



December 15, 2025

Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa, ON K1A 0H3

UPLOADED to the Let's Talk Impact Assessment Website

Re: Submission on the Draft Co-Operation Agreement between Ontario and Canada on Environmental and Impact Assessment

Thank you for the opportunity to provide input into the Draft Co-Operation Agreement.

Wildlands League is one of Canada's pre-eminent conservation organizations with over 30,000 supporters. We are policy experts standing up for wildlife and standing with communities. We tackle irresponsible development that threatens precious rivers, lakes and wildlife habitat. We give voice to Canada's nature to make sure at least half of the country is protected forever for all our kids, for climate and for the betterment of the planet. We have been working in the public interest since 1968.

Wildlands League has a longstanding interest in land use and environmental planning in Ontario. Our team were ministerially-appointed members of the Ontario Far North Planning Advisory Panel (2008-2009) and the Ontario Minister's Mining Act Advisory Committee (2008-2018). We have also participated in various environmental assessments including the Cliffs Chromite Project, Noront's Eagle's Nest, De Beers' Victor Diamond Mine and Wataynikaneyap Power. We concluded a [private prosecution](#) of De Beers in 2021 for failing to provide mercury monitoring data relating to the operation of its Victor Diamond Mine.

In addition, Wildlands League has been monitoring impacts from early exploration activities, land use and environmental assessments in the area known as the 'Ring of Fire' in northern Ontario since 2008 and has advocated for implementation of a regional assessment for the area since 2011. We have flown over the globally significant peatlands and watersheds (that contain the referenced mineral deposits) with Indigenous leaders many times including the [Here We Stand camp](#) recently. We have visited Esker Camp and other areas affected by mineral exploration in the homelands of Indigenous Peoples, and documented the long-lasting



footprint¹ of mining claims, trails, drill holes and drill pads and camps in this carbon-rich sensitive ecosystem.

Wildlands' Comments on the *Draft Co-operation Agreement between Ontario and Canada on Environmental and Impact Assessment*

Wildlands recognizes the importance of effective and efficient implementation of environmental assessments and generally supports co-operation and collaboration between the federal government and Ontario government “to meet shared and respective responsibilities to protect the environment and Indigenous rights with the goal of a single assessment for a project”.

However, the proposed draft Agreement risks prioritizing administrative efficiency over environmental protection, weakening the federal government’s independent responsibilities under the *Impact Assessment Act*, and reducing transparency and accountability—particularly for projects proposed in carbon-rich, ecologically sensitive, and Indigenous territories.

Where we have significant concerns is with the claim in the draft agreement that Ontario has “robust processes for the high-quality assessment of the effects of certain types of projects, informed by rigorous science, Indigenous consultation, public participation, and community knowledge”. This is false.

This in turn means that **Substitution to Ontario’s Process** is not a viable option. In our view, Substitution is not a form of Co-operation, the stated goal as outlined in the Speech from the Throne and the title of the draft agreement.

The federal *Impact Assessment Act* states that, Canada’s approach to harmonization is not about reducing standards but about ensuring coordinated action while meeting environmental obligations, maintaining transparency, and meaningful participation. The Act states that implementation must, “support coordinated action among jurisdictions... foster meaningful public participation ... be transparent... and contribute to fostering sustainability and to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change.”

¹ See <https://wildlandsleague.org/news/new-photos-reveal-extensive-damage-done-by-ring-of-fire-mining-exploration/> for examples of photos and <https://wildlandsleague.org/news/mining-claims-have-skyrocketed-in-ring-of-fire-fords-bill-5-if-passed-will-make-things-much-worse/> for examples of how we track and present mining claim information to the public



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The draft agreement contains clauses that could undermine the intent under the *Impact Assessment Act* to ensure areas of federal jurisdiction—such as fisheries, migratory birds, species at risk, climate commitments, cumulative effects, and Indigenous rights—are independently and rigorously assessed, not indirectly addressed through provincial processes with less scope and weaker safeguards or in the worst case not addressed at all.

The goal for co-operating and collaborating with provincial authorities must be **Harmonization of Assessments upward to the highest standard**, not weakening of the federal role. Co-operation must enhance the quality, integrity, and accountability of assessment outcomes—not reduce them.

It's important to harmonize the essential elements of the federal EA and provincial EA processes—not give up the federal role because Ontario falsely claims there is duplication. This would be an abnegation by the federal government if the draft agreement is finalized in current form and would be a set back for the environment and public participation. We note that while Canada says it will maintain its commitments to UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples, Ontario does not have a similar commitment and Free Prior and Informed Consent is absent from the agreement for either party.

See key differences (in a non-exhaustive list) between the federal and provincial Environment and Impact Assessment systems below:

| | Federal | Ontario |
|------------------------------|---|--|
| Scope | Includes mine projects | Doesn't apply to mines |
| Participant funding | Available, robust | No intervenor funding since 1996 |
| Public participation | Robust, registry | Weak, no registry |
| Indigenous engagement | Strong intent and tools see https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-indigenous- | Weak intent and tools, see https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities |



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|---|---|--|
| | participation-ia.html# Toc17459483 | |
| Regional and strategic assessments | yes | no |
| Mandates | Strong. “..that fosters sustainability, respects the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , takes into account Indigenous knowledge, considers the cumulative effects of physical activities, applies the precautionary principle and promotes cooperation among jurisdictions and with the Indigenous peoples of Canada”. | <p>“The purpose of this Act is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment. R.S.O. 1990, c. E.18, s. 2.”</p> <p>Existing aboriginal and treaty rights</p> <p>“2.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the <i>Constitution Act, 1982</i>. 2020, c. 18, Sched. 6, s. 2.”</p> |

In our many years of experience with environmental assessment in Ontario, where we participated painstakingly in good faith, we have observed that non-environmental factors are routinely permitted to shape and determine reviews and approvals. Reviews themselves are often deficient. Ministry staff are deferential to proponents and their claims. We and the provincial Auditor General also note that cumulative impact assessments are also deficient. We have a long history of calling for environmental assessment reform in Ontario and support the concerns of civil society, Indigenous peoples and many other commentators on the inadequacy



of Ontario's Environmental Assessment regime. A 2016 Auditor General of Ontario value for audit [concluded](#):

Overall, our audit found that Ontario's environmental assessment process needs to be modernized and aligned with best practices in Canada and internationally. Because the Act is 40 years old— and is, in fact, the oldest environmental assessment legislation in Canada—it falls short of achieving its intended purpose.

A [follow up audit](#) in 2018 found that the province had made little to no progress on the majority of the actions outlined from the earlier report. We can add that in subsequent years, the Ontario government has amended its environmental assessment regime and made it more regressive.

Below we highlight an example of our concerns with the Ontario environmental assessment regime.

The Watay Transmission Line

In 2018, Wildlands League outlined in our request to refer a transmission line project to the Environmental Review Tribunal how we had exhausted the available public participation mechanisms throughout the provincial environmental assessment process to attempt to resolve our concerns about the various methodologies employed by the proponent, Wataynikaneyap, in its Phase 1 New Transmission Line to Pickle Lake Project. In particular, Wildlands League provided extensive detailed comments on the inappropriate use of non-environmental criteria in the final corridor routing analysis as well as the deficient boreal caribou assessment (a threatened species), including over 40 pages of written comments on the Final EA Report. The Environmental Assessment and subsequent Ministerial Review failed to adequately consider the project's impacts on caribou and, by relying on non-environmental criteria, failed to adequately assess the environmental impacts of the alternative methods of carrying out the project.

In 2019, when the province finally gave its notice of approval of the undertaking it acknowledged that while there is a "viable alternative" the Minister relied on the proponent's claims that "the preferred alternative [as identified by the proponent] achieved the most appropriate balance of advantages to disadvantages."

Even when there are viable alternatives that are environmentally superior, proponents' technical and feasibility arguments are relied upon thus undermining the purpose of environmental assessment in the first place. This causes trust to be eroded and in this case damage and degradation to a threatened species' habitat that could have been avoided.

Several outstanding questions from Wildlands on the proposed Substitution to Ontario Process as proposed in the draft agreement:

- Will Canada retain the authority to determine whether Ontario's EA addresses adverse impacts on areas of federal jurisdiction? What if Ontario says the EA has addressed adverse impacts but it's clear that it hasn't, will Canada make a separate determination that can be backed up with evidence and is defensible?
- Why does Ontario determine whether to submit a request to substitute the federal assessment to provincial one or to a harmonized process? What if the proponent thinks it's a good idea to harmonize to demonstrate good will and meet social license commitments?
- Ontario does not provide the same access to records that Canada does with its registry. Ontario is a black box in comparison. How is the public supposed to have access to records to enable meaningful participation?
- Ontario has gutted its species at risk legislation. Is the public supposed to rely on Ontario's new shell law for species at risk? Moreover, given at risk migratory birds and aquatic species are now excluded from Ontario's Species at Risk List and the standard of protection has been watered down, how will Canada respond to this abnegation of responsibility by Ontario? Is the public to rely on Ministry of Conservation, Environment and Parks (MECP) to provide the evaluation of risks and mitigation measures? Will Environment Canada still have a role or will they defer to MECP?

In summary, Wildlands League has serious concerns with the approach outlined in the draft agreement. We recommend you pause the process and rethink this approach to better align the co-operation goal with the key principles as outlined by 17 civil society [colleagues](#) earlier in the fall and which Wildlands League supports²:

1. Upholding Indigenous rights and jurisdictional authority, including by respecting and supporting Indigenous-led assessment, ensuring meaningful consultation and engagement, and co-designing processes that require the free, prior and informed consent of Indigenous peoples.

² We also support the Dec. 15 2025 submission by CELA to the Let's Talk Impact Assessment Website.



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2. Ensuring opportunities for meaningful public participation, including participation that begins early, is ongoing throughout assessments, is properly facilitated through participation funding, has the ability to affect decisions, and is thoughtfully responded to.
3. Fostering sustainability through assessments that seek to enhance mutually-reinforcing benefits, minimize harms, avoid unwanted trade offs, and fairly distribute impacts and benefits.
4. Basing assessments and decisions in western and Indigenous science and knowledge through the integrated involvement of federal and provincial experts (along with Indigenous experts and knowledge holders) in order to ensure effective attention to the most important effects, particularly cumulative and integrated effects.
5. Harmonizing upward to the highest standards so that cooperation enhances rather than undermines assessment efficacy and fairness.

Thank you. We remain ready to assist.

A handwritten signature in blue ink, appearing to read 'A. Baggio', with a long, sweeping flourish extending to the right.

Anna Baggio
Conservation Director