

Deep dive summary

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*

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30 August 2025

Canada now has two quite different project assessment processes at the federal level:

- the new (June 2025) process for national interest projects under the *Building Canada Act (BCAct)* that incorporates application of an adjusted version of *Impact Assessment Act (IAAct)* process and
- the only one-year older (June 2024) process for federal project-level assessments under the amended *IAAct*.

Both are meant to serve the public interest and both face challenges, including tensions among jurisdictions with Constitutional sensitivities and competing priorities.

This note summarizes the findings of a deep dive into the two processes. The full deep dive report provides a detailed critical examination of the main efficiency- and effectiveness-related issues and response options for each process. It recognizes that efficiency and effectiveness are interdependent and that serving them together is crucial in assessment process design, reform and day-to-day practice. On this foundation, it addresses

- the interjurisdictional context of federal assessments, and the commitment to ensuring “one project, one assessment,”
- the anticipated 2-year time-to-completion maximum both for assessments of national interest projects and for assessments of more ordinary projects designated under the *IAAct*, and
- reiterated commitments to respect Indigenous rights.

The main findings are presented here with a focus on their implications for action.

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 in implementation of both processes centre on the following 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 interjurisdictional 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 simple time-to-completion timeline objectives in a more defensible and useful package, with public reporting on
 - measurement of assessment time in 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,
 - establishing 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 evaluation criteria and other 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 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 stages: (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 stages of the process depends on how the stages are elaborated and how they will fit together. The main needed steps are the following:

- Establish comprehensive and consistent pre-defined listing criteria for evaluating and making decisions on all potential national interest projects, beginning with elaboration of the five factors listed in *BCAct* paragraph 5(6) and covering all the key factors for due diligence determinations, including whether the proposed project

- is economically and technically viable,
 - meets criteria for delivering 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 interjurisdictional 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 and determining the necessary conditions of approval;
 - 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 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 priorities for implementation include the following:

- Place immediate emphasis on building interjurisdictional 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 interjurisdictional 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 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. Also, 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 each 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 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 that involve many activities beyond federal control of time expended.

***** For details and reasoning, please see the full report. *****