

NORTHWATCH

May 17, 2025

EA Modernization Project Team
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[ERO # 025-0396](#)

Sent by email EAmmodernization.mecp@ontario.ca

Re. Addressing Changes to the Eagle's Nest Mine Project

On April 17, 2025 the Ministry of the Environment, Conservation and Parks posted notice #025-0396 on the Ontario Electronic Registry, giving notice of a 30-day comment period on a proposal to remove the comprehensive environmental assessment requirements for the proposed Eagle's Nest mine project in response to changes to the scope of the project through the proposed *Protect Ontario by Unleashing Our Economy Act, 2025*.

ERO posting #025-0396 is one of a suite of postings related to Bill 5, the proposed *Protect Ontario by Unleashing Our Economy Act, 2025*. The comment period for each of these postings was limited to 30 days, and only two days have been scheduled for public hearings of the Standing Committee on the Interior, which means many who have requested to appear before the committee will be denied (including Northwatch, who applied on April 30th but at time of writing on May 17th had received only an auto-acknowledgement of our application). Bill 5 and its ten schedules, if enacted, will have far reaching environmental and social impacts. If the government – and this Ministry – are confident of their proposed course of action, they would be prepared to engage in a public discourse with Indigenous people and the public. To do so would require extending the comment period on the Environmental Registry and adding several additional hearing days, including hearing days in northern Ontario communities.

The Ministry rationalizes the proposed amendment as being the “result of significant changes to the scope of the Eagle's Nest mine project (the “Project”)”, however neither the ERO posting or Schedule 3 of Bill 5 provide any explanation or description of this “change in scope”.

As described in the registry posting, the “*Project is a proposed new underground metals mine in the area of Northern Ontario known as the Ring of Fire*”. The Eagle's Nest mine project became subject to a comprehensive environmental assessment through an agreement signed by Noront Resources Inc. under the *Environmental Assessment Act* in 2011, sometimes called a “voluntary agreement”. The terms of reference for an environmental assessment was approved by the Minister of the Environment in 2015 with amendments.



While the posting states that “the project scope has changed significantly since 2015” the two most significant changes to the project have been in its ownership and in its timeline.

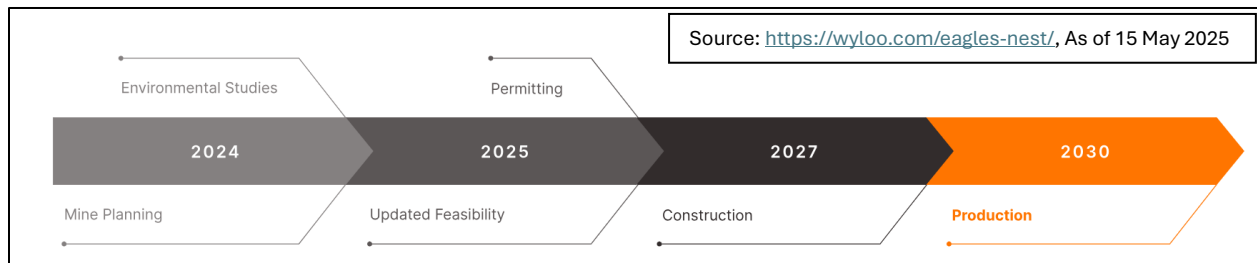
This changed timeline is the result of business decisions by the various proponents of the mine project. In 2011 the proponent of the day – Noront – was projecting rapid development. In 2025 the proponent of the day – [Wyloo](#) – is projecting rapid development.

The company’s web site is currently stating that it has updated or is updating its feasibility study and will commence permitting processes in 2025. There are no permit postings on the Environmental Registry of Ontario for the Eagle’s Nest project at this time – other than the Bill 5 posting of intent to remove the comprehensive environmental assessment requirements – and the “[plans and permitting](#)” section of the Wyloo web site are environmental assessment documents from 2013 (prepared for the previous proponent) but there is no information about permitting plans for 2025. There is no updated feasibility study posted in the “[reports](#)” section of Wyloo’s web site, which indicates that the company is updating the feasibility study (versus having updated it).

We conditionally support a decision to terminate the 2011 agreement and 2015 terms of reference, with those conditions being:

- A one-project-one-assessment approach is applied to the Ring of Fire, with the multiple mines and potential mines and various infrastructure projects (roads, power lines or power projects, processing, support activities such as housing and administration buildings) all assessed under a comprehensive assessment regime that includes cumulative and synergistic effects of the multiple mining projects and mining related projects as well as other activities in the region and downstream from the region
- The one-project-one-assessment approach is led by Indigenous peoples in the region, with the participation of the federal and provincial government and the public including environmental non-governmental organizations and civil society groups
- No projects proceed without the free, prior and informed consent of the Indigenous peoples who are in relationship to the affected and potentially affected territories
- The process is science-based, integrating Indigenous ecological and cultural knowledge and international science

The ERO posting states that the “proposed mine would continue to be subject to environmental oversight through environmental permissions, including any related public consultation requirements and obligations to consult with potentially affected Indigenous communities”. As noted above, there are no postings on the ERO for permits that will be required for the Eagle’s Nest project, and there is no information in the various sections of the Wyloo web site related to permitting, other than a graphic which depicts that permitting will commence in 2025.



The Bill 5 Schedule 3 and the ERO posting both omit that there was a [federal environmental assessment](#) underway that was terminated due to the proponents' extended period of inactivity and the Impact Assessment Act coming into force, replacing the Canadian Environmental Assessment Act, 2012 under which the comprehensive study was being conducted.

There have been numerous statements made in the context of Bill 5 about the review processes taking too long, with fifteen years being stated as the example. The Eagle's Next project is one example of why assessment projects take so long – it is because proponents start and stall review processes, extending the timelines unnecessarily.

These stalls happen for a variety of reasons, some of them market related, some of them because the proponent does not have the capital required to proceed, and sometimes because the proponent has started the review process prematurely. In the latter case, it is our assessment that there are some instances when proponents begin the environmental assessment process as a fundraising tool – they want to demonstrate progress with their project in order to attract investors – and they are doing so prematurely, before they have a defined resource or a project plan or design. Those instances waste the time and resources of the government, the participating public, and the engaged First Nations.

In the provincial permitting process, there have been instances when proponents described their project very differently in a closure plan application versus an effluent discharge permit.¹ This also indicates that the proponent is initiating the permitting process prematurely, before they have a sufficiently mature project design.

If the provincial government is genuinely interested in making the permitting process more efficient, it will develop criteria for entry of a project into the review process, in order to screen out projects which are not feasible or not sufficiently developed to enter the permitting process.

In closing, we urge the Ministry of the Environment, Conservation and Parks to consider the Eagle's Nest Project as part of the larger Ring of Fire project, and apply a one-project-one-assessment approach to the Ring of Fire, with the multiple mines and potential mines and various infrastructure projects (roads, power lines or power projects, processing, support activities such as housing and administration buildings) all assessed under a comprehensive assessment regime

¹ Montcalm Mine; see, for example: <https://www.northernontariobusiness.com/industry-news/mining/xstrata-nickel-shuts-down-montcalm-indefinitely-365809>

that includes cumulative and synergistic effects of the multiple mining projects and mining related projects as well as other activities in the region and downstream from the region.

Should the Minister not be prepared to commit at this time to a one-project-one-assessment approach being applied to the Ring of Fire – presumably as a tri-lateral process of the provincial and federal governments and Indigenous nations - Schedule 3 should be withdrawn until such time as the Government of Ontario, the federal government and Indigenous nations have jointly developed a substitution which could meet and exceed environmental assessment requirements and meet the obligations of the United Nations Declaration commitment to resource projects not proceeding without the free, prior and informed consent of Indigenous peoples.

Thank you for your consideration.



Brennain Lloyd
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