PART I: OVERVIEW

1. The essential purpose of environmental assessment, which is the objective of the *Impact Assessment Act*[1], is summarized by R. Cotton and D. P. Emond[2] as: (1) early identification and evaluation of potential environmental consequences of a proposed undertaking; and (2) decision making that both guarantees the adequacy of this process and reconciles, to the greatest extent possible, the proponent's development desires with environmental protection and preservation.

2. Every provincial legislature has already enacted a comprehensive regulatory regime for environmental assessment, approval and oversight over activities and works within the exclusive legislative competence of provinces, including: natural resource projects and electricity generation facilities (92A), local works and undertakings (92(10)), activities relating to the use of public lands (92(5)), property and civil rights (92(13)) and matters of a local or private nature (92(16)). The *IAA* imposes a duplicative regulatory regime for environmental assessment, approval and oversight of *inter alia* natural resource or infrastructure projects involving one of the "activities" enumerated in the *Physical Activities Regulations*[3] (or subsequently designated by a federal minister) even if the subject project falls within the exclusive jurisdiction of provincial legislatures under a head of power enumerated in s. 92 of the *Constitution Act, 1867,*[4] and s. 92A of the *Constitution Act, 1982*.[5]

3. The *IAA* provides the federal government with broad regulatory powers that impinge on provincial jurisdiction, including the power to effectively veto projects otherwise falling within exclusive regulatory jurisdiction of provinces under s. 92 of the *Constitution*. The environmental assessment, approval and oversight process under the *IAA* is conducted by a non-elected federal body with no accountability to the provincial taxpayers, workers, business owners and industries.

4. By requiring the proponents of natural resource projects and other provincial undertakings to submit to a new duplicative parallel environment impact assessment scheme, the *IAA* and the *Regulations* muddy the waters of government accountability and create confusion for everyday

[1] *Impact Assessment Act,* SC 2019, c 28, s 1 [***IAA***] at Parts I and II.
[2] *Friends of the Oldman River Society v Canada (Minister of Transport),* [1992] 1 SCR 3 at para 92. **[*Friends of the Oldman River Society*].**
[3] *Physical Activities Regulations*, SOR/2019-285 [***Regulations***].
[4] *Constitution Act, 1867*, 30 & 31 Victoria, c. 3 (U.K.) [***Constitution Act, 1867***].
[5] *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [***Constitution Act, 1982*].**

citizens with respect to who regulates and safeguards against adverse environmental effects within their province. In short, the *IAA* makes it harder for citizens to know who is accountable for what.

5. The duplication resulting from environmental impact assessment and oversight of projects by provinces under existing and effective statutes like the Alberta *Environment Protection and Enhancement Act*,[6] and the federal government's secondary assessment and oversight over those same projects under the *IAA* and *Regulations* will inevitably result in unnecessary and costly delays in project approval and construction, jurisdictional confusion, and the loss of clear lines of governmental accountability. Such an outcome will impair public access to environmental assessment process, and adversely affect ordinary taxpayers and citizens of provinces that rely on their natural resource industries for economic stability and prosperity, and have already implemented their own effective environmental impact assessment regimes for projects within provincial jurisdiction.

6. The *IAA* will also necessarily increase the cost of development for proponents of projects within the provinces to the detriment of provincial economies and adversely impact the lives and economic well-being of citizens who rely on natural resource industries for economic stability and prosperity both directly through employment, and indirectly through reduced provincial taxation. For example, Alberta follows an economic model whereby its natural resource industries provide significant revenues to the province. This allows Alberta to maintain a competitive income tax system without a provincial sales tax. Any impairment of the ability to develop projects threatens the viability of provincial taxation systems adopted in provinces like Alberta. This outcome would require legislatures to offset lost revenues from industry by increasing direct taxation of citizens.

7. Canada has participated for over 20 years in efforts to create a national and international legislative regime to address challenges of climate change and environment.[7] Canada participates in the UN Framework Convention on Climate Change (FCCC) which established accountability, targets and reporting standards for all signees.[8] While Canadian law establishes the prerogative of

[6] *Environmental Protection and Enhancement Act*, RSA 2000, c E-12 [***EPEA***].
[7] Cherie Metcalf, "Climate Law in Canada: International Law's Role under Environmental Federalism" (2014) 65 UNBLJ 86 [**Book of Authorities, "BA" Tab 2**].
[8] Currently, there are 197 Parties (196 States and 1 regional economic integration organization) to the United Nations Framework Convention on Climate Change. United Nations, "Status of Ratification of the Convention" (13 June, 2020), online:<https://unfccc.int/process-and-meetings/the-convention/status-of-ratification/status-of-ratification-of-the-convention> .

the federal executive to undertake international obligations for Canada, their incorporation into domestic law is subject to the allocation of authority under the Division of Powers.[9] It is therefore imperative for the court to conduct an in-depth analysis of whether the *IAA* and the *Regulations* fit within the federal head of power under section 91 of the *Constitution Act, 1867.*

8. The Canadian Taxpayers Federation (the "CTF") submits that the unnecessary duplication of environmental impact assessment, approval and oversight by the federal government will result in waste, undue cost, jurisdictional confusion and loss of clear lines of government accountability thereby impairing public access to the environmental assessment process and creating uncertainty for stakeholders in provincial natural resource projects, works and undertakings and for ordinary Canadian taxpayers in every province who rely on natural resource projects and development for employment and economic stability. The CTF intervenes appeal in order to ensure that the interests and viewpoints of everyday ordinary citizens and Canadian taxpayers are properly represented.

PART II: POSITION OF QUESTION IN ISSUE

9. The question before the Court is whether the *IAA* and the *Regulation* are *intra vires* the authority of the Parliament of Canada.

10. The CTF submits that the *IAA* unreasonably infringes on exclusive provincial heads of power, including the ownership of natural resources and exclusive jurisdiction and authority to manage and approve local works, development and natural resources projects under *inter alia* section 92A of the *Constitution Act, 1982* in a manner that "undermine[s] the division of powers."[10]

PART III – STATEMENT OF ARGUMENT

A. Pith and Substance of the *IAA* and the *Regulations*

11. The first step of any inquiry into the validity of a statute under the *Constitution* is to determine pith and substance. This Court described the analysis as follows:

> A pith and substance analysis looks at both (1) the purpose of the legislation as well as (2) its effect. First, to determine the purpose of the legislation, the Court may look at both

[9] *Reference re: Weekly Rest in Industrial Undertakings Act (Can.),* [1937] J.C.J. No. 5 [**BA Tab 1**].
[10] *Reference Re Impact Assessment Act*, 2022 ABCA 165 at para 24 [***ABCA Reasons***].

intrinsic evidence, such as purpose clauses, and extrinsic evidence, such as Hansard or the minutes of parliamentary committees.[11]

12. The CTF adopts the analysis of the main thrust or dominant purpose of the *IAA* and the *Regulations* as described by the Attorney General of Alberta in their factum filed in this appeal.[12]

B. Federalism and the *Constitution Act*, 1867

13. After establishing the pith and substance of impugned legislation, the court is tasked with determining whether the legislation falls within the jurisdiction of the federal government under the *Constitution* and the concept of federalism, which is integral to the Canadian legislative system.

14. Neither the "environment" nor "climate change" are explicitly mentioned under any head of power in the *Constitution.* In *Friends of the Oldman River Society,* Justice LaForest stated:

> It must be recognized that the environment is not an independent matter of legislation under the Constitution Act, 1867 and that it is a constitutionally abstruse matter which does not comfortably fit within the existing division of powers without considerable overlap and uncertainty. (Emphasis Added)

15. As neither the environment nor climate change are mentioned in the *Constitution Act,* therefore, the court must determine whether these matters fit into any particular head of power.

16. In *R v. Crown Zellerbach Canada Ltd.*, Justice LaForest cautioned against recognizing an overarching federal power to legislate in relation to the "environment" generally in stating that "to allocate the broad subject-matter of environmental control to the federal government under its general power would effectively gut provincial legislative jurisdiction."[13] This general caution against extending the federal governments' reach into matters falling within provincial legislative jurisdiction when it comes to environmental control is exactly what the *IAA* seeks to regulate by its assessment of local and provincial projects and their possible impact on the environment.

17. The *IAA* delegates broad powers to the Governor in Council as an unelected, unaccountable body, to make regulations designating the activities that trigger an environmental assessment by the federal government of provincial natural resource projects within a province that are otherwise exclusively within provincial jurisdiction under section 92(5) of the *Constitution Act, 1867* and

[11] *Kitkatla Band v British Columbia (Minister of Small Business, Tourism and Culture),* 2002 SCC 31 at para 53.
[12] Factum of the Attorney General of Alberta filed 23 Nov 2022 [**AB Factum**] at paras. 23-28.
[13] *R v Crown Zellerbach Canada Ltd,* [1988] 1 SCR 401 at para 70.

92A(1) of the *Constitution Act, 1982,* which collectively grant exclusive jurisdiction to provincial legislatures over the management, use and conservation of provincial public lands and property.

18. The federal government's legislative authority is more generally enumerated in section 91 of the *Constitution Act, 1867*. Hence, the federal government powers over environmental matters is unclear particularly when the matter otherwise falls within exclusive provincial jurisdiction.

19. In addition to the clearly defined competencies of the provincial and federal governments under the *Constitution Act*, the concept of federalism is imperative to the court's interpretation of the constitutionality of the *IAA* and the *Regulations*. The Court plays an important and essential role in our system of federalism as the independent body tasked with ensuring that any government that does exceed the limits of their constitutional jurisdiction and authority, and police agencies within each of these spheres to ensure their operations remain within their statutory boundaries.[14]

20. Because the *IAA* does not contain a federal trigger, and relies instead on a list of designated projects and "activities" enumerated in the *Regulations* which are *prima facie* subject to federal assessment, the regulatory regime established by the *IAA* necessarily encroaches on areas within the provincial legislatures' exclusive jurisdiction enumerated in section 92 of the *Constitution Act, 1867* and s. 92A of the *Constitution Act,* 1982. In crafting the *IAA* to encompass myriad projects and activities without imposing effective constitutional restraints on the reach of the regulatory power afforded to the federal government, the *IAA* effectively mandates federal assessment and control over natural resource and infrastructure projects within exclusive provincial jurisdiction.

21. Although s. 109(b) of the *IAA* authorizes the Governor in Council to make regulations designating what type of activities will trigger a federal assessment of a particular project,[15] the delegation of that decision-making authority to a non-elected body which may or may not use the broad powers set out in *IAA* cannot be enough to make an unconstitutional law constitutional. The mere possibility that the *Regulations* could restrict the application of *IAA* to *intra vires* projects, cannot blind us to the fact that the legislation is broad and general enough to permit the Governor General in Council to designate provincial projects falling within exclusive provincial jurisdiction.

[14] *Northern Telecom Canada Ltd. v. Communication Workers of Canada*, [1983] 1 S.C.R. 733, at p. 741.

[15] *IAA* at s. 109 (b).

22. The CTF respectfully submits that this Court should not declare legislation constitutional simply because the unconstitutional powers contained therein have not yet been exercised.

23. The CTF adopts the Attorney General of Alberta's analysis of the decision in *Friends of the Oldman River Society*. In that case, this Court recognized the possibility that environmental assessment regimes could overreach the valid extent of the exclusive or concurrent jurisdiction of the federal government into matters that are exclusively within the jurisdiction of the province.

24. The *IAA* achieves exactly what this Court warned against in *Friends of the Oldman River Society*, where federal legislation, even with a valid purpose, permits the federal government to overreach its jurisdiction under the *Constitution Act, 1867* by intruding into areas of exclusive provincial jurisdiction. The *IAA* purports to impose a veto power over infrastructure and resource projects falling with the exclusive jurisdiction of the provincial legislatures. Notably, even where the provincial body undertaking an environmental impact assessment approves a project under the provincial assessment regime as being in the public interest of the province and its citizens, the *IAA* authorizes the federal Minister or Governor in Council to make an adverse determination and veto the development of provincial resources or construction of local works or undertakings.

25. The decision in *Friends of the Oldman River Society* turned on the existence of federal jurisdiction over navigable waters. In the instant case, there is no explicit trigger in the *IAA* or the *Regulations* that would authorize federal interference with a project under provincial jurisdiction.

C. Dilution of Government Accountability and Co-Mingling of Powers

26. One of the central objectives of the division of powers in the *Constitution Act* is to promote direct government accountability for important decisions affecting the interests of the electorate. It is said that "accountability is the buzzword of modern governance."[16]

27. The fathers of Confederation created a constitution in which His Majesty's subjects could easily identify which level of government was accountable for what, and could therefore properly exercise their democratic rights to hold the appropriate government accountable for its actions, or inactions. Accountability to the electorate is an integral part of any effective national framework of governance and requires both fairness and an efficiency perspective.[17]

[16] Re-Thinking Executive Control of and Accountability for the Agency, (2016) 54 Osgoode Hall LJ 175 – 224, at para 13 [**BA Tab 4**]

[17] Jason MacLean, "Will We Ever Have Paris: Canada's Climate Change Policy and Federalism 3.0" (2018) 55:4 Alta L Rev 889 [**BA Tab 7**].

28. There is no dispute that the world is a more complicated place than it was in 1867, and that courts have had to deal with and recognize new and emerging areas of legislative jurisdiction, and concurrent jurisdictions under the *Constitution Act*. With that being stated, the CTF respectfully submits that instances where the previous watertight compartments must allow leakage should be rare and compelling. The unfettered expansion of federal powers into areas of exclusive provincial jurisdiction will inevitably sink the ship of federalism leaving a system of governance dominated by the federal government and focused exclusively on achieving federal priorities without regard for the diverse interests and priorities of the provinces and the ordinary taxpayers living in them.

29. Every time the Dominion is invited to play a larger role in the concurrent regulation of matters within exclusive provincial jurisdiction, this triggers an irreversible expansion of federal powers which weakens the independence of the provincial governments thereby rendering those legislatures subservient and irrelevant rather than the sovereign and robust jurisdictions which the *Constitution* was clearly designed to achieve. Since the inception of Canadian Federalism and the enactment of the *Constitution,* provincial autonomy from the federal government achieved through the clear division of powers and constitutional protection of exclusive provincial jurisdiction over local matters and resources provided the means of maintaining a unified Canadian state despite the range of broad and diverse priorities of each province by allowing the citizens to exercise control over local matters of immediate importance in their communities through their independent local governments. In a country with significant regional variations and diversity, it is imperative for courts to check federal overreach and preserve the constitutional right of provinces to chart their own path tailored to the diverse objectives and priorities of their electorate to whom legislatures are accountable by safeguarding the constitutionally protected autonomy of provincial legislatures to regulate and control matters of local importance as enumerated in section 92 and section 92A.

30. The regulation of natural resource projects, ownership and extraction, and the development of infrastructure projects in *inter alia* the mining, forestry, agriculture, energy and transportation sectors, which is the pith and substance of the *IAA* and the *Regulations,* have long been recognized as matters of local concern within the exclusive jurisdiction and control of provincial legislatures. Provincial legislatures are best positioned to determine whether projects of a local nature are in the interest of the public as the level of government closely to the citizens impacted by such projects.

31. Each province has an effective environmental impact assessment and oversight regime in place under existing legislation. On this appeal, Canada does not take the position that provincial

environmental impact regimes are insufficient to protect the environment. Rather, under the guise of "cooperative federalism," the federal government asserts broad and overarching jurisdiction to assess, approve, oversee and veto local works, undertakings and projects within areas of exclusive provincial jurisdiction based on the undefined "possible adverse federal effects" of those projects.

32. Although regulation of the increasingly nebulous issue of "environment" often touches on matters falling within areas of concurrent jurisdictions of the provincial and federal governments, the significant expansion of federal powers into matters within provincial jurisdiction achieved by the *IAA* and the *Regulation* undermines the foundational principle of federalism and respect for provincial autonomy. As this Court recently held in *References re Greenhouse Gas Pricing Act,* "Federal powers cannot be used in a manner that effectively eviscerates provincial power." [18]

33. Taxpayers ultimately care less about what government regulates these projects as long as they can understand how they are regulated and who is actually responsible for the assessment of major economic projects in their province. If there is concurrent provincial and federal legislation for assessing the environmental impact of different projects, it will be confusing not only for the stakeholders, but also for the citizens who are the ultimate beneficiaries of our constitution.

34. As this Court held in *Nova Scotia (Attorney General) v. Canada (Attorney General)* (1950):

> The constitution of Canada does not belong either to Parliament, or to the Legislatures; it belongs to the country and it is there that the citizens of the country will find the protection of the rights to which they are entitled. It is part of that protection that Parliament can legislate only on the subject matters referred to it by section 91 and that each Province can legislate exclusively on the subject matters referred to it by section 92.[19]

35. As the constitution belongs to the citizens, it is imperative to maintain a clear delineation between legislative powers in areas of exclusive jurisdiction as the *Constitution* is intended to do. In the instant case, there are significant overlaps between the regime established by the *IAA* and the existing environmental impact assessment regimes establishing under provincial legislation.

36. The *IAA* and the *Regulations* effectively mandate the federal government to impinge on provincial jurisdiction through the overreach of the regime into extraprovincial effects.[20] The *IAA* allows the federal government to assess and oversee projects clearly within exclusive provincial

[18] *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11 at paras 48-49.
[19] *Nova Scotia (A.G.) v. Canada (A.G.)* (1950), [1951] S.C.R. 31 at p. 34.
[20] *IAA* at s.7, ss. 22(1)(h) and (i).

jurisdiction on a preliminary, or an ongoing basis thereby creating unnecessary duplication of the existing provincial regimes while encroaching upon provincial jurisdiction resulting in confusion and lack of accountability as to who is to regulate projects with potential environmental impact.

37. It is problematic when overlapping regulation leaves stakeholders and citizens without a clear avenue for understanding their obligations or determining whether the government they elected is delivering on their promises. The inter-delegation created by the operation of the *IAA* in conjunction with existing provincial legislation and the probability of intergovernmental conflict "might confuse citizens about the respective roles and responsibilities of their governments which, in turn, would reduce accountability."[21] The issue of intergovernmental conflict where proponents of a project are required to submit to two separate environmental assessments for one project will inevitably lead to project delays, excess constriction costs, undue complications and confusion.[22]

38. The authors of the study *Timing of Canadian Project Approvals: A survey of Major Projects*[23] reviewed issues with the federal impact assessment process under the 1992 and the 2012 *Canadian Environmental Assessment Act*[24], the predecessor to the *IAA.* The authors of the study found that "the federal environmental assessment process is the principal source of delay and unpredictability in the Canadian project approval process" and that the federal environmental assessment process approval is materially longer than provincial environmental processes. In fact, on one specific project referenced in the study, the federal government took 42 months to complete an assessment whereas the assessment process undertaken by the British Columbian government took only 16 months.[25] Canadians are well aware of the frustrations of federal involvement in interprovincial pipeline approvals, which have been widely criticized by both proponents and opponents for inordinate delays, obtuse procedures, and the expense of participation in them.

39. When the federal government delegates much of the review to independent panels of un-elected and unaccountable bureaucrats as contemplated under the *IAA*, there is a further dilution

[21] W R Lederman, "Some Forms and Limitations of Co-Operative Federalism" (1967) 45:3 Can Bar Rev 409 [**BA Tab 5**].
[22] Steven A Kennett, "Oldman and Environmental Impact Assessment: An Invitation for Cooperative Federalism" (1992) 3:4 Constitutional Forum 93 [**BA Tab 3**].
[23] T Kurtis Reed et al, "Timing of Canadian Project Approvals: A Survey of Major Projects" (2016) 54:2 Alta L Rev 311. [***Timing of Canadian Projects***] [**BA Tab 6**].
[24] *Canadian Environmental Assessment Act*, SC 1992, c 37.
[25] *Timing of Canadian Projects* at para 88.

of accountability on part of the federal government. It removes the individual citizen even further away from the process and decreases the accountability of those that make decisions, namely the "agency" as defined in section 153 of the *IAA*. Under the *IAA* regime, projects that are essential to provincial economies would be subject to the assessment, approval and oversight of a delegated agency of the federal government that have no accountability to the citizens of any given province.

40. The *Constitution Act* was intended to ensure that the management of natural resources and provincial lands remained within the prerogative of provincial legislatures. The duplication of legislative oversight and control under the *IAA* and the *Regulations* only results in the dilution of accountability to taxpayers and citizens, and the creation of new and unnecessary costs and delay in the approval of projects that are vital for provincial economies and taxpayers in every province.

D. Reading down of the *IAA* and the *Regulations*

41. If the Court rules that the *IAA* and the *Regulations* are not wholly unconstitutional, or that the legislation is constitutional in part, the CTF respectfully submits that the Court should not read down the *IAA* and the *Regulations.* Given the overbroad definition of "environment" under s. 2 of the *IAA,* and extensive scope of powers regarding "designated projects" in the *Regulation,* it would be impossible to discern and effectively safeguard against every possible unconstitutional part or effect of the *IAA* and the *Regulations* as required to engage in the process of reading down the legislation[26]. In *Hunter v. Southam Inc.,* this Court stated the following:

> While the courts are guardians of the Constitution and of individuals' rights under it, it is the legislature's responsibility to enact legislation that embodies appropriate safeguards to comply with the Constitution's requirements. It should not fall to the courts to fill in the details that will render legislative lacunae constitutional.[27]

42. It is therefore respectfully submitted by the CTF that the doctrine of reading down should not be implemented to solve the unconstitutionality of any part of the *IAA* or the *Regulations.*

PARTS IV and V: REQUEST TO PRESENT ORAL ARGUMENT

43. The CTF respectfully requests leave to present oral argument at the hearing of this appeal.

[26] *IAA* at s. 2.
[27] *Hunter v. Southam Inc.,* [1984] 2 S.C.R. 145, at p. 169.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

dated at Victoria, British Columbia this 20th day of December, 2022.

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Josh A. Bloomenthal
Counsel for Canadian Taxpayers Federation

PART VI: TABLE OF AUTHORITIES

	CITED AT PARAGRAPH NO.
CASES	
Friends of the Oldman River Society v Canada (Minister of Transport), [1992] 1 SCR 3	1, 14, 23, 24, 25
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Nova Scotia (Attorney General) v. Canada (Attorney General), [1951] S.C.R. 31	34
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United Nations, "Status of Ratification of the Convention" (13 June, 2020), online: https://unfccc.int/process-and-meetings/the-convention/status-of-ratification/status-of-ratification-of-the-convention	7
LEGISLATION	**SECTION(S)**
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Environmental Protection and Enhancement Act, RSA 2000, c E-12	
Impact Assessment Act, SC 2019, c. 28 *Loi sur l'Évaluation d'impact,* LC 2019, c 28, art 1	1, 2, 22(1)(h)(i), 109(b), 153 1, 2, 22(1)(h)(i), 109(b), 153
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