

Have Your Say On The IAA Project List: Discussion Paper Feedback Due By September 27, 2024



As we reported earlier this year, on June 20, 2024, amendments to the *Impact Assessment Act* (“IAA”) came into effect.¹ The federal government introduced these amendments following the Supreme Court of Canada’s landmark opinion on October 13, 2023, which deemed core components of the IAA unconstitutional.²

See our prior articles on the [Supreme Court’s decision](#) and [key amendments](#) for details.

Key amendments and their implications

The recent IAA amendments have profound implications for the assessment and approval of major energy, infrastructure and mining projects going forward.

Notably, these changes clarify that an impact assessment is only required when a project may cause adverse effects within federal jurisdiction (i.e. “non-negligible adverse changes” that are within the legislative authority of the federal government). Moreover, these effects no longer include greenhouse gas emissions (“GHGs”).

The amendments also suggest the federal government will likely give more consideration to the assessment processes of other jurisdictions.

Review of the Project List

As part of their scheduled five-year review, the federal Impact Assessment Agency (the “Agency”) launched a review of the projects that may require an impact assessment under the IAA ³, as specified in the *Physical Activities Regulations*, SOR/2019-285 (commonly referred to as the “Project List”). This review aims to update the Project List so that it provides more certainty as to which projects will be subject to the IAA and is in line with the recent amendments to the Act.

To facilitate this process, the Agency has released a discussion paper outlining various options and recommendations for changes to the Project List, organized by sector. Stakeholders are encouraged to review and comment on this document, which [can be accessed here](#).

Call for feedback

The Agency is seeking feedback on this discussion paper until **September 27, 2024**. This is an opportunity for government entities, Indigenous groups, industry stakeholders (especially those in the mining, energy and infrastructure sectors) and the public to provide input on how best to focus federal assessment on the projects that have the greatest potential for adverse effects in federal jurisdiction.

If you wish to participate in the review, you can [post public comments or upload a public submission here](#) by September 27, 2024.

Footnotes

1. Bill C-69, [*An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024*](#), 1st Sess, 44th Parl, 2024, (third reading June 20 2024), Division 28 [Bill C-69].
2. [*Reference re Impact Assessment Act*](#), 2023 SCC 23.
3. [*Physical Activities Regulations*](#), SOR/2019-285.

Read the original article on [GowlingWLG.com](https://www.gowlingwlg.com)

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Authors: [Liane Langstaff](#), [Mark Youden](#), [Kirsten McCann](#), [Larissa Parker](#)

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