October 20, 2025
Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa, ON. K1A 0H3

Re: ***"One Project, One Review": Co-operation Agreements for the Assessment of Major Projects*** and **the *Draft Co-operation Agreement between New Brunswick and Canada***

Dear Impact Assessment Agency of Canada (IAAC),

We provide this submission on behalf of Wildlife Conservation Society (WCS) Canada, drawing on our science and policy expertise and our combined experience in both the policy and practice of provincial, territorial, and federal impact assessment (IA). Our team includes conservation biologists who have been conducting scientific research to support policy and legislation on species at risk and environmental planning for terrestrial and freshwater ecosystems in Canada for almost two decades, as well as a policy specialist focused on comparing IA regimes at the federal and subnational levels. regimes at the federal and subnational levels.

This submission addresses two separate but closely related Impact Assessment Agency of Canada (IAAC) requests for comments: 1) IAAC's request for feedback on its proposed "One Project, One Review" approach to cooperation with provinces on the assessment of major projects ("the One Project, One Review consultation paper"); and 2) IAAC's request for feedback on the Draft Co-operation Agreement Between New Brunswick and Canada on Environmental and Impact Assessment ("the draft NB-Canada agreement"). The proposed approaches outlined in these documents are interrelated and inform each other; we felt it was most efficient to provide one submission that jointly addresses both.

In its One Project, One Review consultation paper, IAAC lays out four ways for provinces and the federal government to cooperate on impact assessment:

1. Coordination on the early assessment decision: Cooperation and information-sharing to determine whether federal issues can be addressed through means other than a federal IA.
2. Substitution to a provincial process: The federal government allows a jurisdiction's process to replace the federal process, with each jurisdiction making its own decision based on a single assessment report.
3. Substitution to a harmonized process: The federal and provincial governments would jointly determine which jurisdiction is best placed to assess which effects, resulting in a single, unified assessment process that would meet the legislative requirements of both levels of government.
4. The use of other forms of coordination, including Joint Review Panels and coordinating on permitting, conditions development, and Indigenous consultation.

Our concerns relate primarily to **substitution to a provincial process (#3) or harmonized process (#4).** They also relate to the early assessment decision (#1).

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Our overarching comments:

Increased cooperation on IA and development planning is needed and overdue. Cooperation must seek to maximize mutual benefits and efficiencies through improved outcomes, however, and not come at the expense of rigour and quality. Our overall concern is that the approach laid out in the One Project, One Review consultation paper and reflected in the draft NB-Canada agreement does not emphasize IA process outcomes and efficacy, but rather centres further devolution of federal IA responsibilities to provinces as the primary objective, for its own sake. In neither document is the attention paid to the guardrails and accountability mechanisms needed to ensure this devolution supports fulfillment of legislated federal IA objectives- e.g., the purpose of the Impact Assessment Act (IAA). We are also concerned by the proposed almost total exit of federal involvement in the assessment of "primarily provincially regulated activities". This trend of the federal government evacuating its leadership role in IA is deeply troubling.

Specifically, we identify five concerns with the proposed approach to cooperation:

1. Inadequacy of provincial processes to identify and address effects in federal jurisdiction (p. 3). Provincial IA regimes vary significantly and most fail to measure up to the federal regime on core elements of assessment scope and procedure.
2. Lack of a robust, transparent method for evaluating adequacy of provincial processes to address federal effects (p.6). No detail is provided related to how the two key decisions under the proposed approach - the early assessment decision and the substitution decision - will be made by IAAC.
3. Unclear objectives or measures of success of cooperation (p.8). Efficiency depends on effectiveness and therefore the evaluation of outcomes, yet nowhere are clear, measurable outcomes provided.
4. Mischaracterization of federal government responsibilities with respect to IA (p.9). The proposed approach does not accurately reflect the federal government's legislated mandate as reiterated by the Supreme Court of Canada in Reference re Impact Assessment Act, 2023 SCC 23.
5. Failure to address key aspects of cooperation implementation (p.11). It is essential that cooperation efforts are monitored and reported on and accountability measures taken where commitments are not met, yet the proposed approach is silent on these and other key implementation considerations.

These concerns apply to both the proposed overall One Project, One Review approach, as well as the draft NB-Canada agreement, specifically. In the interest of clarity and efficiency, we have therefore chosen to provide a single, consolidated response to both calls for comments.

In this document, we provide detail on these five concerns and, for each, discuss (in grey boxes) the specific draft NB-Canada agreement provisions that illustrate these concerns. We close with recommendations.

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Concerns

1. Inadequacy of provincial processes to identify and address effects in federal jurisdiction

There is significant variation in IA regimes across Canada. Core elements related to IA scope and process differ widely, including the purpose of IA; key definitions; the scope of impacts and valued components assessed; and the timelines and rigour of processes, especially with respect to Indigenous consultation and public engagement. This variation, and its implications for process quality and outcomes, has been well documented (see, for example, Doelle and Sinclair 2021, Eckert et al., 2020, and Powell 2015).

While improvements to coordination and harmonization across jurisdictions are welcome and needed (while maintaining and upholding the highest standard of practice), the federal government's approach to cooperation must acknowledge these foundational variations and clearly outline how they will be addressed. Below we provide detail on specific aspects where provincial regimes fail to measure up to the IAA regime.

Assessment scope

One key element of the IAA's substitution and harmonized assessment provisions is the s.33(1)(a) requirement that the substituted process must consider the comprehensive set of IA factors set out in s.22(1). Importantly, this requirement remains in the statute as amended following the Supreme Court of Canada reference case. The One Project, One Review consultation paper, however, provides no explanation of how these enduring federal obligations would be met or enforced under a substituted process. These gaps raise serious questions about how substitution could operate in practice to maintain the federal assessment standard that Parliament has chosen to maintain.

The s.22(1) factors include multiple elements that, in our experience, warrant particular attention and concern. These include the requirements to assess:

- alternatives to the project;
- the project's cumulative effects;
- the project's contributions to sustainability; and
- the extent to which the effects of the project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.

Drawing on our direct experience participating in IAs and our knowledge of the relevant legal frameworks, we know that no single provincial IA regime includes all four of these mandatory assessment factors, and most omit them entirely. Further, the IAA preamble commits Canada to implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), yet no province other than BC has a legislated commitment to UNDRIP implementation.

Additionally, under section 33(1) of the IAA and the proposed One Project, One Review approach, federal involvement in a substituted process may be limited to technical review of specific project aspects related to areas of federal jurisdiction. (See, for example, page 5 of the consultation paper: "when an assessment is

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substituted, the federal government would continue to have a decision-making role following the assessment, in setting conditions to address significant adverse federal effects identified through the assessment, including, where appropriate, potential accommodations"). Such a reductionist approach risks siloing the input of different federal authorities and eliminating federal oversight of the total impact and overall effects of the project -- including cumulative and interacting effects.

A broader, holistic understanding of project impacts, encompassing both benefits and adverse effects, is essential to properly identify and mitigate federal effects and to enable the federal government to fulfill its duty to make a public interest determination under the IAA, as elaborated below.

Assessment procedure

From page 5 of the One Project, One Review consultation paper: *"Substitution is appropriate when a province is willing and has the mandate, authorities and resources to incorporate key federal issues into its own assessment process."*

Missing from this statement is consideration of practice and procedure. A province may have the mandate, authorities, and resources, but fail to apply these elements in practice in a manner that achieves suitable substitution. Provincial regimes vary widely in their procedural requirements. The proposed approach to cooperation, however, does not include any guardrails to address these stark differences or to help ensure that a province applies a suitably rigorous impact assessment pathway and procedure under a substituted process.

As an illustration of the core procedural differences that pose significant risks to the effectiveness of a substituted process, we note that under the federal IAA regime, there is only one point at which an approval may be granted. In contrast, multiple provinces maintain multiple "stage-gates" at which approval can be issued: at an earlier stage, based on initial information, and at a later stage, following a more comprehensive review of detailed documentation. Due largely to external pressures for expediency, provinces such as Nova Scotia and New Brunswick now very rarely employ the more fulsome "comprehensive" review process. Instead, standard practice in these jurisdictions is to grant approvals following the minimum assessment period, with limited opportunity for meaningful Indigenous consultation and public engagement. Implications of this include:

- Reduced transparency and accountability, as a larger share of proponent-led preparatory work occurs in advance, outside of the formal process.
- Government agencies and public and Indigenous rights-holders are bombarded with extensive amounts of information and face limited time for review and decision-making. The early stages of these processes were simply not designed to encapsulate fulsome IA and decision-making.
- Projects with significant expected adverse effects are receiving IA approvals (with complex terms and conditions) without comprehensive assessment and meaningful engagement of the public and consultation of impacted Indigenous Peoples.

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- There is a lack of political will to employ the more comprehensive IA process, since industry has come to expect the quicker timelines and require "certainty" and predictability of process.

As presently proposed in the consultation paper, the federal government's approach to cooperation is silent on these critical matters of procedural rigour. Further delegating responsibility for federal effects identification, assessment, and mitigation to these already strained and ill-functioning systems could be consequential for the environment, rights-holders, and IA practitioners in those jurisdictions.

Analysis of the Draft NB-Canada Agreement: Ability to address federal effects

Assessment scope

Environmental Impact Assessment (EIA) in NB is limited to the biophysical ("environmental") impacts of projects.[1] The legislative framework (made up of the *Environmental Impact Assessment Regulation* and the *Clean Environment Act*), however, does not prescribe the scope of effects to assess, nor the factors to be considered when carrying out an EIA or deciding whether to issue an approval. Instead, these considerations are set out in general EIA guidelines and sector-specific guidelines. This means that there is no legislated requirement for any particular type of effect to be assessed in NB EIA, nor for approvals to be based on a standardized set of criteria. The draft NB-Canada agreement does not acknowledge, let alone address, this fundamental difference in scope between the IAA and NB regimes. Section 5 of the agreement states that the request for substitution will confirm how the provincial process will meet the conditions set out in IAA s.33(1). Further clarity is needed, now, to explain how it is possible for the NB process to meet those conditions.

Also, the draft NB-Canada agreement promotes the siloing of federal agency reviews and the further fragmentation of federal effects assessment, e.g., "For example, DELG could address some federal effects in its assessment process while the federal government would assess remaining federal effects, or DELG could commit to include the federal government's assessment of federal effects and federal input in its process." This will further dilute federal oversight and prevent a holistic account of overall effects, including cumulative and interacting effects -- as is required for the federal government to fulfill its legislative mandate.

Assessment procedure

"AND WHEREAS Canada and New Brunswick have each established robust processes for the high-quality assessment of the effects of certain types of projects, informed by Indigenous engagement and consultation, and that lead to sound decisions;" (Draft NB-Canada Agreement preamble)

[1] As reflected in the body EIA guidance published by the Government of NB, made up and sector guidelines.the Guide to Environmental Impact Assessment in New Brunswick (2023) and sector guidelines.

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NB may have established a robust process for IA, on paper, but it rarely puts this process into practice. Instead, a legislative loophole allows major projects with significant expected adverse effects to be approved, with terms and conditions, without rigorous IA. Specifically, in NB, most EIA approvals are granted at the "determination review" stage. This stage was clearly designed to serve as a determination of whether a more fulsome EIA is required, and its requirements and timelines reflect this (e.g., minimum 30-day review period before approval; no mandated Indigenous consultation or public engagement period). However, for almost all projects, it has evolved to constitute the entire EIA process in NB; in fact, the Government strives to provide most EIA approvals at this point, after only a "determination review" (as explained on the NB Government website).

The procedural steps involved in the determination review are simply inadequate for meaningful IA, however. All "requirements" for factors to consider are merely guidelines. The comprehensive EIA process- which includes mandated Indigenous consultation and public engagement periods- is rarely used. The NB Cooperation Agreement suggests that a determination review certificate will be accepted as an EIA approval under a substituted process (section 6 "Co-ordination of Potential Conditions (1) IAAC and DELG will jointly review potential conditions for the decision statement under the Impact Assessment Act and the Certificate of Determination or the Environmental Impact Assessment Approval, as applicable"). Allowing IA approval after only a determination review under a substituted process would be in direct conflict with the federal government's commitments to ensure meaningful consultation of Indigenous Peoples, implement UNDRIP, and its obligation to identify and address adverse impacts in areas of federal jurisdiction, including on the rights of Indigenous Peoples.

The NB Cooperation Agreement does not include any guardrails or assurances to prevent use of a screening period as the entire IA process where federal IA is substituted or partly delegated to the provincial process.

2. Lack of robust, transparent method for evaluating adequacy of provincial processes to address federal effects

A robust, transparent decision-making framework is needed for 1) the early assessment decision and, 2) the substitution decision, where a federal IA is determined to be needed. We are deeply concerned by the absence of any detail or guidance as to how these key decisions will be made by IAAC.

Early assessment decision: The 2024 amendments to the IAA enable IAAC to consider, when deciding whether a federal IA is needed, whether a means other than an IA exists that would permit a jurisdiction to address the adverse effects within federal jurisdiction — and the direct or incidental adverse effects — that may be caused by the carrying out of the designated project (IAA s.16(2)).

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Neither the One Project, One Review consultation paper nor the draft NB-Canada agreement provide any substantive guidance or evaluation criteria for determining whether other means are in fact appropriately in place to address federal issues. At this initial screening stage, the potential for adverse effects in federal jurisdiction will be highly difficult to determine with confidence. Tying federal oversight and meaningful involvement in IA to this screening decision risks excluding projects from federal review that warrant such assessment.

There is therefore a need for:

- clear criteria for determining the suitability of other means to replace federal IA;
- continued engagement and information-sharing to ensure federal oversight and follow-up, where means other than IA are used to address federal issues; and,
- flexibility to return to the Section 16 decision, where other means have been shown to be unable to address federal issues.

Substitution decision: The One Project, One Review consultation paper specifies that substitution is appropriate when "a province is willing and has the mandate, authorities and resources to incorporate key federal issues into its own assessment process." (p.5). How these criteria will be evaluated, however, is not discussed. Instead, throughout the paper, the language "to the extent possible" is used to describe the confines of federal government reliance on provincial processes.

Without clear, objective metrics for determining what is "possible", this language is meaningless. There is the need to clarify how a jurisdiction's mandate, authorities, and resources would be evaluated against what is required to meet IAA standards. To support fairness and transparency, the substitution evaluation process should be applied uniformly across all jurisdictional contexts. Now is the time to map out how this will occur. Each cooperation agreement should then elaborate on how this standardized evaluation process will be applied within that jurisdiction.

Analysis of the Draft NB-Canada Agreement: Evaluation of NB's processes to address federal issues

Early assessment decision

The agreement provides no substantive detail on how the early assessment decision will be made. Instead, it only includes detail on information sharing to support that decision. The agreement is totally silent on how NB's processes will be evaluated to determine whether they can address federal issues.

Substitution

Particularly considering the deficiencies of the NB IA regime in both scope and process compared to the IAA regime, there is the need to ensure rigorous evaluation of suitability prior to substituting or delegating part of federal IA to NB. However, there are no provisions in the draft agreement that relate to evaluation

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criteria. Instead, throughout the draft NB Cooperation Agreement, the language "to the extent possible" is used to refer to key aspects of cooperation. Examples include:

- s.1(1) - "When a proposed project is primarily a provincial undertaking, Canada is committed to relying on New Brunswick's applicable environmental assessment and regulatory processes for the assessment of the adverse effects within federal jurisdiction of a proposed project, to the greatest extent possible."
- s.3(2) - "...IAAC will provide for continued support to DELG, as requested and needed, to: (d) ensure federal permitting considerations are integrated into the assessment process, to the extent possible."
- s.5(6) - "...This includes identifying the Indigenous Peoples to be consulted and determining the scope, content and adequacy of consultation. IAAC and DELG will coordinate this work to the extent possible."
- s. 7 - "facilitate the alignment and integration of permitting processes and requirements into the impact/ environmental assessment process, to the extent possible"; "rely on the associated provincial reports and documents to meet subsequent provincial and federal regulatory and permitting processes and requirements, to the extent possible."
- s.8(1) - "...collaborating on the identification of Indigenous communities for consultation throughout assessment processes, aligning consultation lists, and coordinating consultation activities, to the extent possible."

How will what is "possible" be determined? A transparent, accountable process must be established for evaluating substitution.

3. Unclear objectives or measures of success of cooperation

Nowhere in either the One Project, One Review consultation paper or the draft NB-Canada agreement are clear objectives for cooperation outlined. Instead, there is only reference in the consultation paper to enabling "accelerated reviews while upholding Canada's world-leading environmental standards and its constitutional obligations to Indigenous Peoples", a statement that is rhetorical rather than instructive and provides no direction for cooperative implementation. Various statements are included in the draft NB-Canada agreement preamble relate to economic outcomes. A limited focus on expediency and reducing process duplication misses opportunities for mutual gains and benefits through more strategic coordination and the combined use of assessment authority and capacity.

What is the ultimate goal of cooperation and how will success be measured? How will we know if cooperation is effective? These are fundamental starting points that need to be explicitly addressed in the general guidance, and then reflected in the individual cooperation agreements. In our experience, efficiency is intrinsically linked to improvements in the delivery of effectiveness. Measuring improvements in efficiency therefore will require first articulating the intended outcomes of cooperation.

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Analysis of the Draft NB Cooperation Agreement: Cooperation objectives

The provisions that most closely related to cooperation outcome statements are found in the preamble of the draft agreement:

- AND WHEREAS Canada and New Brunswick are committed to increasing regulatory certainty in order to attract capital and promote our economic resilience while ensuring environmental protections and upholding Constitutional obligations respecting Aboriginal and treaty rights;
- AND WHEREAS Canada and New Brunswick recognize the importance of implementing their assessment processes in a manner that ... contributes to a positive investment climate in Canada;
- AND WHEREAS Canada and New Brunswick agreed to work toward efficiently and effectively implementing "one project, one review" with the goal of a single assessment for projects that require both a federal and provincial assessment in accordance with their respective authorities, in a manner that respects federal and provincial jurisdictions and focuses on enhancing co-ordination of activities on permitting and eliminating duplication.

These outcomes are focused on economic indicators and do not reflect the purposes of the IA/EIA regimes in either jurisdiction, as reflected in the New *Brunswick Clean Environment Act* and *Environmental Impact Assessment Regulations* and the *IAA*. The objectives of cooperation must align with and build upon the objectives of these enabling statutory frameworks.

4. Mischaracterization of federal government responsibilities with respect to IA, including a lack of attention to regional and strategic assessment

The One Project, One Review consultation paper mischaracterizes the federal government's obligation under the IAA as being limited to simply "federal effects". For example, on page 2: "[Cooperation agreements] would reflect that for projects involving primarily provincially-regulated activities, the federal government will defer to, and rely on, provincial assessment processes to address potential federal effects to the extent possible, and that federal decisions under the IAA are limited to federal effects."

Even considering the 2023 Supreme Court opinion and the subsequent amendments to the IAA, the Government of Canada's obligations under the amended IAA go beyond a limited focus on federal effects. The final assessment decision under IAA section 60 requires that the federal government decide 1) whether the adverse effects within federal jurisdiction — and the direct or incidental adverse effects — are likely to be, to some extent, significant and, if so, the extent to which those effects are significant; and 2) whether those effects are justified in the public interest. Direct and incidental effects include federal effects but may extend beyond them. The matters in section 63, which provide the basis for justifying adverse federal effects, are broad public interest considerations, including potential for the effects to contribute to sustainability.

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All assessments of IAA-designated projects need to be scoped broadly enough to cover these matters. In short: all substituted processes (except for national interest projects under the Building Canada Act)[2] must address both section 22 considerations as well as section 63 public interest considerations. This is the assessment standard that Parliament chose to maintain, following revisions of the IAA in response to the Supreme Court opinion. This point relates to our earlier-discussed concern of scope deficiencies within provincial processes: if a provincial process does not address all section 22 and 63 considerations, it cannot be eligible for substitution.

Further, the consultation paper draws a distinction based on jurisdiction over activities and uses this as a basis for federal involvement in a substituted process (e.g., the federal government abdicating its oversight role in IA where a project is "primarily provincially regulated"). The Supreme Court of Canada was clear that regardless of who has jurisdiction over a project's primary activities, the federal government's role respecting the federal effects is not diminished. The federal government's fiduciary obligations remain even if a project is "primarily provincially regulated".

Another area where the One Project, One Review consultation paper misrepresents the federal government's role in IA is in its failure to highlight regional and strategic assessments as core IA pathways and to clarify how these pathways would interact with cooperation. The IAA provides for regional and strategic assessments, which examine broader cumulative effects or policy contexts. These assessments are essential to improved efficiency and effectiveness of project-level IA and it is incumbent upon the federal government is to employ them. Regional assessments, for example, create the enabling conditions for streamlined project reviews within the assessed area and help to ensure that decisions are made with a comprehensive understanding of potential impacts across regions and over time. Strategic assessments establish transparent and consistent criteria that designated projects must meet, improving process certainty, fairness, and predictability. These tools have already resulted in positive outcomes and mutual benefits across jurisdictions.

Analysis of the Draft NB Cooperation Agreement: Framing of federal responsibilities

The draft agreement is silent on the need for NB-Canada cooperation to address section 22 factors, the connection to regional and strategic assessment, and the section 63 public interest determination.

Further, the agreement includes a provision related to UNDRIP that raises concerns: the preamble states "AND WHEREAS Canada maintains its commitment to the *United Nations Declaration on the Rights of Indigenous Peoples* and ensures that its assessment processes are informed by, and aligned with, the Declaration's principles". It is not clear what is meant by "its assessment processes" - does this include provincial processes substituted for the federal IA process? It must, if Canada's commitment to UNDRIP

[2] The process for national interest projects under the Building Canada Act is different from that under the IAA. Any cooperation agreement covering both national interest projects and standard IAA-designated projects must establish different requirements for the two categories.

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implementation is to be fulfilled. At present, NB does not have the processes nor legislative provisions in place to respect UNDRIP, which should preclude full substitution to the provincial process.

5. Failure to address key aspects of agreement implementation

Finally, neither the One Project, One Review consultation paper nor the draft NB-Canada agreement outline core agreement implementation considerations including:

- Monitoring – how will governments, Indigenous partners, and the public track whether the agreement is working as intended?
- Compliance and enforcement – what happens if one party does not meet its commitments (e.g., dispute resolution, review clauses, or escalation mechanisms)?
- Follow-up and modernization – Will the agreement be returned to after a specified period of time to reassess suitability of provisions?

For reasons of transparency, accountability, and democratic decision-making, it is essential that cooperation efforts are monitored and reported on. Even though the IAA imposes standards for substituted assessments, for example, these standards are not always met and may not be, moving forward, under cooperation agreements. For example, while the IAA only allows substitutions provided that there will be opportunities to meaningfully participate in substituted assessments, British Columbia does not have a participant funding program to support public participation in environmental assessments. This lack of funding has been criticized for hindering meaningful participation (WCEL 2023).

Recommendations

In light of the concerns outlined above, we strongly recommend that:

i. **The federal government establish clear, measurable objectives of IA cooperation in general guidance, applicable to and reflected in every cooperation agreement.** Recommended cooperation objectives include:
   - reduced assessment fragmentation (as encouraged by the Supreme Court of Canada in its 2023 IAA Reference opinion);
   - effective and integrated attention to a project's most important overall effects, including the major positive and adverse effects of cumulative and interactive effects;
   - upholding Indigenous rights and jurisdictional authority;
   - meaningful public engagement in development decision-making;
   - fostering sustainability; and
   - harmonizing upward to the highest standards so that cooperation enhances rather than undermines assessment efficacy and fairness.

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ii. **Cooperation agreements explicitly acknowledge where a jurisdiction has an earlier approval pathway and specify that the jurisdiction's full, comprehensive process must be employed where it is being used to substitute the federal process.**

iii. **Cooperation agreements require that the higher standard of practice will be applied where there is a difference in procedure or assessment scope.** For example, where the IAA and a provincial process differ in Indigenous consultation and public engagement review timelines, the longer must apply; or, where one process has more stringent climate impacts assessment requirements, those more stringent requirements must apply.

iv. **Cooperation agreements provide the basis for evaluation of the adequacy of a provincial process to address federal effects (e.g., whether other means can address key federal issues; and whether the province has the "mandate, authorities, and resources" to substitute the federal process).** This includes evaluation of a provincial process's ability to address IAA section 22(1) factors including adverse impacts to the rights of the Indigenous Peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982. Cooperation agreements must include specific evaluation criteria; "to the extent possible" is inadequate and must be elaborated upon. Each cooperation agreement should further elaborate on how the standardized evaluation process will be applied with respect to that jurisdiction.

v. **Where the early assessment decision (IAA section 16 decision) is to have provincial means other than IA address federal issues, ensure continued engagement and information-sharing to ensure federal oversight and follow-up. Allow for flexibility and return to the Section 16 decision, where those other means have been shown to be unable to address federal issues.**

vi. **Cooperation agreements explicitly note the deficiencies of a provincial regime as it compares to the IAA section 22(1) factors. Where substitution occurs, the substituted process must address all section 22(1) factors (including those not effectively addressed by the provincial regime) as well as the commitment to implement UNDRIP.**

vii. **A holistic, overarching review of overall project effects including cumulative and interacting effects is taken by federal authorities in any assessment of a project requiring federal IA. Ensure meaningful, collaborative, and coordinated review by all federal departments and agencies with relevant expertise (as is explicitly required under IAA section 31 substitution conditions).**

viii. **Canada's approach to IA cooperation reiterate Canada's commitment and established implementation of UNDRIP. UNDRIP rights should be recognized along with the duty to consult and accommodate.**

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ix. **Jurisdiction over the proposed project not be used as a basis for cooperation decisions, in light of the federal government's obligation to oversee federal effects, regardless of project type.**

x. **Regional and strategic assessments are further leveraged and cooperation agreements explicitly address how Canada a province will collaborate on regional or strategic assessment and how these pathways will be used to achieve cooperation outcomes in that jurisdiction.**

xi. **All cooperation agreements include provisions for implementation, compliance and enforcement, monitoring, and reporting.** An agreement could include commitments to develop joint workplans, establish mechanisms for tracking progress, and report publicly on outcomes. Agreements could also set out review and renewal clauses, as well as procedures to address non-compliance or disputes between jurisdictions. Such measures would help maintain transparency, accountability, and confidence in the operation of cooperation agreements over time, which has been missing from other agreements with provinces (e.g., under the Species at Risk Act). Ensure that commitments or conditions to mitigate federal effects are implemented and monitored over time.

We hope our comments are useful, and we would be pleased to engage in any discussions regarding our recommendations or the concerns we've identified. Thank you again for this opportunity to provide feedback.

Sincerely,

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