential characteristics of the *IAAct* process, and its main efficiency and effectiveness issues and opportunities, have been subject to some testing and are easier to identify than those of the yet to be applied *BCAct* process.

The core project-centred process established under the *IAAct*, as amended in 2024,

- is for “designated projects” in categories defined by regulation or identified case-by-case in a discretionary ministerial process for project designation.<sup>66</sup>
- is distinguished from initial federal assessment legislation by
  - adopting a comprehensive assessment agenda covering positive as well as adverse health, social and economic as well as environmental effects, and their interactions;
  - placing stronger emphasis on respect for Indigenous rights; and
  - considering environmental obligations, climate commitments and contributions to sustainability.
- proceeds through a set of legislated phases:
  - planning, which begins with a project description and involves issue identification, a determination on whether an assessment is required, development of tailored guidelines for the proponent’s preparation of an impact statement, and potential referral to a review panel,
  - impact statement preparation by the proponent,
  - impact statement review and preparation of a report with potential conditions by IAAC, and
  - decision making by the Minister or Cabinet on approval and assessment conditions.
- is preceded by informal pre-planning by the proponent and others in initial thinking and discussions about the project concept and its first elaborations, consideration of alternatives, identification of potential effects and other issues, consultation with authorities and stakeholders, and other preparation for the assessment.
- is extended post-approval in the completion of permitting, project implementation (if/when financing and other factors align), follow-up effects and compliance monitoring, enforcement and adaptive management, and eventual closure or the equivalent.
- requires a focus on effects within federal jurisdiction, including effects on Indigenous peoples and their rights.
- continues to require broad attention to positive and adverse effects (s.22(1)), with particular attention to effects where Indigenous rights may be involved.
- retains a public interest test, because the public interest considerations must be considered in decision making that may justify acceptance of non-negligible adverse effects in federal jurisdiction (ss.60-63).

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<sup>66</sup> Far fewer projects have been reviewed annually under the *IAAct* than under its predecessor legislation, the *Canadian Environmental Assessment Act 2012*. Minister’s Advisory Council on Impact Assessment, [\*Third Report to the Honourable Julie Dabrusin, Minister of Environment and Climate Change\*](#), 28 April 2025, pp.7-8.



- faces substantially different challenges in applications to projects largely under provincial jurisdiction (e.g., bitumen extraction) versus projects largely under federal jurisdiction (e.g., uranium mining).
- includes openings for substitution of other jurisdictions' processes where certain conditions are met and for collaboration including joint assessments with other assessment jurisdictions.
- provides for general transparency and for public engagement including intervenor funding in the assessment planning and review phases.
- has decisions on approval and conditions that are made by the Minister or Cabinet and must be based on consideration of the impact assessment report and three factors specified in s.63 of the *IAAct*.<sup>67</sup>
- includes approval conditions for monitoring and other follow-up.
- leaves the specifics of some final regulatory permitting to other agencies.
- is apparently to be expected to meet the same 2-year maximum time-to-completion as the expedited *BCAct/IAAct* process for national interest projects despite different process components (e.g., the *IAAct* process retains a planning phase).<sup>68</sup>

## 5.2 Risks of efficiency-centred initiatives in standard *IAAct* assessments

As discussed at the outset (section 1.1), efficiency and effectiveness are interdependent. Current pressures are focussing mostly on achieving increased efficiencies. The proposed application of a 2-year maximum time-to-completion for standard *IAAct* assessments as well as for expedited *BCAct/IAAct* assessments is centred on efficiency objectives. That does not necessarily entail compromises to effectiveness. Efficiency-centred initiatives can enhance effectiveness. But one-sided approaches merit critical examination.

The following lists recognize the potential gains and losses from efficiency-centred initiatives, including limiting *IAAct* assessments to a 2-year maximum time-to-completion. Note that the lists for both gains and losses include effects on efficiency as well as effectiveness.

(i) Potential effectiveness gains from assessment process time restrictions may include the following:

- increased discipline in the use of time/resources enhancing focus on key issues;
- reduction of cost, time and delay frustrations for some, perhaps many assessment participants;

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<sup>67</sup> The three factors in the *IAAct*, s.63, can be summarized as (i) project effects on any Indigenous group and adverse effects on Indigenous Constitutional rights, (ii) the extent to which project effects contribute to Canada's ability to meet its environmental obligations and its climate change commitments, (iii) the extent to which project effects contribute to sustainability.

<sup>68</sup> See the discussion of process timelines in Appendix 2. The current process is allocated up to 4.5 years (or 5.4 years if a review panel is involved) of which 3 years is dedicated to the proponent's preparation of the impact statement (including meeting any deficiencies identified by the Agency). How much of the time used in assessments within current maximum period is within the control of the Agency is uncertain and likely variable. But a substantial portion of the up to 3 years allocated to the preparation of the impact statement is beyond the Agency's control. How that uncertainty may be addressed in any application of the 2-year expectation for process completion is not yet clear.

- facilitation of quicker approval and implementation of beneficial projects (though perhaps also problematic ones);
- more time/resources for other applications (potentially available capacity to assess additional projects or to do regional assessments);
- potential gains in benefits per hour/dollars spent; and
- potential increase in process credibility among multiple assessment participants, especially if effectiveness is not compromised.

(ii) Potential effectiveness losses from assessment process time restrictions may include the following:

- greater difficulties in aligning the assessment process with proponents' project development processes (e.g., providing early guidance for initial project conception and design, ensuring more detailed tailored guidance comes before detailed assessment and design, and ensuring that permitting awaits sufficient project elaboration to inform permit requirements);
- time/resources constraints leading to narrower scoping with less attention to larger and/or complex issues, despite their substantive significance;
- increased reliance on
  - proponent-only reporting of pre-planning results;
  - template guidance rather than tailoring to address project-specific priorities;
  - formulaic Indigenous and public engagement;
  - largely template reviews;
  - standard mitigations rather than specification to address needs and opportunities particular to the case and place;
  - permitting activities outside the measured assessment period;<sup>69</sup>
- staff turnover and resulting loss of expertise;
- insufficient flexibility to accommodate minimally predictable needs (e.g., for inter-jurisdictional collaboration, Indigenous processes, project re-design/re-funding);
- approval of regrettable projects;
- minimal benefits from assessment; and
- decline of process credibility as well as substantive effectiveness.

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<sup>69</sup> Steps towards reduction of assessment to a largely permitting-focused process are already evident in *IAAct* application following the 2024 amendments. Requirements to focus on federal biophysical effects and implications for Indigenous peoples have apparently tended to discourage careful attention to broader considerations (alternatives, socio-economic and health effects on non-Indigenous people, implications for environmental obligations and climate commitments) despite those matters still being mandatory considerations. See, for example, IAAC, letter to Kinross Gold Corporation concerning [“Next Steps in the Impact Statement Phase for the Great Bear Gold Project,”](#) 18 December 2024. The addition of pressures to speed assessment work to meet a 2-years-to-completion objective could push practice closer to a permitting process and further from its long-standing role as a largely planning process meant to deliver generally better projects.

Also relevant here, as in the process for national interest projects (see section 4.4.6, above), is that the meaning and application of the 2-year timeline commitment are uncertain. The possibilities range from

- 2 years for the entire time from process commencement to final decision on approval (or not) and conditions, including periods of process delay and suspension over which the federal government has little or no control, to
- 2 years for process components fully with the control of the federal government – excluding time taken by proponents to prepare the impact statement or respond to requests for further information, process suspensions at the request of the proponent, and delays to align with provincial or other processes suspensions).

Without further clarification of what the 2-year timeline commitment covers, it is not possible to reach firm conclusions about the implications of its adoption and application.

### ***5.3 Efficiency and effectiveness problems, opportunities and uncertainties concerning the process for ordinary designated projects under the IAAct***

The common focus for considering efficiency and effectiveness under the *IAAct* is the four legislated phases of the project assessment process listed above – planning, impact statement preparation, review and report development and decision making.

That focus prevails in part because of official process timing. Each phase has a legislated maximum time allotment (though also provisions for extensions) and the time actually taken for completion of each phase is monitored. Also, the time taken for completion of the four phases is taken to represent the full assessment process. In practice, the four legislated and timed phases are accompanied by an informal pre-planning stage and post-approval monitoring and follow-up, both of which can be significant contributors to process effectiveness and efficiency, but are not included in the usual measuring of process time.

The four legislated phases appear to represent the timed periods to be covered by the new expectations for *IAAct* process completion in 2 years or less. There are uncertainties, however. For example, the current four phases include up to 3 years for the proponent's preparation of an adequate impact statement. That work is part of the process, but not a part that the federal government can control in a 2-years-or-less schedule.<sup>70</sup>

Because the informal pre-planning and extended post-approval activities can play key roles in the *IAAct* assessment process and influence prospects for process efficiency and effectiveness, they merit attention. These beyond-the-formal-process components will be included along with further outside influences in the following list and subsequent discussion of *IAAct* assessment process efficiency and effectiveness considerations.

The key efficiency and effectiveness problems, opportunities and uncertainties for solely *IAAct* assessments may be grouped into five categories:

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<sup>70</sup> See section 5.2, above, and Appendix 2 on timelines.

(i) Inter-jurisdictional challenges in ensuring reasonably comprehensive integrated as well as timely attention to the key factors for impact assessment as set out in *IAAct* s. 22(1) and the interactions among these factors:

- inter-jurisdictional assessment fragmentation, due to Constitutional divisions of responsibilities as well as siloed traditions of government and professional bodies;
- especially problematic fragmentation affecting assessments of federally designated projects that are also significantly within provincial jurisdiction;
- the near abandonment of inter-jurisdictional assessments and joint panel reviews;
- opportunities as well as practical challenges for collaboration arising from significant differences in and overlaps and gaps between/among federal, provincial, territorial and Indigenous assessment processes; and
- inter-jurisdictional tensions and associated uncertainties about prospects for inter-jurisdictional collaboration in joint assessment agreements and in individual case applications.

(ii) Challenges other than jurisdictional fragmentation of relevant powers and responsibilities in covering requirements within available time and capacity:

- pressures to scope assessments narrowly to speed assessment deliberations, avoid Constitutional disputes, and reduce demands on proponents and assessment reviewers and administrators;
- limited expertise on complex and/or newly recognized and considerations (e.g., cumulative and interactive effects, socio-economic impacts, substantive alternatives, Indigenous engagement concerning matters of rights and consent);
- tensions due to
  - tight time limitations for addressing big and difficult issues and options;
  - disagreements over inclusion or exclusion of assessment components that may undermine established practices and/or increase costs of compliance (e.g. climate commitments, GBA+, Indigenous consent, environmental obligations such as biodiversity maintenance).

(iii) Challenges in addressing the most important impacts and options at the project level alone:

- limitations of project-level assessment as a vehicle for examination of big issues (e.g., regional cumulative effects), broad alternatives (e.g., for regional development/regeneration infrastructure, projects and livelihoods, economic evaluations in the context of objectives for long term as well as immediate economic sovereignty and trade-diversification), and intergenerational legacies (e.g., bridging to viable futures after non-renewable resource extraction); and
- minimal availability and use of other tools for addressing these issues (e.g., limited use of *IAAct* provisions for regional and strategic assessments – due in part to jurisdictional tensions and collaboration challenges at the regional/strategic level).

(iv) Practical challenges of a policy commitment on process time that is centred on an attractively simple 2-year deadline covering the four measured assessment phases, but:

- includes significantly time-demanding components outside federal government control (see Appendix 2);
- adopts the time-to-completion time maximum designed for application to expedited assessments of listed national interest projects,<sup>71</sup> though the standard *IAAct* assessment components differ, especially in retaining the planning phase (see Appendix 2);
- neglects learning from assessment experience – for example, the selection of the 2-year objective has not been supported by public evidence of data or analyses on issues and options or on potential interactive and cumulative effects;
- inadequate or absent consideration of
  - the interdependence of efficiency and effectiveness and the interactions of effects on these objectives;
  - the specific effectiveness/efficiency problems and opportunities in, and beyond, each of the *IAAct* assessment phases and components;
  - the specific options for addressing identified phase/component specific process time problems and opportunities, their predictable effects, and the interactions among these effects on problems and opportunities in other components/phases; and
  - the potential gains from attention to problems and opportunities in the larger actual assessment process beyond the measured components (early planning and post-approval monitoring and follow-up) and beyond project-level assessment (e.g., inter-jurisdictional collaboration and regional and strategic guidance).

(v) Challenges arising from continuation and deepening of already significant process uncertainties:

- growing uncertainties from successive federal legislative changes<sup>72</sup> in the context of diverse and also often changing as well as overlapping provincial assessment law and practice;
- uncertainties about how to combine process flexibility and predictability, standardized guidance and individual case specification of requirements/expectations; and
- tensions between the immediate political convenience of flexibly cloaked decision making (with unspecified criteria, minimally defined processes and little transparency) and the broader inconvenience for other participants (proponents, other jurisdictions, investors, affected communities, etc.) of unclear rules and expectations, unpredictable results and limited grounds for confidence.

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<sup>71</sup> Intergovernmental Affairs Canada, Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

<sup>72</sup> Minister’s Advisory Council on Impact Assessment, [Third Report to the Honourable Julie Dabrusin, Minister of Environment and Climate Change](#), 28 April 2025.

## ***5.4 Summary of implications for effectiveness and efficiency in the standard IAA process for designated projects***

### ***5.4.1 Directing efficiency initiatives to serve effectiveness priorities within the IAA process***

Given the unavoidable interdependence of efficiency and effectiveness, the design and selection of efficiency initiatives should ensure attention to priority core effectiveness factors, especially

- (i) project contributions to the lasting public interest, including informed attention to
  - the project's economic viability and the extent of its net direct and induced contributions to long as well as immediate national economic objectives (e.g., economic sovereignty, trade diversification, expansion of capacity in fields crucial for economic futures, ...);
  - the extent and reliability of the project's net positive direct and induced contributions to correcting neglect of Indigenous rights and interests and facilitating reconciliation; and
  - the extent and reliability of the project's net positive direct and induced contributions to multi-scale sustainability, including meeting the Sustainable Development Goals, equity in meeting social and economic needs, environmental obligations and climate commitments.
- (ii) process contributions to the lasting public interest, including
  - enhancing inter-jurisdictional collaboration in assessment process application, especially through joint assessments;
  - encouraging inter-jurisdictional alignment and upward harmonization of assessment law and practice; and
  - facilitating full process learning by all participants.

### ***5.4.2. Identifying best options for gains in efficiency with effectiveness within the IAA process***

Major considerations to be addressed in identifying best options for efficiency gains, recognizing the effectiveness factors above, include the following:

- (i) Initiatives focused largely on increasing process efficiencies should
  - be evidence-driven and based on clear understanding of the experience to date with the full assessment process involved, including
    - experience in each of the phases recognized in the *IAAct* (planning, impact statement preparation, review and report development, and decision making)
    - experience with the pre-planning and post-decision assessment phases before and after the phases formally established in the *IAAct*);
  - address particular components of the defined assessment phases;
  - recognize key practical substance and process differences among/between
    - assessments of national interest projects under the *BCAct* and the *IAAct*;
    - assessments of designated *IAAct* projects largely under federal jurisdiction;
    - assessments of designated *IAAct* projects significantly under provincial, territorial and/or Indigenous jurisdiction;
    - collaborative joint assessments with two or more jurisdictions.

(ii) Time-to completion deadlines may encourage useful discipline, but are subject to the following conditions:

- A time-to-completion commitment not tied to effectiveness maintenance and improvement is a tail trying to wag the dog.
- In parallel with assessment requirements, all projects involve time and resources for planning and elaboration (and supplier and market research, funding, consultations with multiple interests and authorities, etc.). What matters in practice is not overall time to completion but assessment process time that is additional to the time needed in any event for project planning. Additional resources to completion also matter.
- No government policy commitments for process timelines for “a particular process component or phase or for “the whole process” (e.g., between project identification and the assessment decision on approval, or not, and conditions) should include time for activities outside federal government control (e.g., by the project proponent or another governing body).
- In particular, the federal government should not make a time commitment for the impact statement phase of assessment as a whole, since much of that phase is the responsibility of the project proponent.
  - Proponents often have compelling reasons for requiring more time (technical issues that entail project design changes, market shifts, investor hesitation, unexpected assessment findings, etc.). Proponent-requested process suspension and time extension requests, and the reasons for them, should be monitored and included in public timeline reporting, to inform public debate.
  - Where there is a sufficient base of experience, the federal government could make time limit commitments for specific components of the impact statement phase, including federal responses to the impact statement (identification of any deficiencies and determination of adequacy), but not including proponent time in addressing identified deficiencies.
- Similarly, the federal government should not make a time limit commitment for any portion of an assessment that depends upon actions by a collaborating jurisdiction, unless that time commitment is
  - included in the collaboration agreement with all collaborating jurisdictions in the case, and
  - accompanied by provisions for extensions in exceptional circumstances.
- Generally, firm commitments in collaborative inter-jurisdictional assessments should await experience with the collaborative assessment process and partners.

The most useful and defensible time commitments are probably those set for federal-government controlled individual assessment phases and phase components. Full process numbers on government time as compared with full process time to complete would help inform public understanding of what and who is responsible for time taken.

(iii) In addition to outside factors, the timeliness of assessment work is likely to depend heavily on the extent, effectiveness and good fortune of efforts in pre-planning, including early

- sharing of information;
- identification of key issues, opportunities and concerns, potentially attractive alternatives, etc.;
- steps to build process credibility, including through transparency and engagement; and
- establishment of collaborative relations and initial agreements involving the proponent and relevant authorities and/or communities, and/or among the relevant jurisdictions.

Because early pre-planning is an informal part of the process, it cannot serve as a rationale for shortening timelines. Instead, it should be pursued as a way of enhancing efficiencies and effectiveness generally, with the side benefit of facilitating high performance assessment well within timeline commitments.

(iv) Given the unavoidable uncertainties involved, exceptional circumstances will commonly arise. These are best accommodated by provisions for formal extensions rather than non-enforcement that undermines the credibility of the policy/rules.

#### *5.4.3 Major practical implications and appropriate steps for IAA process applications to designated projects*

The following recommendations are supported by the discussion above:

- Begin with the most significant efficiency and effectiveness problem and opportunity, which is the need for vastly more common and ambitious inter-jurisdictional collaboration in comprehensive joint assessment processes. Given the challenges, immediate steps might include exemplary demonstration cases with willing provincial, territorial and/or Indigenous partners as well as continued negotiation of broader collaboration agreements. Reviving the tradition of joint inter-jurisdictional panel reviews should be a priority.
- Recognizing the challenges and longer-term agenda of building comprehensive inter-jurisdictional joint assessment practice, retain coverage of the *IAAct* section 22(1) factors in federal-only project assessment practice (as still required under the amended *IAAct* for the purposes of decision making under sections 60-63). That is especially important in, but not limited to, assessments involving Indigenous Peoples.
- Within the federal sphere, focus initially on evidence-based efficiency and effectiveness analyses of experience with the standard *IAAct* assessment process. Examine learning from practice about efficiency and effectiveness issues and opportunities at the level of components and phases and their interactions. Seek the perspectives of the range of assessment participants.
- Adopt the now widely discussed but mostly undefined and unworkable 2-year maximum time-to-completion timeline only as an initial marker for necessary elaboration, testing, adjustment and practical application.



- Recognize that, quite aside from assessment requirements, project planning and elaboration always involve time and resources. What matters for efficiency and effectiveness is not overall time to completion of the planning and assessment process, but additional time (and resources) to completion. Moreover, the value of that additional time must be considered in light of its delivery of assessment contributions to the public interest – especially more substantial and lasting benefits and more complete mitigation of adverse cumulative effects than would otherwise be delivered.
- To address process time concerns usefully in light of efficiency and effectiveness objectives, first determine feasible expectations for each particular component of each assessment phase.
  - Identify participant responsibilities in each assessment phase including
    - what components (or elements within components) are within the control of the federal government and are therefore included in the time commitments for federal activities;
    - what components (or elements) are the responsibility of others (proponents or other jurisdictions) and are to be counted separately.
  - Collect lessons from experience concerning time required for particular components or elements, associated trends and explanations for any changes, difficulties or other notable features;
    - Start with special attention to uses of the informal pre-planning stage to
      - build relationships and understanding,
      - identify immediately emerging issues and alternatives,
      - align with proponent planning steps,
      - permit earlier delivery of draft tailored guidance in the planning phase, and
      - enhance the process readiness of all participants.
    - Examine experience with the planning phase, which will be best documented (and have implications for similar studies of the *BCAct/IAAct* process that will have no formal planning phase).
    - Turn to the impact statement phase, recognize the nature and time-use implications of the complex divisions and overlaps of responsibilities between IAAC and the proponent.
    - Finally, examine the impact assessment review phase and decision making, considering not only the very thin record under the *IAAct* but also the still viable lessons from older experience.
  - Evaluate the effectiveness effects of efficiency initiatives and the implications of these effects, at all phases above, with a focus on
    - what major effectiveness objectives were well served or neglected;
    - what were the most notable achievements, in substance and process, and how they were enabled;
 remembering that
    - shorter timelines will not qualify as gains if achieved by leaving out important assessment considerations; and

- shorter timelines will qualify as gains if achieved by more focused attention to the key issues and means of avoiding significant adverse effects and enhancing lasting positive ones.
- Add analysis of the likely efficiency and effectiveness consequences of collaborative inter-jurisdictional assessments, recognizing
  - the different possible forms of collaborative assessments including the possibility of substitution in some cases, but the likelihood in cases with substantial federal roles that joint assessments fit best with the commitment to “one project, one assessment;”
  - the diversity of provincial, territorial and/or Indigenous partners, and combinations of partners, with a range of implications for efficiency and effectiveness (e.g., differences in capacity, coverage of key assessment considerations, processes components and alignment, and experience in joint assessments); and
  - the extent to which detailed collaboration agreements are in place.

Progress in clarifying process implications for standard IAAC assessments – including for each phase and component and including consequences for timing – should also help to inform similar analyses for the new, significantly different but also overlapping process for national interest projects.

## **6. Overall conclusions about enhancing efficiency and effectiveness in the *BCAct/IAAct* process for national interest projects and the standard *IAAct* project assessment process**

In assessments as elsewhere, efficiency and effectiveness are mutually supporting objectives. They are interdependent in concept and practice. Pursuing them together has been rare, in part because efficiency and effectiveness individually tend to be favoured by different interests. That makes treating efficiency and effectiveness as interdependent objectives look difficult.

At the same time, serious attention to efficiency and effectiveness as an assessment combination reveals realms of opportunity. As seen in the discussion above, applying the efficiency and effectiveness combination is particularly useful in understanding the limitations of apparently simple policy commitments and in identifying more realistic, nuanced and beneficial solutions using the simple policy as a starting point.

That approach applies well to both assessments of potential national interest projects under the *BCAct* and *IAAct* and standard assessments of designated projects under the *IAAct* alone.

### ***6.1 Improving efficiency and effectiveness in the process for (candidate) national interest projects under the *BCAct* and *IAAct****

For the newly legislated process for national interest projects under the *BCAct/IAAct* process (see section 4, above), examination through a combined efficiency and effectiveness lens finds that serious attention to openings and means of improvement must begin with work on process uncertainties. Ten prominent uncertainties in the new *BCAct/IAAct* process are about

- potential government use of the *BCAct*'s sweeping regulatory powers to change or eliminate assessment and permitting requirements – with consequences for the extent to which the greater process certainty will be achieved;
- the criteria and base of information and analyses to be used to determine
  - whether a proposed project should be pre-approved as a national interest project. and
  - whether the proponent and project are ready to move immediately from listing to the expedited assessment process established under the new law;
- how the steps in the two main decision-making phases of the *BCAct/IAAct* process (the listing stage decision making on whether to grant pre-approval as a national interest project and the assessment stage decision making on what conditions of approval will be included in the authorization document) can be aligned with the necessarily incremental steps of project planning – with consequences for the practical timeliness of the new processes' components and for their consistency with basic process logic;
- the extent to which the listing process will include establishing firm collaborative arrangements with other relevant assessment jurisdictions – with consequences for the scope and comprehensiveness of considerations, information and analyses for decision making;
- how process transparency and opportunities for meaningful public engagement will be incorporated in the listing process and maintained in the expedited assessment process with consequences for public interest gains and process credibility;

- how much of the tailored guidance needed for assessment of listed national interest projects can and will be completed in the pre-approval stage (if there is sufficient information and analysis and sufficient certainty about the requirements of the other participating assessment jurisdictions) – with consequences for what guidance preparation will remain to be done in the expedited *IAAct* assessment stage, and how that will be accomplished given that the expedited *IAAct* assessment stage will not have a planning phase;
- the expected level of proponent readiness to enter the expedited *IAAct* assessment process;
- the expected level of relevant authorities' readiness to enter an expedited joint multi-jurisdictional assessment process, which is likely needed for most national interest projects – with consequences for meeting commitments to “one project, one assessment;”
- the anticipated timing and means of seeking and respecting decisions on Indigenous consent; and
- how the single end-of-process authorization document for conditions of approval will be assembled, especially in the joint multi-jurisdictional process likely needed to meet the “one project, one assessment” commitment.

These uncertainties have direct effects on potential for determining realistic timeline expectations for particular assessment phases and components in the largely new *BCAct/IAAct* process. But they also have significant consequences for what must be done in earlier phases or left to be done in later phases.

Clarification of the requirements and process expectations is clearly necessary – especially because the *BCAct* initiatives have been promoted as a means to deliver greater “certainty” for proponents and investors in candidate projects. The initiatives have also been accompanied by commitments to “one project, one assessment.” In that context, it is useful that some time has been allowed for the substance of the needed clarification to be considered in light of effectiveness and efficiency objectives.

Among the evident implications are the following:

- Comprehensive and consistent pre-defined listing criteria for evaluating candidate national interest projects – and similarly comprehensive requirements for supporting information and analyses – will be needed for proponents and evaluators. The relevant imperatives include
  - beginning with the five factors listed in *BCAct* paragraph 5(6)
  - covering all the key factors for due diligence rigour in determining whether the proposed project
    - is economically and technically viable,
    - will deliver reliably lasting and fairly distributed net positive contributions to the national interest, with minimal adverse effects, and
    - has provincial/territorial approval and Indigenous consent;
  - including requirements to meet basic assessment efficiency and effectiveness needs – for example to ensure

- sufficiently detailed information for timely provision of tailored guidance,
  - proponent, project and process readiness for the expedited assessment process following listing.
- Also, by the end of the listing step, agreement on advanced collaboration arrangements will need to be in place for each national interest project involving two or more assessment jurisdictions
  - to mobilize and coordinate the capacities and powers of the relevant authorities
  - to establish that assessment authorities are ready for an expedited joint multi-jurisdictional “one project, one assessment” process for the national interest project;
  - to provide adequate foundations for tailored assessment guidance, including attention to the key issues and priorities of the participating jurisdictions;
  - to give proponents and other process participants an understanding of the process and expectations to be faced; and
  - to clarify what permit requirements and other conditions may need to be incorporated in the authorization document.
- Similarly advanced confidence in the prospects of and perhaps the conditions for Indigenous consent is likely to be needed prior to listing.
- Because a strong base of information and analysis is needed both for the listing decision and for the expedited assessment that presumably follows directly after listing, special preparations are needed to ensure the two decision stages are well bridged, including through engagement of all relevant assessment authorities in the listing process. That is particularly important to ensure well-integrated as well as expeditious
  - establishment and implementation of joint assessment processes;
  - identification of the key inter-jurisdictional issues and priorities for attention in tailored assessment guidance;
  - early determination of how the overall assessment scope and contents will serve the needs of all the jurisdictions; and
  - anticipation of end-of-process needs to consolidate all permitting and other conditions in a single authorization document.
- The expedited impact statement should be focused on major issues and opportunities to enhance net positive contributions and avoid adverse cumulative effects while also paying due attention to federal permitting considerations.
- The Major Projects Office should be developed as a coordination and integration vehicle rather than a new layer of politicized authority.

Specific recommendations concerning the initial clarifications for the pre-approval phase for national interest projects are provided in section 4.3.9 above. For specific recommendations

concerning the needed clarifications for the phases of the adjusted *IAAct* assessment process and consolidation of approval conditions into an authorization document, see section 4.4.9. above.

## ***6.2 Improving efficiency and effectiveness in the standard process for assessment of designated projects under the IAAct***

Unlike the new and minimally specified *BCAct/IAAct* process for national interest project assessments, the standard *IAAct* assessment process has the advantage of experience with defined components. That provides initial grounds for an evidence-based approach to efficiency and effectiveness improvements. So far, however, the *IAAct* experience has been centred mostly in the planning and impact statement preparation phases. Application of the law was changed in important ways after passage of the 2024 amendments and uncertainties remain about post-amendment expectations and practices, especially as they are affected by intensified emphasis on tighter timelines.

Many of the recent changes and other contributions to uncertainty arise from the larger context of

- national scale inter-jurisdictional tensions and associated fragmentation of assessment responsibilities and practice;
- a global wave of reaction against assessment demands, including initiatives to streamline time requirements and reduce the potential for project rejection; and
- resulting efficiency-focused initiatives in Canada (e.g., the *BCAct* with its pre-approval concept and 2-year time to completion expectations) and associated temptations to narrow assessment scope.

At the same time, however, the global and national context also includes

- gradually strengthening respect for Indigenous rights in assessment application; and
- promising moves towards regional assessments that may do better on cumulative effects and broad alternatives.

The following summary points address these shifts and their consequences for efficiency and effectiveness in standard assessments under the *IAAct*.

### ***6.2.1 Inter-jurisdictional tensions, assessment fragmentation and narrowing***

The most fundamental efficiency and effectiveness issues and opportunities for *IAAct* process application may be those that centre on assessment fragmentation and narrowing due in large part to inter-jurisdictional tensions:

- Constitutionally-based divisions of powers and responsibilities, particularly between the federal and provincial governments, have led to development of multiple different assessment laws and traditions. While the diversity has strengths, it has also fragmented assessment responsibilities and capacities. Overcoming that fragmentation and its associated overlaps and gaps may be the largest challenge and greatest opportunity for efficient and effective assessment in Canada. That is because fragmentation is the enemy

of proper attention to cumulative and interactive effects and to comparative evaluation of alternatives that may deliver better projects.

- Following instruction from the Supreme Court and Canada, the *IAAct* as amended in 2024 addresses the Constitutional divisions by concentrating on effects firmly within federal jurisdiction. While the law's comprehensive agenda remains for an important aspect of approval decision making,<sup>73</sup> comprehensiveness in application wanes.
- Response to jurisdictional tensions has provided a rationale for efficiency-focused efforts that discourage attention to larger and more complex major effects issues and opportunities (cumulative effects, valued component interactions, alternatives and net contributions to sustainability) in favour of a simple narrowing of focus to matters tied to federal permitting authority, especially for projects largely under provincial authority.<sup>74</sup>
- The consequences add to reasons for more collaborative, especially joint, inter-jurisdictional assessments – with the potential to be considerably more efficient in the use of overall time and capacities while also being more comprehensive and more credible. In the current context, such assessments could be contributions to nation building. However, many Canadian provinces have also been reducing the scope and application of their assessment processes.
- In that context, the efficiency and effectiveness challenge for joint assessments involving the federal *IAAct* is not only to foster inter-jurisdictional cooperation in joint assessments, but also to (re)build mutual capacity for comprehensive and integrated assessment.
- Coincident with declines into greater fragmentation and assessment narrowness, positive moves are being taken towards more comprehensive assessments with greater promise and capacity for focus on major effects issues and opportunities, including for long-term wellbeing. Two overlapping trajectories are especially significant:
  - Gradually increased national and global recognition and respect for Indigenous rights is increasingly evident in practice in federal assessments and, unevenly but importantly, in other Canadian assessment jurisdictions. The changes include better performance in engagement with Indigenous authorities and communities as governments rather than mere stakeholders, advances in Indigenous-led assessments as well as in joint assessment partnerships. Results include accommodation if not adoption of better integrated and intergenerational Indigenous approaches to assessment objectives.

How well IAAC has done so far in Indigenous engagement and partnerships is for others to judge. But effort and capacity building are evident. The Ring of Fire Regional Assessment Terms of Reference, produced by IAAC in partnership with 15 First Nations, are exemplary. And the importance of maintaining applied respect has been well demonstrated, most recently by the reaction of Indigenous authorities to the engagement failures surrounding introduction of the *BCAct* in Bill C-5,
  - While regional and strategic-level assessment has not been a federal strength, recent efforts have been demonstrating the potential of joint regional/strategic-

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<sup>73</sup> *IAAct* (2024), s.60-63.

<sup>74</sup> See for example IAAC, "[Focused on what matters: six ways we're making the federal impact assessment process more efficient](#)," 21 July 2025.

level work with provinces<sup>75</sup> and Indigenous authorities.<sup>76</sup> Since these assessments are better positioned than project assessments to address cumulative effects and broad alternatives, they offer three major contributions – helping to establish inter-jurisdictional joint assessment practice, providing an effective means of examining the big issues and establishing early guidance for more efficient project assessments.

- Insofar as the still largely undefined *BCAct/IAAct* process for national interest projects can be delivered largely as joint multi-jurisdictional assessments, that too may help to (re)establish a tradition of collaboration for comprehensive as well as efficient assessment, despite the upside-down logic of beginning with approval.

### *6.2.2 Efficiency and effectiveness steps within the IAAct process*

Within the *IAAct* process, more specific openings to improve efficiency and effectiveness are available. The main openings centre on ensuring timely and priority attention to the biggest issues and most promising means of enhancing gains and avoiding or mitigating adverse effects. These can be considered through the four phases of the *IAAct* assessment process.

#### The planning phase

The planning phase suffers from tension between

- proponent and Agency interests in beginning the assessment process with an advanced project description, and
- assessment efficiency and effectiveness interests in starting planning engagement early enough to align key assessment considerations (e.g., about big issues and major alternatives) with proponents' initial project development steps.

Early planning and process alignment are preferable for timely and influential assessment contributions to better projects. They open possibilities for influencing initial project conception and design. And they facilitate earlier tailored impact statement guidance, which should be delivered in time to guide impact statement preparation rather than well after that work has been largely completed.

The later start has been preferred by at least some proponents, who wish to have a more fully developed proposal to defend. It also shortens the Agency's measured assessment period for the appearance of timeliness.

Some bridging of the gap is possible through

- starting planning earlier by seeking and accepting less detailed project descriptions, and

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<sup>75</sup> IAAC, [Regional Assessment of Offshore Wind Development in Nova Scotia](#) (2025) and IAAC, [Regional Assessment of Offshore Wind Development in Newfoundland and Labrador](#) (2025).

<sup>76</sup> IAAC, [Terms of Reference for the Regional Assessment in the Ring of Fire area](#) (2025).



- expanding the role of the already well-recognized but informal pre-planning stage, ensuring enhanced transparency and facilitating its role as a time for
  - early engagement and relationship development with Indigenous communities and governance bodies, assessment authorities and potential assessment collaborators or partners, municipal and public interest organizations and other stakeholders;
  - better and earlier mobilization of expertise including Indigenous and community knowledge; and
  - early identification of issues and options that could inform project conception and development at the stage when these matters can be influenced most efficiently and effectively.

### The impact statement phase

The impact statement phase would benefit from earlier identification of key issues and options in and before the planning phase. It would also gain from other steps to advance the readiness of all assessment participants to engage in planning and assessment process which is reported in the proponent's impact statement.

Like the planning phase, the impact assessment phase is properly a step in the alignment of project planning and impact assessment. Essentially, the impact statement should report on the relationship between the proponent's project planning and impact studies findings and how that led to the resulting quite detailed project design.

The length of the impact statement phase is not usefully subject to any tight timeline. Proponents normally have sufficient incentives to move along as quickly as they can regardless of any time limit. Their work may be delayed or extended for many compelling reasons over which government assessment authorities have no control.

Efficiencies to which government bodies can contribute while also enhancing effectiveness include

- strong early guidance – from the planning phase and before;
- provision of information and direction on matters beyond the project scale including regional assessment findings on cumulative effects and implications for management and strategic-level analyses and other information on relevant alternatives, policies, programs, etc.; and
- technical material on impact evaluations and response options, including well-tested mitigation measures, useful templates and means of specifying standard approaches for application in particular contexts.

### The impact review and decision-making phases

The impact review and decision-making phases have yet to be much tested under the *IAAct*, especially the 2024 amended version. For efficiency and effectiveness, the major uncertainties turn on the extent to which assessment review and decision making will be comprehensive enough to cover the key positive and adverse effects that determine whether a project is likely to deliver net gains in the public interest with minimal adverse effects.

Where the projects involved are largely within federal jurisdiction, there should be no barrier to focused but comprehensive assessment and decision making. Where the projects are substantially within provincial jurisdiction, there are fewer grounds for confidence that assessment practice will cover all key public interest concerns and opportunities. The *IAAct* still requires consideration of the broadly encompassing section 22(1) factors. Also, adverse effects on matters subject to federal permitting cannot be accepted without justification based on informed evaluation in light of identified public interest factors (sections 60-63). However, some recent federal assessment review practice has been limited almost exclusively to matters of federal permitting authority, with the important exception of impacts on Indigenous Peoples.<sup>77</sup> Review and decision-making attention to other effects and public interest considerations may still be mandatory in law, but the extent to which that will be visible in decision making is not yet demonstrated.

As an interdependent pair, efficiency and effectiveness objectives favour comprehensive assessments with a focus on the effects that matter most, especially overall and over time. Reducing most federal assessments to coordinated federal permitting would not serve the purposes.

Given that narrowing the federal agenda is driven in part by constitutional concerns and reflects the resulting fragmentation of assessment powers and responsibilities, the implications point again to the importance of success in re-consolidation and upward harmonization through inter-jurisdictional collaboration.

A final and more specific consideration, especially for the decision-making phase, is uncertainty about the most efficient and effective alignment of assessment decisions and final permitting. The *BCAct/IAAct* process for national interest projects aims to consolidate all permitting (perhaps covering only federal permits) in a single final authorization document. In a process that follows pre-approval based on some form of initial assessment, a final decision in the form of consolidated permitting may be reasonable. But for the standard *IAAct* process, proponents' often incremental steps towards permitting details may align better with an assessment approval that allows some specific permitting and licencing to follow.

### *6.2.3 Efficiency and effectiveness and timelines for the IAAct process*

As discussed above and elaborated in Appendix 2, the simple 2-years-to-completion objective is not helpful for efficiency and effectiveness purposes. Its limitations for the standard *IAAct* assessments are essentially the same as those for *BCAct/IAAct* assessments of national interest projects.

The 2-year overall time-to-completion commitments for both processes

- are not supported by any public analysis or rationale for the 2-year maximum
  - Also unknown is why 2 years was judged to be equally appropriate for processes with quite different components.
- do not address the key time-consumption issues

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<sup>77</sup> See note 60, above.

- Project planning and assessment processes overlap. What matters is (i) the difference between the time proponents always need for planning and elaborating new projects, and the additional time proponents need for project planning elements meant only or largely to meet assessment requirements, and (ii) the value of what the additional activities deliver, especially reduced adverse effects and bigger gains in the public interest.
- are not well focused on efficiency and ignore consequences for effectiveness
  - Timeline commitments recognize speed without any necessary tie to accomplishment. They do not respect the interdependence of efficiency and effectiveness objectives or indicate whether they are well or poorly served.
- involve promises that government authorities are not in a position to keep
  - Key assessment process components are beyond government control. The proponent's period for preparing the impact statement, especially, is outside government control, appropriately lengthy, often delayed for legitimate and minimally predictable reasons, and appropriately left flexible.

Nevertheless, because process time has become a significant topic in public discussion of assessment reform, measuring process overall as well as more specific process times is necessary, if only to confront the common misunderstandings. That would involve

- establishing, measuring and reporting process commitment time covering the process elements (each component of each assessment phase) that the government controls and for which it can ensure the commitments are met;
- also measuring and reporting overall process time covering all the assessment phases and activities;
- contrasting the two with explanation of the differences and their implications for responsibility of time taken in the assessment processes;
- attempting to distinguish what proponents do for their own purposes from what they do for assessment purposes in the components and phases of the overall process time;
- linking efficiency and effectiveness in related public outreach; and
- continuing to identify, implement and report initiatives to deliver specific efficiency and effectiveness improvements in all assessment phases as well as through inter-jurisdictional collaboration.

#### ***6.4 Efficiency and effectiveness in the big picture***

Assessment law has always pushed project proponents to address public interest matters they would not otherwise consider adequately or reliably. Equivalents are common in many fields of law and policy.

Because higher expectations and demands for time and resources are involved, resistance has been common and persistent throughout the roughly 50 years of applied assessment requirements. At the same time, many interests, including proponents, benefit from higher standards, better projects and credible processes. The net public interest gains can be great, but only if the process focuses on the key opportunities for lasting benefits and minimal adverse effects and only if the assessment burdens and side effects are too great, including the requirements of time and resources.

The two “only ifs” combine efficiency and effectiveness. It’s important not demand more time and resources than necessary to ensure the neglected considerations are addressed, but the neglected considerations need effective attention – arguably far more so now than they did 50 years ago.

## **Appendix 1: Reasons to anticipate and favour specification and elaboration of *BCAct* pre-listing information requirements and decision criteria**

Despite the Act's minimal requirements, the aims, contents and context of the legislation point to identifiable efficiency- and effectiveness-related needs for elaboration of the pre-listing process and information requirements.

National interest project listing recommendations and decisions seem likely to entail substantial demands for informed evaluations and justifications. Indications include the following:

- Canada's public and national interest clearly depends on reliably well-informed and evaluated decisions to grant pre-approval of major projects expected "to make a significant contribution to Canada's prosperity, advance national security, economic security, defence security and national autonomy."<sup>78</sup>
- Related but more specific requirements for detailed and reliable information and analysis on a diversity of complex matters are implied by the identified potential factors for consideration in listing decision making.<sup>79</sup>
  - f) strengthen Canada's autonomy, resilience and security;
  - g) provide economic or other benefits to Canada;
  - h) have a high likelihood of successful execution;
  - i) advance the interests of Indigenous peoples; and
  - j) contribute to clean growth and to meeting Canada's objectives with respect to climate change.
- Initial examples of potential "national interest projects"<sup>80</sup> include many that will require detailed and reliable information and analyses, including for due diligence justification of billions of dollars in investments, including significant federal funding, and careful analyses of financial and other risks as well as the certainty of anticipated gains.
- In addition to the Minister and Cabinet, many other participants in the listing process will need open and early guidance on the factors/criteria and expected information and analyses for designing, proposing and evaluating projects in the national interest. Most

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<sup>78</sup> See also Intergovernmental Affairs Canada, "[One Canadian Economy: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act](#)," 6 June 2025.

<sup>79</sup> BCAct, paragraph 5(6). More specific expectations in the form of "criteria that must be met by the proponent of a project in order for the project to be found to be in the national interest," are strongly encouraged in the BCAct, paragraph 4.1

<sup>80</sup> See, for example, Canada, Prime Minister's Office, "First Ministers' statement on building a strong Canadian economy and advancing major projects," 2 June 2025, <https://www.pm.gc.ca/en/news/statements/2025/06/02/first-ministers-statement-building-strong-canadian-economy-and-advancing-major-projects> and David Thurton, CBC News, "Here's a look at some major projects Canada's leaders hope to fast-track: Prime minister is compiling projects in the 'national interest' to speed up approvals," 4 June 2025, <https://www.cbc.ca/news/politics/major-projects-carney-fast-track-1.7552126>.

immediately, the key participants include potential project proponents, relevant provincial and territorial governments that need to be collaborators in joint “on project, one assessment” agreements, Indigenous peoples whose rights may be affected and associated Indigenous authorities, who may also be collaborators in joint assessments.

- Considerable, credible pre-listing detail on project merits and risks is probably necessary to provide a basis for
  - support from provincial and territorial governments,
  - consent from Indigenous peoples and authorities, and
  - decision making on federal funding.
- Because of the promised speed of the expedited assessment and permitting process for pre-approved national interest projects, proponents of candidate projects will need to have detailed preparations for the process ready at the time of listing. Those readiness requirements include design and implementation information and potential effects analyses at, or nearly at, the specification level required for permitting and determination of conditions of approval. The viability of the expedited process appears to depend heavily on such proponent readiness.
- Expected proponent readiness seems likely to extend to evidence of investment readiness, since the pre-approval and assessment and permitting process shortening is meant to facilitate actual initiation of national interest projects – getting “shovels in the ground.”<sup>81</sup>
- Well-elaborated grounds for defensible decisions support compliance with transparency requirements. The *BCAct* (paragraph 5(1.1)) requires the Minister to post detailed information about each national interest project on an accessible public “registry of national interest projects” for 30 days prior to listing a project in Schedule 1.

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<sup>81</sup> In current practice, proponents have often treated completion of assessment requirements as a needed step to enable the pursuit of investment funding. Assessed projects whose fundability has not been established, may languish for years after approval when potential investors prove to be insufficiently interested.

## **Appendix 2: Timelines for national interest project assessments under the *BCAct* and *IAAct* and standard assessments of projects solely under the *IAAct***

A 2-year time-to-completion commitment has been presented as a key feature of the new approval and assessment process specially expedited for national interest projects.<sup>82</sup> The projects are to be approved if listed in Schedule 1 of the *BCAct* and then assessed under a shortened version of the *IAAct* process, with work by other permitting authorities to determine overall federal conditions of approval.

Commitment to the 2-year time-to-completion has also been adopted for the standard assessment process applied to more ordinary designated projects under the *IAAct*.<sup>83</sup>

No supporting analysis has yet been released to explain how 2 years was determined to be the suitable period for either process.

Nor has there yet been explanation of how such a commitment could be kept in practice, especially given limited federal government control over important project assessment components assigned to project proponents or over activities of other assessment jurisdictions.

Moreover, general needs to spur economic transitions in face of geopolitical disruptions do not provide a plausible rationale for concentrating on assessment process time to completion, and no other justification has been offered. Since project planning and elaboration always require proponents to spend time and resources, what matters is not overall assessment process time to completion but *additional* time (and resources) to completion. The relevant question is whether or not the additional time is justified because it delivers of more lasting benefits and more complete mitigation of adverse cumulative effects.

The following discussion considers the practical difficulties raised by these commitments and the response options available. The working assumptions are

- that assessment processes need to be both efficient and effective,
- that efficiency and effectiveness are interdependent,
- that timelines as well as other assessment components must contribute to the combined objectives, and

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<sup>82</sup> Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

<sup>83</sup> IAAC, “Project proponents, investors and industry leaders,” <https://www.canada.ca/en/impact-assessment-agency/corporate/our-impact/impact-assessments-that-work/project-proponents.html>. The commitment is also described as an “aim”: IAAC, “[Impact assessment process](#),” inset box on “Timelines,” 10 July 2025, <https://www.canada.ca/en/impact-assessment-agency/programs/impact-assessments-101/impact-assessment-process.html>.

- that working timelines and commitments to them should be based on best available understanding of experience, uncertainties, and practical feasibility.

### *A2.1 Immediate issues*

The best means to enhance assessment process efficiency and effectiveness are not ones that focus on time-to-completion commitments. As suggested above, we might better focus on efficient and effective use of additional time and resource requirements beyond those already needed for project planning and elaboration. Better alignment of assessment requirements and proponents' project decision making would merit close attention. So would better alignment and more habitual inter-jurisdictional collaboration among Canada's many assessment authorities.

However, given the current focus on the time-to-completion commitments, two immediate practical concerns are significant:

- (i) A huge gap lies between
  - the full process period (from initial project entry into a formal assessment process until a decision is rendered on approval (or not) and conditions, and
  - the portions of that period over which the federal government has effective control and can meet commitments (perhaps less than half of the time-consuming activities in the full process period).
- (ii) Especially for the combined BCAct/IAAct process, and for joint assessments with other jurisdictions, key assessment components are not yet defined well enough to allow determination of realistic process time requirements if efficiency and effectiveness are to be delivered.

#### *A2.1.1 Time-consuming components within and beyond federal government control*

##### Time required for project proponents to complete adequate impact statements

In *BCAct/IAAct* assessments of national interest projects and in solely *IAAct* assessments, the government players require time to

- establish case-specific impact assessment guidance,
- review the proponent's impact statement (in collaboration with other authorities),
- prepare recommendations to decision makers, and
- make decisions (in *BCAct/IAAct* cases, to assemble all approval and permitting conditions in a single authorization document).

However, the *IAAct*'s current legislated schedule appears to include the proponent's impact statement preparation work, which takes more time than all the government components combined. In project assessments solely under the *IAAct*, proponents can now be given up to 3



years for preparation and delivery of an adequate impact statement.<sup>84</sup> The Agency and decision makers get 1.6 years (or 2.4 years for the rare panel reviews) in total for all their activities.<sup>85</sup>

Governments can encourage proponents to be prepared for expedited impact statement preparation. Policy-makers can make a reasonable level of assessment and permitting readiness a criterion for listing a national interest project in the *BCAct*'s Schedule 1 or for project descriptions that initiate solely *IAAct* assessments. But even highly motivated and assessment-ready proponents will often find themselves needing extra time to adjust or reconsider project components in light of assessment findings or to address shifts in markets, component pricing, labour availability and a host of other minimally predictable factors.

Also, expecting proponents to be ready at the outset with fully detailed information for regulatory permitting is undesirable. The point of assessment is to inform the design of better projects, not to check off boxes. And in practice, projects, their contexts and implications for permitting do change through the period of assessment, including for reasons beyond assessment.

#### Time required by other authorities in multi-jurisdictional collaborative assessments

An additional real-world complexity beyond reliable federal government control is that many solely *IAAct* designated projects and perhaps all national interest projects will be also under provincial, territorial and/or Indigenous jurisdiction and authority. In those cases, the assessment will need to involve collaborations with jurisdictions over which the federal government has limited influence and no control. That problem may be mitigated significantly if all the governing participants agree to a joint assessment and sign on to an agreement with a mutually acceptable time-to-completion commitment.<sup>86</sup> But at least until experience builds confidence, there is room for doubt that such commitments will always be met. As discussed below, uncertainties about interjurisdiction processes and their performance provide reasons for flexibility in timelines for “one project, one assessment” objectives.

#### Response options

A suitable response, with a base in established practice is separate measured and openly reported times – overall process time covering all the assessment phases and activities, and process commitment time covering the process elements that the government controls. The time allocations in the *IAAct* are labelled to serve overall time purposes, including to inform proponents and government bodies about the time each has potentially available for the particular assessment steps. Monitoring use of those time periods remains sensible, as does keeping track of overall process time. But public understanding and informed efficiency action

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<sup>84</sup> IAAC, [The Impact Assessment Process: Timelines and Outputs](#). The three years includes time for some government activity – particularly a period for the government reviewers to identify any deficiencies in the proponent's submitted impact statement and determine when responses to those deficiencies are sufficient for review purposes (the next phase of the process).

<sup>85</sup> IAAC, [The Impact Assessment Process: Timelines and Outputs](#).

<sup>86</sup> Coordinated assessments (for sharing information and guidance and aligning process steps) are also possible, but not as well integrated and not managed as “one project, one assessment.”

depend on distinguishing between the time consumed by government activities and the time used by proponents or other authorities for their parts of the process.<sup>87</sup>

The government's policy-based timeline commitment should address the government's own responsibilities, in part in response to critics who blame government bodies for all time consumed in the assessment period.

Ensuring that time commitments are limited to time for federal activities remains key, including in joint assessments. Building (to some extent re-building) a joint assessment structures and traditions will be a challenge. Even measurement of joint assessment time requirements and accomplishments may be tricky. But the potentially huge long-term efficiency and effectiveness gains from joint assessments make the effort worthwhile.

The superficially attractive option of substitution – avoiding most federal assessment obligations by relying on a provincial assessment process – may be suitable in some circumstances. But the scope of provincial processes can be substantially narrower than that of the *IAAct*, designated project lists differ, and provincial capacities to cover federal responsibilities vary. Moreover, substitution does nothing to build the credibility of federal assessment.

#### *A2.1.2 Process uncertainties that affect timeline possibilities*

##### Contrasts between the two processes given identical timelines

Major process – and process time – uncertainties arise from contrasts between solely *IAAct* project assessments and *BCAct/IAAct* assessments of national interest projects. Also, while we now have some experience with *IAAct* project assessments and their use of time, the *BCAct/IAAct* process is new as well as different, and key aspects are not yet well defined.

For timeline purposes, the key differences are at the beginning and the end of the process. *IAAct* assessments begin with a planning phase and end with an assessment decision, with mostly subsequent permitting. *BCAct/IAAct* assessments have no planning phase in the timed period (though much of its substance could and should be delivered in the untimed listing process). But they end with a more demanding consolidation of all assessment and permitting conditions.

Several specifics merit attention for time allocation planning:

- For *BCAct/IAAct* assessments, the established *IAAct* starting planning phase is eliminated. However, the key planning roles – proponent preparation, project presentation, initial engagement and learning, and issue identification for tailored guidance – remain necessary in some form. As discussed above (section 4.2.1), most of those roles (excepting engagement and learning and, probably, credible issue identification) could and may be addressed in pre-listing requirements/criteria. But whether and to what extent that may happen has not yet been revealed. Consequently, it's not clear how much time will be needed at the outset of the *BCAct/IAAct* assessment process to build the needed information base for tailoring assessment requirements.

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<sup>87</sup> Distinguishing between time for activities under IAAC's control and the overall time under the federal government's control may also be helpful.

- In *BCAct/IAAct* assessments with no formal planning phase, the tailored impact assessment guidance exercise comes very late in a process where the proponent has already done enough planning and assessment to convince federal authorities to pre-approve the project and to convince consulted provinces, territories and Indigenous peoples to support the listing and, where needed, participate in a joint assessment. That problem could be addressed by arranging for engagement by IAAC (plus other jurisdictions' relevant governance agencies, experts, organizations and communities) in pre-listing discussions with proponents, including on early tailoring of assessment priorities. Since the pre-listing process is now largely undefined, such options are presumably possible as well as important for efficiency and effectiveness purposes.
- Determining the timeline implications of these considerations depends on what is actually required in *BCAct* listing criteria and delivered in the listing decision process.
- In the middle of the *IAAct* part of the national interest project process – the part centred on the proponent's preparation of an impact statement – some timeline implications are likely to result from the pre-approved status of the project and the results of the scoping decisions discussed above. How significant these implications may be is likely to depend heavily on what work the proponent has already been required to do in the listing decision stage and whether that has enabled pre-listing development of Tailored Impact Statement Guidelines, or the equivalent, for the national interest project.
- At the end of the process, the main timeline uncertainties result from the so far undetermined process for completing the *BCAct/IAAct* assessment and consolidating the assessment and permitting conditions of approval. Much will depend on
  - how much permitting-level detail is provided in the Impact Statement and other assessment process documents,
  - how much more time the Major Projects Office and permitting bodies will require for ensuring sufficient information is in hand and for assembling the various permitting requirements and other conditions from IAAC, federal regulators and permitting bodies, and perhaps other jurisdictions.

Clarification will require collaborative deliberations.

- Throughout all the process steps, the considerations set out above will be affected by time required for discussions with provincial/territorial and perhaps Indigenous assessment authorities to establish and implement collaborative arrangements for the promised “one project, one assessment” approach.<sup>88</sup>

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<sup>88</sup> Intergovernmental Affairs Canada, “[Implementation of Bill C-5: One Canadian economy](#),” 26 June 2025.

### Additional timing uncertainties with joint inter-jurisdictional assessments

Further complications will arise with successes, or failures, in meeting new federal objectives for “one project, one assessment” for *BCAct* national interest projects and perhaps most projects designated under the *IAAct*.

Under section 31 of the *IAAct*, the federal government may choose in selected cases to achieve “one project, one assessment” by substitution – deferring to another jurisdiction to carry out the assessment. However, that option is not provided under the *BCAct*. At least for national interest projects, making efficiency and effectiveness gains through inter-jurisdictional collaboration likely to require best practice joint assessments.

Canada has long and largely successful experience with joint assessment, especially in joint panel reviews. But despite the demonstrated potential for shared benefits, achieving common use and habitual collaboration has been elusive. Especially in the early years of national interest project implementation, adoption of “one project, one joint inter-jurisdictional assessment” will entail some time uncertainties as the needed structures and relationships are being built.

In the early days of collaborative inter-jurisdictional assessment, the extent to which time delays due to limited experience qualify as beyond federal government control will be open to debate. However, allowances should be made.

In the absence of successful inter-jurisdictional collaboration, the federal government would have little control over overall process time-to-completion and would not be in a viable position to make commitments or deliver on them. That should be taken to underline the importance of collaborative effort.

### ***A2.2 Key implications***

1. A properly targeted examination of assessment process timelines would begin first by
  - recognizing the interdependence of efficiency and effectiveness objectives and associated requirements for assessment processes;
  - understanding the difference between the time proponents always need for planning and elaborating new projects, and the additional time proponents need for project planning elements meant only or largely to meet assessment requirements;<sup>89</sup> and
  - separating the measurement of overall process time covering all the assessment phases and activities, from the measurement of process commitment time covering the process elements that the government controls and for which it can ensure the commitments are met.

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<sup>89</sup> The two categories are significantly different but also overlap heavily. Nonetheless, even rough inquiry would be useful. That could include examining representative specific individual cases to find the extent to which, why and with what results work to meet assessment requirements differs from and add to work proponents must do in any event to plan and elaborate projects for their own consultations, arrangements with related players (investors, suppliers, buyers/users, host communities, etc.), decision making and preparation for implementation.

2. Identification and analysis of timeline options and implications must be based on

- firm understanding of the efficiency and effectiveness objectives;
- the tasks, players and obligations involved; and
- carefully considered lessons from available experience.

3. Relevant times begin with the particular increments of the assessment process phases and components of those phases. Insofar as is feasible, contributions from the informal pre-planning period in *IAAct* assessments and implications for the post-approval project implementation period should also be monitored.

Clear rules should be published for monitoring and reporting the time used and reasons for particular accomplishments and any extensions/suspensions. Public information on compliance with those timeline commitments should accompany reporting that covers all assessment components and phases as well as overall process times.

4. Government timeline commitments for *BCAct/IAAct* as well as solely *IAAct* assessments should cover only those assessment components over which the government has reasonable control (e.g., excluding the proponent's impact statement preparation and any extra time required to accommodate activities by another jurisdiction in a joint assessment).

The commitment time covering government activities only should be considerably lower than the overall time-to-completion from the beginning of assessment to release of the assessment decision for both *BCAct/IAAct* assessments and solely *IAAct* assessments. Whether that result would approximate the 2-year time-to-completion commitment cannot be determined for either process given current uncertainties.

5. Determination of ambitious but realistic timelines for *BCAct/IAAct* assessments entails resolution of the following key process uncertainties:

- how much project planning and assessment is to be accomplished prior to the *BCAct* listing decision?
- how much new tailoring information will IAAC need to provide adequately specified guidance to proponents at the outset of the assessment process?
- what range of inter-jurisdictional agreements for joint assessments and other assessment process collaborations may be made, with what phases, components and likely time requirements (especially given the complexities of collaboration with a federal process that begins with pre-approval)? and
- how much more time will be required by the Major Projects Office, along with IAAC and the federal and collaborating inter-jurisdictional permitting agencies, to consolidate all permitting conditions?

6. Determination of ambitious but realistic timelines for solely *IAAct* assessments also requires resolution of process uncertainties, including some similar to those in the *BCAct/IAAct* cases:

- how reliably and credibly can facilitation of informal pre-planning reduce time needed in the planning phase?
- what range of inter-jurisdictional agreements for joint assessments and other assessment process collaborations may be made, with what phases, components and likely time requirements (in the potentially easier context of collaboration with a federal assessment process that addresses approval and conditions conventionally at the end)?
- how clearly can proponent and IAAC activities be distinguished for separate time measurement in the assessment phase?
- how much permitting (in federal and in collaborative joint assessments) is to be included in the assessment decision phase versus left to completion after the assessment decision and conditions are issued?

7. Many of the uncertainties noted above could be reduced by timely anticipation and early initiation of elements that may prove challenging. A prime example would be emphasis on steps already underway to build the foundational arrangements and relationships for inter-jurisdictional collaboration in best practice joint assessments – for national interest projects and for many solely *IAAct* projects as well.<sup>90</sup>

8. Even with substantial reduction of the uncertainties noted here, assessments have been and always will be subject to unexpected eventualities that are legitimate grounds for time extensions or time clock suspension. Provisions for extensions and process suspensions are necessary.

Common reversion to such exceptions can be discouraged by realistic initial timelines and challenging approval requirements.

9. Federal government timeline commitments should therefore

- be framed to focus on the components within government control;
- combine attention to efficiency and effectiveness considerations;
- be informed by resolution of the key process uncertainties outlined above;
- be informed by examination of lessons from specific data from experience with assessment successes, difficulties and opportunities
  - in the four measured assessment phases for standard *IAAct* assessments and the three phases for *BCAct/IAAct* assessments,
  - in particular components of those phases,
  - in relations with informal pre-planning, and
  - in relations with post-approval monitoring and follow-up; and
- be applied with specified rules for monitoring, categorizing and public reporting of times used for each component and phase, with clear accounting of government, proponent and collaborating jurisdictions responsibilities for time use, and reasons for exceptionally speedy and exceptionally slower results; and

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<sup>90</sup> IAAC, “Focused on what matters: Six ways we’re making the federal impact assessment process more efficient,” item 1, 21 July 2025, <https://www.canada.ca/en/impact-assessment-agency/corporate/our-impact/impact-assessments-that-work/project-proponents/six-ways-were-making-the-federal-impact-assessment-process-more-efficient.html>

- include provisions for time extensions and time clock suspensions with associated assignment of responsibilities.

10. The results seem likely to deliver

- reduction of process uncertainties that impede efficiency and effectiveness;
- more informed determination of timelines that
  - are reliably feasible;
  - are tied to those with responsibility;
  - can be accurately monitored and reported; and
  - serve both efficiency and effectiveness;
- timelines shorter than those including activities beyond federal government control and more likely to fit in or within the initial 2-year commitment;
- timelines that recognize the different process phases and components of the process for expedited *BCAct/IAAct* assessment process and the process for solely *IAAct* assessments;<sup>91</sup>
- timeline commitments that can be kept through exercise of available government authority; and
- increased process credibility.

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<sup>91</sup> Also, if the resulting time limit for the *BCAct/IAAct* process is less than the one for the *IAAct* process, then the government would avoid having to explain why it has gone to so much trouble to establish an expedited process that isn't quicker than the standard one.