Assessments that Work

TIMELY. EFFICIENT.
FOR WHAT MATTERS.

Changes to Federal Impact Assessment

2024 Ontario Association for Impact Assessment Conference

Impact Assessment Agency of Canada | Agence d'évaluation d'impact du Canada

Canada

The Impact Assessment Agency of Canada (IAAC)

- Federal body accountable to the Minister of Environment and Climate Change.
- Large/complex projects are subject to the *Impact Assessment Act*.
  - Came into force in 2019; amended 2024;
  - Some assessments continue under *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

- Projects also require federal, provincial and/or municipal permitting and authorizations.
- Aim is to complete assessments efficiently, focusing on key issues of importance to federal decision-making. Also work with willing proponents to coordinate securing applicable federal permits.

The *Impact Assessment Act*

- The *Impact Assessment Act* (IAA) and its regulations establish the legislative basis for federal impact assessment in most regions of Canada.
- Outlines a process for assessing the impacts of major projects, listed in the *Physical Activities Regulations,* and projects carried out on federal lands or outside of Canada.
- Planning tool which examines the positive and negative social, economic, health and environmental impacts of a major project. Aims to prevent or reduce significant adverse effects in federal jurisdiction and amplify positive effects of major projects.
- Indigenous participation is an essential part of an open, informed and meaningful impact assessment process.

2024 Amendments to the *Impact Assessment Act*

- Supreme Court (SCC): Environment, and impact assessments in particular, are areas of shared jurisdiction between federal and provincial legislatures. But federal decisions must be focused on adverse effects in federal jurisdiction, more narrowly defined.

- Responsive amendments to:
  - Narrow discretionary ministerial authority to designate physical activities
  - Focus IAAC decision on whether an impact assessment is required and allow more reliance on other federal and provincial processes
  - Focus public interest factors and decision-making at the end of an assessment on federal matters
  - Narrow definition of federal effects
  - Support cooperative federalism

Further details available on IAAC's website:
https://www.canada.ca/content/dam/iaac-acei/documents/acts-regulations/Amended_Impact_Assessment_Act.pdf

Cooperation with Jurisdictions

Drivers

- ‘One project one assessment’
- Incentivize substitution. Best-placed jurisdiction to take on elements of assessment.
- Focus impact assessment on federal effects.
- Leverage federal and provincial tools and processes.
- Promote best practices.

Highlights

- ***Marathon Palladium Mine***:
- Single process that met the needs of Canada, Ontario and 8 Indigenous groups
- ***Crawford Nickel Mine***: Collaboration between Canada and Ontario that leverage provincial permitting to manage potential impacts on boreal caribou

Timelines and Efficiency

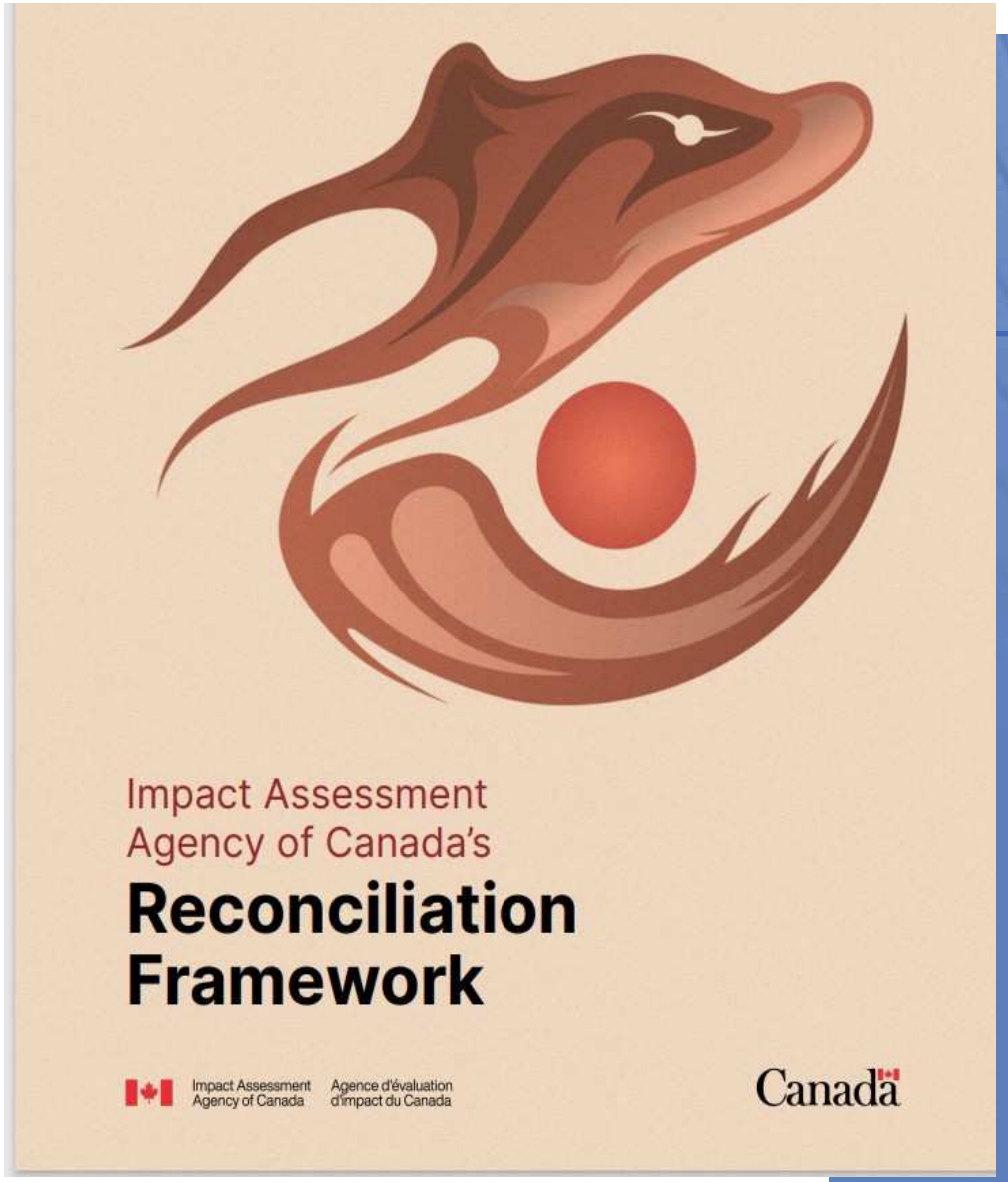
Driver

Cabinet Directive on Clean Growth

- 5 years or less to complete IA and permitting for projects requiring a federal IA
- 3 years or less to complete IA and permitting for nuclear projects
- Permitting coordination for clean growth projects and detailed information on IAAC Registry
  Clean Growth Permitting Coordination
- Privy Council Office to support system-wide coordination and culture change

IAAC'S Role in Consultations

- IAAC leads federal consultation activities throughout all phases of an impact assessment by coordinating the participation of other federal authorities or lifecycle regulators as appropriate, enabling a 'one window' point of contact for Indigenous groups throughout the impact assessment process.
- IAAC integrates the Government of Canada's Crown consultation activities into the impact assessment process to the greatest extent possible.
- As the Crown Consultation Lead for all impact assessments, IAAC's objectives are to:
  - Meet "duty to consult" obligations from s.35 *Constitution Act*, *1982*
  - Meet statutory obligations as outlined in the *Impact Assessment Act*
  - Fulfill the Government's commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*
  - Promote communication, relationship building, cooperation and partnership with Indigenous peoples with respect to impact assessments
  - Support high-quality assessments by ensuring that Indigenous perspectives, concerns and knowledge contribute to informed decision-making on major projects in support of sustainable development.



Reconciliation Framework

Our Reconciliation Framework commits IAAC to specific actions that support the Government of Canada's pledge to renewed nation-to-nation, government-to-government, and Inuit-Crown relationships, as well as implementing UNDRIP. It is built around 4 pathways:

- **Cultivating Meaningful Relationships**
- **Respect for Governance and Knowledge Systems**
- **Maximizing Indigenous Leadership in Impact Assessments**
- **Building Education, Awareness and Inclusion**

Thank You

Questions?