

Jurisdictional Scan of Environmental Assessment Processes in **British Columbia**



July 2026



**FIRST NATIONS
MAJOR PROJECTS
COALITION**

About the First Nations Major Project Coalition

The First Nation Major Projects Coalition (FNMPC) was established in October 2015 by First Nations that chose to establish a collective approach to proposed major resource projects in their territories.

The FNMPC's vision is for member First Nations to work collaboratively, cooperatively, and cohesively towards the enhancement of economic well-being for member Nations, understanding that a strong economy relies on a healthy environment, supported by vibrant cultures, languages, and the expression of traditional laws. A key purpose of the FNMPC is to safeguard the air, land, water, and medicine sources from the impacts of resource development by asserting its members' influence and traditional laws on environmental, regulatory, and negotiation processes.

The FNMPC provides on-request support to its member-Nations that are involved in IAs and project development on an individual basis. FNMPC members also work together to create shared approaches and strategies for best practices. The FNMPC is one of the largest grassroots Indigenous service organizations in Canada, providing environmental and economic support.

Impact Assessments in Canada

An Impact Assessment (IA) is a process that examines the potential harms and benefits a proposed project may have on s. 35 rights, the environment, and people (health, socio-economic conditions, culture, and traditional harvesting) before a decision to approve the project is made. This process looks at management steps that can lower potential harms and increase project benefits. An IA informs the decision about whether a project should be approved and the conditions that must be in place to minimize the potential impacts.

In Canada, IA for major projects is conducted by the federal, provincial, and territorial governments. In some cases, governments work collaboratively on the assessment of a project.

For this document, statutory IA processes follow a federal, provincial, or territorial statute, such as the federal IA process under the *Impact Assessment Act* (2019).

First Nations have historically been left to the periphery of Canadian federal, provincial, and territorial IA processes, as IAs and related environmental policy development have largely occurred without the direct participation of First Nations in whose territories major projects have been proposed. Where it has occurred, Indigenous groups' involvement in IA processes has generally been limited to providing basic inputs, such as baseline Indigenous Knowledge. Moreover, Indigenous Nations have been excluded from meaningful control over the IA process,

outcomes, and decision-making. In short, Indigenous perspectives have been underrepresented in IA in Canada.

In recent years, First Nations have become increasingly involved in IA as part of a broader movement to assert their inherent jurisdiction and rights in respect of major project development decisions within their traditional territories. Additionally, there is increasing pressure on government and industry to understand collaboration with First Nations as an imperative rather than an impediment to major project development. This movement has been prompted by First Nations' demand for the recognition of the right of Free, Prior and Informed Consent (FPIC) with respect to any major project proposed within their territories. Critical court cases have paved the way for a new set of relationships between First Nations, the government, and project proponents.

Disclaimer

This Jurisdictional Scan of Impact Assessment Processes in British Columbia was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the British Columbia Environmental Assessment (EA) processes and opportunities for First Nation participation. This document is intended to support understanding and engagement. It does not constitute legal advice or reflect all possible EA processes and requirements in every context.

The Jurisdictional Scan is based on public information and legislation available when it was drafted in April 2026. Given the constantly evolving nature of EA processes, requirements, and best practices, First Nations are encouraged to confirm information directly with the relevant Crown agency and to seek additional details about any recent regulatory changes to EA processes.

Crown EA and consultation processes can also vary depending on the context of a proposed project and other factors. In some cases, there is a lack of clear guidance from the Crown on EA and consultation processes. An absence of existing guidance does not preclude First Nation engagement on a given aspect of the EA process. Where guidance exists, there may be flexibility in how it is applied. First Nations may request engagement on specific aspects of an EA and may agree on processes with proponents and the Crown that are specific to the First Nation or the project being assessed. First Nations are encouraged to engage early with proponents and Crown agencies to clarify expectations, negotiate appropriate consultation agreements, and assert their rights and title in relation to project-specific EAs.

The information in this Jurisdictional Scan is not intended to be prescriptive. It focuses on Crown statutory EA processes and opportunities for First Nation participation, but does not replace First Nations' knowledge and expertise, nor does it attempt to define the scope of First Nation rights, title, and community objectives. Each First Nation's laws, governance structures, and relationships to their territories are unique and should guide how they choose to participate in EA processes.

Glossary of Impact Assessment Terms

Crown	The Crown is a political concept used in Canada that represents the Sovereign (currently King Charles III) in right of Canada, including provinces and territories. The term refers to the executive power and capacity of the Sovereign; however, in practice, it refers to the government.
Cumulative Impacts	Changes to the environment, rights, culture, and/or society and their consequences that are caused by the combined impacts of past, present, and future actions.
Impact Characterization	Describing and evaluating the characteristics of potential positive and negative impacts on a valued component resulting from a project, often using criteria like magnitude, duration, frequency, reversibility, likelihood, and geographic extent.
Impact Statement	Detailed technical document, usually in the form of compiled technical reports that can be anywhere between 5,000 and 20,000 pages in length, prepared by the proponent in manner that is intended to meet the requirements set out in the Tailored Impact Statement Guidelines.
Impacts	Positive or negative outcomes of an action or activity that are either directly or indirectly resulting from a project.
Indigenous-led Impact Assessment	A process where one or more Indigenous nations define the scope and process of assessing impacts and identify potential benefits of a proposed project to be responsive to their unique contexts.
Project Impacts	Changes to the environment, rights, culture, and/or society and their consequences that are caused by a proposed Project that is undergoing an impact assessment.
Statutory Impact Assessment Process	An impact assessment process that follows a federal, provincial, or territorial statute, such as the federal IA process. (This includes processes by which a First Nation and a federal or provincial government has both agreed to a process through a land claim that is subsequently recognized in a statute.)
Valued Component (or "Value")	Cultural, environmental, economic, health, social, and other elements of the natural and human environment that is identified as having scientific, social, cultural, economic, historical, archaeological, or aesthetic importance.
Mitigation	Any action that is designed to avoid, reduce the severity of, or offset/compensate for a potential project impact. This can be done in many ways, from modifying the project design or moving the location of project components, to improving environmental management systems, among many other options. Monitoring is not considered mitigation.
Residual Impacts	The adverse impacts of a project on a Valued Component or right likely to remain after mitigation measures are applied.

Significance Determination / Severity Determination	Based on the impact characterization, concluding if a proposed project likely environmental, rights, culture, social, or economic impacts are acceptable or not. This will often inform a final decision about the project.
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Glossary of Terms Specific to British Columbia

Consensus Seeking	Cooperation between the EAO and a participating First Nations to achieve consensus on EA process decisions or recommendations.
Consent	First Nations can express their consent or lack of consent within the EA process at Phase 1 (Readiness Decision) or as part of the recommendations to the Ministers regarding whether to issue an EA Certificate in Phase 4. Minister(s) are legally required to consider the consent or lack of consent of participating First Nations.
The Environmental Assessment Office	The office responsible for administering the provisions outlined in the <i>Environmental Assessment Act</i> (2018) and in the <i>Environmental Assessment Act</i> (2002).
Environmental Assessment Certificate	A legally binding authorization that is provided after the EA process outlining how the project must be carried out from start to finish and how mitigation measures to avoid, minimize, restore, or offset a project's effects must be implemented.
Indigenous-led Impact Assessment	An assessment process carried out under section 19(4) of the EAA that is designed, governed, and carried out by an Indigenous Nation to evaluate how a proposed project may impact its rights and interests.
Readiness Decision	A step in the BC EA process where the EAO determines if a project application is sufficient to proceed to a full EA.
Detailed Project Description	A document submitted in Phase 2 of the BC EA process that provides an in-depth description of the proposed project, including its location and objectives.
Process Order	A directive issued by the EAO under the <i>Environmental Assessment Act</i> (2018) that officially begins the EA process for a proposed project.
Technical Advisory Committee	An expert group provides to the EAO and First Nations impartial advice on technical matters related to an EA.

Glossary of Legislation Specific to British Columbia

Environmental Assessment Act	The BC <i>Environmental Assessment Act</i> (2018) is the legal framework for reviewing major project in BC to assess their potential impacts on the environment, the economy, and social well-being. Greenhouse gases are mentioned in this Act and, as such, all EAs must consider the Climate Change Accountability Act .
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[Reviewable Projects Regulation](#)

This Regulation under the *Environmental Assessment Act* (2018) sets out the criteria and thresholds for a project to be considered a reviewable project.

[United Nations Declaration on the Rights of Indigenous Peoples Act](#) (2021)

Act that affirms the rights of Indigenous peoples and advances the implementation of United Nations' Declaration on the Rights of Indigenous Peoples as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.

[Section 35 of the Constitution Act](#) (1982)

Recognizes and affirms the existing Aboriginal and Treaty Rights of First Nations, Inuit, and Métis peoples in Canada. These inherent rights are not defined in the Act, but include rights to Aboriginal title, rights to use lands and resources (hunting, fishing, and trapping), self-government rights, and rights to cultural practices.

Duty to Consult

The Duty to Consult is a constitutional obligation stemming from the honour of the Crown and Section 35 of the Constitution Act, 1982. It requires the Crown to consult and accommodate Indigenous groups when contemplating conduct or decisions that might adversely impact potential or established Aboriginal or Treaty rights.

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Introduction

1.1 Purpose of the Jurisdictional Scan

This Jurisdictional Scan is intended to provide First Nations in British Columbia (BC) with an introductory roadmap to the provincial Impact Assessment (IA), or Environmental Assessment (EA) processes as they are referred to in BC. It summarizes the most relevant information within the EA legislation for First Nations and describes how First Nations can participate effectively in the EA process. Through effective involvement, First Nations can advocate for their rights and interests to be considered in decisions on major natural resource and infrastructure projects. In doing so, First Nations can better protect and advance their lands and cultures.

1.2 Aboriginal and Treaty Rights in BC

Historically, treaties in BC are relatively rare. The Douglas Treaties are a series of treaties signed by the Crown and 14 First Nations of Vancouver Island between 1850 and 1854. When BC joined Canada in 1871, it did not recognize Aboriginal Title and, as a result, did not establish treaties other than those already negotiated. Treaty 8 was signed in 1899. It covers a portion of northeastern BC and was signed by eight First Nations.

Modern treaties are increasingly being negotiated with the province, with the establishment of the British Columbia Treaty Process (BCTP) in 1993. To date, the modern treaties negotiated through the BCTP include:

- *Nisga'a Final Agreement*: Effective since May 2000.
- *Tsawwassen First Nation Final Agreement*: Effective since April 2009.
- *Maa-nulth First Nations Final Agreement*: Effective since April 2011.
- *Tla'amin Final Agreement*: Effective since April 2016.

These modern treaties establish define roles for First Nations in the EA process, often outlining how the First Nation can develop and implement their own EA processes in coordination with Crown-led EAs.

BC First Nations that are not signatories to modern treaties have inherent Aboriginal Rights that are recognized and affirmed by section 35 of the *Constitution Act*, 1982. The *Environmental Assessment Act* (EAA) requires that the EAO to provide any First Nations with meaningful engagement opportunities throughout the EA process.

2. The BC Environmental Assessment Process

2.1 Key Environmental Assessment Legislation in BC

In BC, an EA may be required for a project under either, or both, federal or provincial legislation, depending on the type of project and its potential impacts:

1. Federal *Impact Assessment Act (IAA)* (refer to the Federal Jurisdictional Scan); and/or
2. The British Columbia [EAA](#) and related regulations including:
 - a. The [Reviewable Projects Regulation](#), which sets out specific criteria and the thresholds for a project that automatically subjects it to an EA; and
 - b. Other related regulations can be accessed [here](#).

“One Project, One Review”

Canada is currently establishing a ‘one project, one review’ process for EA through **Cooperation Agreements**. These agreements will set out how the federal government and provincial/territorial governments will work together on assessments of major projects.

- Refer to the [Impact Assessment Cooperation Agreement Between Canada and British Columbia](#) for more information about this process.

Under the IAA, there are provisions for **Indigenous Co-administration Agreements**. These agreements allow the Crown and **Indigenous Governing Bodies** to formally share decision-making at key points throughout the federal IA process.

- For more information, refer to the [Discussion Paper on Indigenous Impact Assessment Co-Administration Agreements](#).

The *EAA* supports BC’s ability to identify, avoid, and/or mitigate potential significant environmental, social, economic, heritage, and health effects associated with the development of major projects in the province. The *EAA*, and related regulations, set out the EA process in BC, which is undertaken by the environmental Assessment Office (EAO).

The [Reviewable Projects Regulation](#) sets the criteria and thresholds for a project to be considered a reviewable project.

- If a proposed project exceeds specific thresholds set in regulation, an EA is automatically required.
- If a proposed project does not meet the thresholds outlined in the regulation, an EA is not required.
 - If a First Nation believes that a non-reviewable project may have significant impacts, they can request the EAO undertake an additional review to determine if an EA should be required.

The [BC EA Project Registry](#) contains information on all EAs conducted by the EAO. Information about current and upcoming public comment periods, open houses, and virtual information sessions can be found on the EAO’s [Project Information Centre](#) (EPIC Registry).

2.2 Roles and Responsibilities in the BC Environmental Assessment Process

Several parties with distinct roles and responsibilities are involved in the EA process:

Parties	Roles and Responsibilities	
Government Regulators	The Environmental	The Chief Executive Assessment Officer (CEAO) is the head of the EAO and administers many parts of the EAA, including:

	Assessment Office (EAO)	• The decision to proceed to an EA or refer the project to the Minister for an EA by assessment body, exemption, or termination; • Extending or imposing EA timelines; • Referring the proponent’s Application and the recommendations at the conclusion of the EA to the Ministers for decision; and • Amending Environmental Assessment Certificate (EAC).							
Decision-Makers	Minister of Environment and Climate Change Strategy (Minister)	The primary decision-maker that is responsible for two key decisions in the EA process: 1. During the Planning Phase, if the CEAO refers a Project for exemption or termination, the Minister may issue the order to refer the project back to the EAO. 2. During the Application Development and Review Phase, the Minister and the Responsible Minister decide whether to issue or refuse an EAC. Under section 24 of the EAA, the Minister has the authority to order for an EA to be conducted by a First Nation, or to delegate Ministerial powers to a First Nations. Under section 19(4) of the EAA, there are opportunities for the Minister to enter into an agreement with First Nations to substitute an Indigenous-led Impact Assessment (ILIA) for part, or all, of the EAO’s EA process.							
	Responsible Ministers	Responsible Minsters, together with the Minister, are responsible for deciding whether to grant an EAC for activities in certain sectors. Some examples include: <table><tr><th>Category of Project</th><th>Responsible Minister</th></tr><tr><td>Energy and Mine Projects</td><td>Energy, Mines, and Petroleum Resources</td></tr><tr><td>Tourism Projects</td><td>Forest, Lands, Natural Resource Operations, and Rural Development</td></tr><tr><td>Waste Disposal and Management Projects</td><td>Municipal Affairs and Housing</td></tr></table>	Category of Project	Responsible Minister	Energy and Mine Projects	Energy, Mines, and Petroleum Resources	Tourism Projects	Forest, Lands, Natural Resource Operations, and Rural Development	Waste Disposal and Management Projects
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Energy and Mine Projects	Energy, Mines, and Petroleum Resources								
Tourism Projects	Forest, Lands, Natural Resource Operations, and Rural Development								
Waste Disposal and Management Projects	Municipal Affairs and Housing								
Other Parties	Proponents	Provides information about the proposed projects and engages with the public and First Nations. Is responsible for addressing any issues raised throughout the EA process.							
	First Nations	First Nations participate throughout the EA process in key moments and are consulted by the EAO. If desired, there are provisions by which First Nations can develop their own ILIA.							

Learning Resources and Tools for British Columbia

1. [Environmental Assessment in British Columbia Video Explanation](#);
2. [Guidance and Policy Materials Related to Environmental Assessments](#); and
3. [Reviewable Projects Regulation Interactive Interpretation Guide](#).

3. Overview of BC's 8-Phase EA Process

Figure 1 provides an overview of the general structure of BC's 8-Phase EA process.

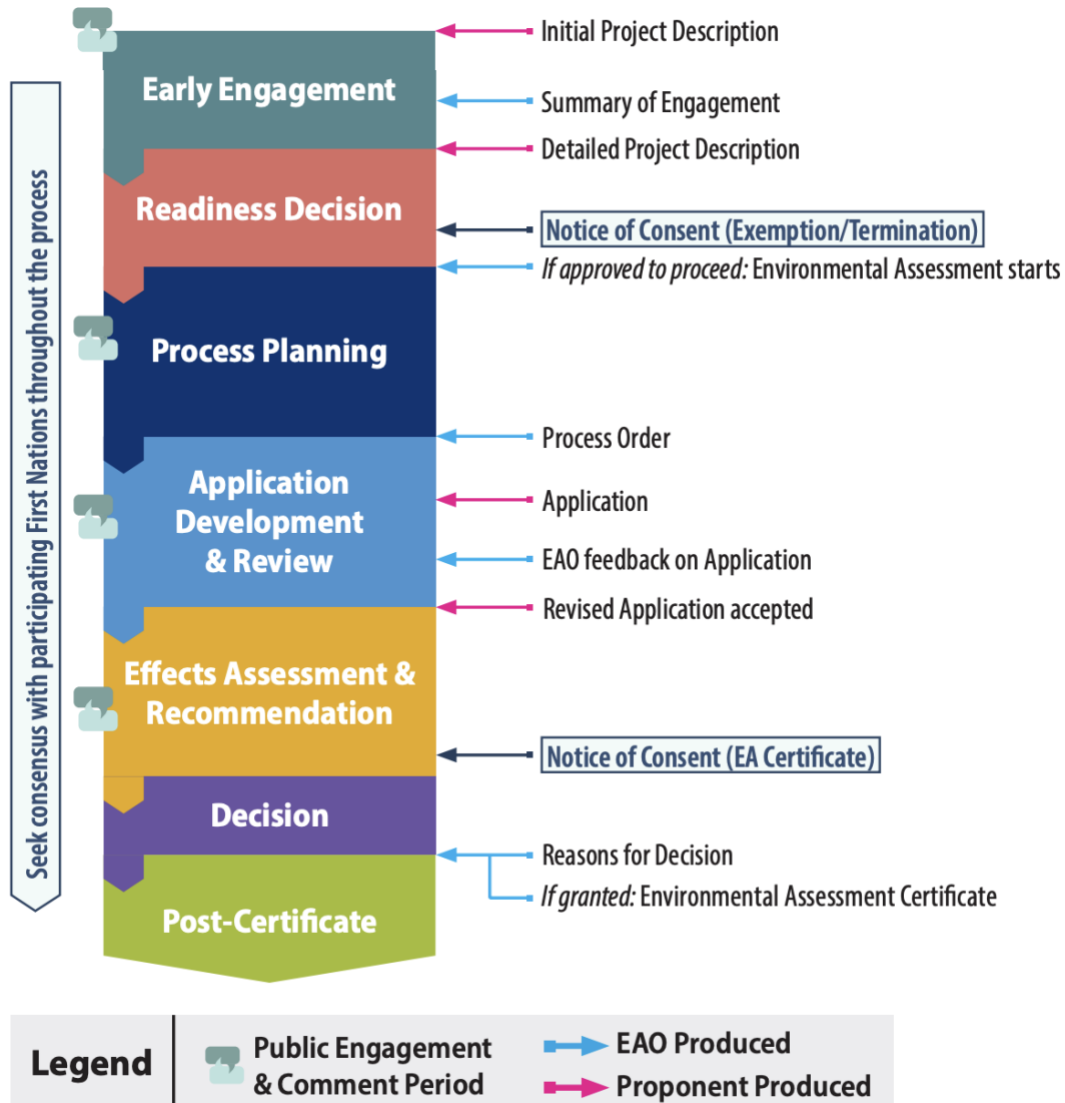


Figure 1: BC's Environmental Assessment Process (Government of British Columbia)

Phase 1: Early Engagement

British Columbia has a formal “Early Engagement” phase that begins when the EAO becomes aware of a project. BC’s Early Engagement phase is similar, but not equivalent, to the “Phase 0” outlined in FNMP’s [“The Case for Phase 0: Improving Impact Assessment Efficiency and Effectiveness”](#). The EAO has developed the [Early Engagement Policy](#) to guide the key activities that take place during this phase, including the following:

- Proponents begin engagement with affected First Nations to better understand how First Nations want to be engaged during the EA process;
- Proponents share with affected First Nations the draft **Initial Project Description (IDP)** and draft **Engagement Plan** for review; and
- Proponents file the IDP and the Engagement Plan with the EAO.

First Nations should refer to Chapter 4 of FNMPC's [Primer for Effective Indigenous Involvement in BC Environmental Assessment](#) for guidance on engaging with proponents during this phase.

The CEAO approves both the project-specific IPD and Engagement Plan and publishes them on the [EPIC Registry](#). Once these documents have been uploaded, the following activities occur:

- Start of a 30-day public comment period on the IPD;
- Formation of a **Technical Advisory Committee (TAC)** for the EA of the project; and
- The EAO begins engagement with First Nations and invite them to participate in the EA process.
 - First Nations who wish to participate must provide a **Notice of Intent** to the EAO prior to the end of Phase 1.

Once the public comment period is closed, the EAO provides to proponents the EAO's **Summary of Engagement**, which includes a list of participating First Nations and a summary of public comments received.

Roles and Responsibilities in Phase 1	
Proponents	Engages with the public and First Nations and submits the IPD and Engagement Plan to the EAO.
EAO	Reviews information to inform readiness decision about the project. Works with First Nations to customize consensus seeking approaches.
CEAO	Approves the IPD and Engagement Plan and publishes them on the EPIC Registry to begin the public comment period.
First Nations	Engage with the EAO and proponents to share interests, concerns, and expectations for the EA process. Decide whether they want to be a participating First Nation, and if so, submits a Notice of Intent to the EAO.

Expected Outcomes of Phase 1 → EAO develops a Summary of Engagement and list of participating First Nations in the EA process for a proposed project.

Phase 2: Detailed Project Description and EA Readiness Decision

Phase 2 is guided by the EAO's [Readiness Decision Policy](#) and begins once the EAO shares their Summary of Engagement with proponents. The following occurs during Phase 2:

- Proponents draft a **Detailed Project Description (DPD)** based on the EAO's Summary of Engagement; and
- Proponents engage with participating First Nations to develop the DPD and to start resolving concerns raised during Phase 1.

Once proponents submit the DPD to the EAO, the Minister decides whether the proposed project should proceed to EA, be exempted from an EA, or be terminated. Key activities include:

- The EAO and participating First Nations evaluate the DPD against the DPD requirements in the EAO's Summary of Engagement to determine whether the DPD is adequate to inform the readiness decision;
- The EAO evaluates proponents engagement with participating First Nations; and

- The EAO drafts a recommendation to the Minister identifying whether the project should be referred to an EA, whether it is exempt from an EA, or whether it should be terminated.

During this Phase, the EAO will seek consensus with participating First Nations before making a recommendation regarding the project's readiness and provide opportunity for First Nations to express consent, or lack thereof, when projects are determined to be exempt from an EA.

- Read Chapter 6 of FNMPC's [Primer for Effective Indigenous Involvement in BC Environmental Assessment](#) for further details on consent and consensus-seeking.

Roles and Responsibilities in Phase 2	
Proponents	Engages with the public and First Nations during the development of the DPD and submits their final DPD to the EAO.
EAO	Reviews information to inform readiness decision about the project. Works with First Nations to customize consensus-seeking approaches.
Minister	Makes the readiness decision for the project.
Participating First Nations	Collaborates with the EAO to review the DPD and determine its adequacy. If a project is exempt from an EA, First Nations can provide a notice of their consent or lack of consent for the readiness decision to the EAO.

Expected Outcomes of Phase 2 → The Minister decides whether a project is subject to an EA or is exempt from it. First Nations provide notice of consent to the decision.

Phase 3: Process Planning

Phase 3 begins once the EAO makes a readiness decision to assess a project and lasts for 60 days. Guidance for this Phase is included in the EAO's [Process Planning Policy](#). The EAO prepares a **Process Order** that consists of a main body and two appendices: an **Assessment Plan** and **Application Information Requirements**. The Process Order:

- Defines the scope of the assessment, including:
 - Description of effects on First Nations and section 35 rights;
 - Description of environmental, social, cultural, economic and health effects;
 - Identification of any cumulative effects;
 - Identification of effects related to climate change; and
 - Identification of risks, uncertainties, and alternatives;
- Sets out what information must go into the proponent's project application;
- Identifies who will gather what information;
- Identifies who will participate;
- Defines a timeline for the EA process, as well as the roles, responsibilities, and engagement requirements for the parties involved; and
- Identifies, if relevant, if a participating First Nations decides to undertake their own assessment under section 19(4) of the EAA, defines its scope in an appendix to the Assessment Plan.

The EAO holds a 30-day public comment period on the draft Process Order before issuing it to the proponents. The final Process Order is also published on EPIC Registry.

Roles and Responsibilities in Phase 3	
EAO	Develops the draft Process Order and seeks consensus with participating First Nations. Coordinates a public review period prior to finalizing the Process Order.
Participating First Nations	Determine whether they will assess project effects or let the EAO prepare that part of the effects assessment report.

Expected Outcomes of Phase 3 → The EAO provides a Process Order to proponents.

Phase 4: Application Development and Review

Phase 4 is where the proponent works with participating First Nations and other parties to develop their **Project Application** for an EAC. This Application must include all the information required under the Process Order.

- Proponents are expected to engage with the EAO, the **Technical Advisory Committee (TAC)** and participating First Nations to get relevant information and ensure that the Application is on track.

Once the Application is submitted, the EAO, the TAC and participating First Nations review the Project Application to identify gaps or concerns. There is a public comment period that allows the public and participating First Nations to comment on the draft Application.

The EAO decides if the Application is complete and must seek consensus with participating First Nations on this determination.

If the Application is not complete, the EAO directs the proponent to prepare a Revised Application. The Revised Application is reviewed again by the EAO, the TAC and participating First Nations to confirm its completeness.

Roles and Responsibilities in Phase 4	
Proponents	Develops the Project Application as per the Process Order and revises it, as needed, until the EAO determines that it is complete.
EAO	Works with First Nations and the TAC to review the Project Application, identify concerns and gaps, and determine Application completeness. Oversees public engagement.
Participating First Nations	Work with the EAO and the TAC to review the Project Application, identify concerns and gaps, and determine Application completeness. Provide comments during the public engagement period.

Expected Outcomes of Phase 4 → The EAO determines that the Project Application is complete and ready to support Phases 5, 6, and 7 of the EA process.

Phases 5, 6, and 7: Effects Assessment, Recommendation, and Decision

The EAO creates a draft **Assessment Report**, which includes an assessment of the potential impacts on First Nation rights, and a draft EAC with conditions as part of the **Referral Package** to the Minister(s) (decision-makers). The EAO's drafting of the Assessment Report is guided by the EAO's [Effects Assessment Policy](#), as well as by any information shared during engagement with participating First Nations or insights from the TAC.

- If a First Nation undertakes an ILIA, it would be included in the Referral Package to be submitted to Ministers as part of the draft Assessment Report.

Once the Referral Package is submitted to the Minister(s), Minister(s) considers this information to determine whether the project should be issued, or refused, an EAC. This decision will be communicated to the public, along with the reasons for the Ministers' decision:

- Minister(s) must consider participating First Nation's expression of consent; and
- Minister(s) must determine whether the project aligns with the sustainability and reconciliation objectives of the EAA.

Participating First Nations have an opportunity to provide a notice of consent or lack of consent to the issuance of an EAC for a project.

- If the Minister's decision does not align with the participating First Nation's notice of consent or lack of consent for the issuance of the EAC, Minister(s) must offer to meet with the First Nation.
- Following this meeting, if the Minister's decision still does not align with the participating First Nations' notice of consent, they must provide reasons for their decision.

Roles and Responsibilities in Phase 5, 6, and 7	
Minister(s)	Consider the Assessment Report, recommendations, and any other matters relevant to the public interest. Recommend whether the project should be issued a certificate or refused an EAC.
EAO	Prepares the Referral Package, including an Assessment Report and a draft EAC, which reflect information shared during engagement with participating First Nations and insights from the TAC.
Participating First Nations	Continue to engage with the EAO throughout the development of the Assessment Report. Draft parts of the Assessment Report (if applicable) and provide notice of consent or lack of consent for the issuance of an EAC.

Expected Outcomes of Phases 5, 6, and 7 → A determination of whether an EAC for the project will be issued, and what conditions are required.

Phase 8: Post Certificate

If an EAC is issued for a project, post-certificate activities include monitoring the effectiveness of mitigation measures and may include audits, EAC amendments, extensions, and transfers. The Compliance Branch of the EAO is responsible for conducting compliance inspections of projects and, when required, using enforcement to ensure that projects are conducted in a manner that aligns with the EAC.

- Refer to the EAO's [Indigenous Nation Guide to EAO Compliance and Enforcement](#).

Opportunities for First Nations to Participate in and Influence BC's EA Processes

Throughout the EA process, the EAO engages directly with First Nations to achieve consensus on key issues and decisions related to the project, as per BC's [Consensus-Seeking under the Environmental Assessment Act](#). First Nations may also participate in the EA process as members of TAC or by conducting their own parallel ILIAs.

First Nations may submit public comments on key documents during the four legislated public comment periods in the EA process:

- **Phase 1:** Information provided by the proponent.
- **Phase 2:** Draft Process Order.
- **Phase 4:** Proponent's Project Application.
- **Phase 5:** EAO's draft Assessment Report and draft EAC.

Beyond standard participation, First Nations can create customized participation opportunities through:

1. **Process Collaboration Agreements:** Establish how First Nations and the EAO will work together, with BC having final decision-making authority about a project.
2. **EA Decision Consent Agreements:** Outline that BC commits to not approve a project in a specific area without the affected First Nations' explicit consent.
 - a. Tahltan Nation and BC signed a [Consent-Based Decision-Making Agreement](#) in 2023 that recognizes Tahltan's inherent decision-making authority for land-management decisions for the Red Chris mine.
3. **ILIAs:** Under section 19(4) of the *EAA*, the Minister can allow First Nations to lead an assessment, and the Minister can rely on a First Nation's assessment to inform their decision.
4. **Indigenous-BC EA Cooperation Agreement:** Allows First Nations and BC to jointly review one or more projects.

Refer to the FNMPC's [Primer for Effective Indigenous Involvement in BC Environmental Assessment](#) for more details about each of these types of agreements.

Available Funding for First Nations Consultation and Participation

Although BC has committed to establishing a public participant funding program under the *EAA* that would include funding measures for First Nations, the province has made no progress towards establishing this.

- First Nations can request funding from the EAO when negotiating a *Process Collaboration Agreement* (refer to [Kitselas – Province of BC Environmental Assessment Agreement](#)).

First Nations can access participant funding through the federal [Participant Funding Program](#) (PFP) to support engagement and consultation during joint federal and provincial IAs (does not apply to BC-only reviews). To apply for this funding, First Nations must:

1. Access the application form for the assessment you are interested in on the [Federal IA Registry](#).
2. Submit the completed application form and supporting documents by email to fp-paf@iaac-aeic.gc.ca before the application deadline.

Although this funding is available, the EAO generally expects proponents to fund all of their engagement with a First Nation throughout the EA process. As such, it is recommended that the First Nation negotiate additional EA-related funding from proponents when possible.

4. Indigenous Consultation in BC

In BC, the Crown is required to consult with First Nations when a reviewable project may affect asserted or established Aboriginal Rights and Title, as well as Treaty Rights. The EAO is mandated to fulfill certain aspects of the Crown's **Duty to Consult** with First Nations as part of BC's EA Process. According to the EAO's [Guide to Involving Proponents when Consulting First Nations](#), the EAO must:

- Provide a clear process for seeking consensus with participating First Nations;
- Ensure participating First Nations have the opportunity to communicate consent or lack of consent in Phase 2 and Phase 4;
- Provide opportunities for First Nations to have representation in project-specific TACs; and
- Provide opportunities for participating First Nations to carry out the components of the effects assessment that pertain to their Nation and rights.

The EAO's consultation approach for specific projects, including the list of participating First Nations, is outlined in the Process Order. The consultation approach differs depending on the number of participating First Nations, the scope of the proposed project, and the scope of the EA. It will also identify whether any participating First Nations are carrying out an ILIA for the proposed project and outline specific procedures.

First Nations who choose not to participate in the EA process during Phase 2 are still consulted by the EAO to fulfill the Crown's constitutional obligations. While the EAO may not include non-participating First Nations in the consensus-seeking process, the EAO is still required to fulfill the Crown's Duty to Consult.

Important Case Law in BC Shaping Understanding of Duty to Consult

1. 2004 BC Supreme Court ruling in [Haida Nation v. British Columbia \(Minister of Forest\)](#) established the framework for the BC and federal Duty to Consult, and if appropriate, to accommodate Indigenous peoples in decisions that affect Aboriginal Title, even where Title has not been proven. The Duty to Consult is thus grounded in the Crown's honour.
2. 2004 BC Supreme Court ruling on [Taku River Tlingit First Nation v. British Columbia \(Project Assessment Director\)](#) determined that the Crown owed a meaningful Duty to Consult with the affected First Nation throughout the life of a project, applying the decision reached in *Haida Nation v. British Columbia (Minister of Forest)*.
3. 2016 BC Supreme Court ruling on [Coastal First Nations v. British Columbia \(Environment\)](#) affirms that the environment is an area of shared jurisdiction between the BC and federal governments and, as such, BC must fulfill its duty to consult with First Nations with respect to national projects that have impacts in First Nation territories.

First Nations are increasingly developing their own consultation guidelines to establish their expectations, policies, and practices for the EAO to follow when consulting with the Nation. One example that First Nations can refer to is the [Simpw First Nation Consultation and Accommodation Guidelines](#) (2006).

Indigenous Knowledge in the BC EA Process

The EAO is required to consider Indigenous Knowledge when making decisions in the EA process under the *EAA*. The *EAA* also established confidentiality provisions in s. 75 to increase trust in how the EAO handles Indigenous Knowledge and to try to prevent potential harm to First Nations.

- Refer to BC's [Guide to Indigenous Knowledge in Environmental Assessment](#) for more information

5. Emerging EA Trends in BC

Ongoing Concern: Status of BC Participant Funding Program

Although the *EAA* commits to establishing a public participant funding program for the BC EA process, no concrete progress has been made as of spring 2026, despite significant First Nations advocacy

Ongoing Concern: BC's Bill 14 and Bill 15

In May 2025, BC passed two pieces of legislation to fast-track project approvals. These include:

- The [Renewable Energy Projects \(Streamlined Permitting\) Act](#) (2025), designed to accelerate the permitting process for select renewable energy projects in BC by exempting them from undergoing an EA and establishing the BC Energy Regulator (BCER) as the 'single-window' by which these projects are approved. This currently applies to nine wind energy projects and the North Coast Transmission Line, and may apply to other prescribed renewable energy projects (i.e., biomass, geothermal, hydro, solar, ocean, or wind).
- The [Infrastructures Project Acts](#) (2025), which supports the development of local and provincial infrastructure projects, such as schools, hospitals, housing, and other projects deemed "provincially significant" by the Cabinet. This could include mining projects. Under the Act, Cabinet is granted the authority to expedite the approval of designated projects by removing 'constraints' identified by proponents that may delay the construction or operations of the project. Constraints may include existing laws (including the *EAA*), regulations, policies, or other government requirements (e.g., First Nation consultation requirements).

Several BC First Nations opposed the passing of these Bills. They opposed the lack of requirement for First Nations' consent prior to fast-tracking. As a result, these Bills may be inconsistent with BC's commitments outlined under the [Declaration on the Rights of Indigenous Peoples Act](#). Additionally, since these projects will be exempt from EA, projects with a high risk of causing long-lasting impacts may be approved without sufficient environmental oversight.

6. Further Support and Guidance

Support and Guidance Material for Further Learning

In addition to FNMPC's [Primer for Effective Indigenous Involvement in BC Environmental Assessment](#), the following resources may be helpful for First Nations navigating the BC EA system:

1. [EAO's User Guide: Introduction to EA under the Provincial Environmental Assessment Act \(2018\)](#);
2. [T̓silhqot'in Nation Overview of the BC Environmental Assessment Process](#);
3. [Indigenous Nations' Guidance for Participating in EA Process](#); and
4. [Commenting on Major Projects](#).

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Appendix 1: Summary Table of Impact Assessment Process in Canadian Jurisdictions

The table below presents the relevant laws, regulations, Crown agencies, and First Nation consultation requirements for impact assessment processes in various Crown jurisdictions in Canada. The table also summarizes key challenges and concerns First Nations may have with impact assessment processes in each jurisdiction and provides resources for further reading.

In addition to the challenges and concerns outlined in the table below, there are several that relate to most or all jurisdictions. Neither these nor the jurisdiction-specific concerns in the table below should be considered an exhaustive list. These are not the product of extensive research but are rather the observations of experienced practitioners in the field of impact assessment. First Nations participating in impact assessment processes may have concerns that are specific to their own Nation or even to a specific project. However, many of the concerns below can be expected to be relevant for First Nations participating in Crown impact assessment process in Canada. Concerns that may be relevant in most or all jurisdictions in Canada include, but are not limited to, the following:

- There is a lack of clear guidance on Crown processes for fulfilling the Duty to Consult, especially in several provincial jurisdictions.
- Proponents are often tasked with fulfilling aspects of the Duty to Consult but do not always do so in a way that is meaningful or fulsome.
- First Nations often find Crown consultation to be inadequate in that it focuses disproportionately on providing notification and information rather than collaborative engagement and shared decision-making.
- There is a lack of clear guidance and requirements for early engagement (i.e., before the project officially enters the Crown's official impact assessment system) between First Nations and proponents in the design of the project and the assessment process.
- There is often a lack of decision-making authority for First Nations on projects and assessment processes and outcomes, plus a lack of clear processes and requirements for obtaining First Nations' free, prior, and informed consent (FPIC).
- The scopes of impact assessments are often defined too narrowly and focus disproportionately on biophysical effects at the expense of fulsome assessment of impacts to Indigenous rights and values.
- First Nations' objectives, indicators, thresholds, and responses are not frequently or meaningfully used in the assessment of biophysical and socio-cultural impacts. Instead, proponents and Crown assessors rely disproportionately on Western metrics, resulting in disagreements about impacts and mitigation measures.
- There is a lack of clear requirements for proponent and Crown funding for First Nations' participation in impact assessments, especially at the provincial level.

Jurisdictional Scan of Environmental Impact Assessment Processes in British Columbia

Jurisdiction Name	Key Laws and Regulations	Relevant Crown Authority	Indigenous Consultation Requirements and Guidance	Challenges and Concerns for First Nations	Further Reading (i.e., Guidance material, etc.)
Federal	Impact Assessment Act (IAA, 2019) Canadian Environmental Assessment Act (CEAA, 2012) Physical Activities Regulations Order Designating Certain Excluded Classes of Projects Information and Management of Time Limits Regulations	Impact Assessment Agency of Canada (IAAC)	Guidance: Indigenous Participation in Impact Assessment	Lack of adequate consultation and consensus-seeking with First Nations. Lack of decision-making authority for First Nations. Challenges to the constitutionality of IAA (2019) and fast-tracking legislation may result in rushed timelines and/or disregard for First Nations' Rights.	FNMPC's public 8-part video series about the federal IA process under the IAA (2019) FNMPC's Guide to Effective Indigenous Involvement in Federal Impact Assessment
British Columbia	Environmental Assessment Act 2018 (EAA) Reviewable Projects Regulation (under the EAA)	BC Environmental Assessment Office (EAO)	Guide to Consensus-Seeking under the Environmental Assessment Act, 2018 Guide to Involving Proponents when Consulting First Nations	Lack of committed-to participant funding in place in BC for First Nations to access during the EA process. New timelines under Bill 15 may result in rushed timelines and disregard for Indigenous Rights.	EAO's User Guide: Introduction to EA under the Provincial Environmental Assessment Act (2018) Tsilhqot'in Nation Overview of the BC Environmental Assessment Process Indigenous Nations' Guidance for Participating in EA Process Commenting on Major Projects
Alberta	Environmental Protection and Enhancement Act (EPEA)	Alberta Energy Regulator (AER) (for oil, gas, and coal)	Policy on Consultation with First Nations on Land and Natural Resource Management, 2013.	First Nations are not considered to be full partners with Alberta when assessing the impacts of proposed projects.	Alberta's Environmental Assessment Process Overview

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	Activities Designation Regulation (under the EPEA) Responsible Energy Development Act (REDA)	development projects) Alberta Environment and Protected Areas (AEPA) (for all other types of projects not covered by the AER)	Guidelines on Consultation with First Nations on Land and Natural Resource Management 2014.	Concerns about the regulatory independence of the AER. Alberta's challenge of the constitutionality of IAA (2019) may result in disregard for First Nations' Rights.	Environmental Assessment Program: Frequently Asked Questions Cumulative Effects Assessment in Environmental Impact Assessment Reports
Saskatchewan	Environmental Assessment Act	Ministry of the Environment - Environmental Assessment and Stewardship Branch (EASB)	Government of Saskatchewan First Nation and Métis Consultation Policy Framework (CPF) Proponents Guide: Consultation with First Nations and Metis in Saskatchewan Environmental Impact Assessment Proponent Handbook: Voluntary Engagement with First Nation and Métis Communities to Inform Government's Duty to Consult Process.	Lack of meaningful consultation with First Nations on proposed projects. Support for Alberta's challenge of the constitutionality of IAA (2019) may result in disregard for First Nations' Rights.	Guidelines for an Environmental Assessment High Level Overview of the Environmental Assessment Process Guidelines specific to developing and assessing specific documents for the EIA process: • Technical Proposal Guidelines; • Guidelines for the Terms of Reference and Environmental Impact Statement; and • Technical Review Guidelines. Guidelines for specific types of projects undergoing an EIA: • Environmental Review Guidelines for Oil and Gas Activities; and • Mineral Exploration Guidelines for Saskatchewan
Manitoba	The Environment Act The Dangerous Goods Handling	Environmental Approvals Branch (EAB)	Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and Other	In the screening stage, the EAB decides if a project has the potential to impact Indigenous rights and is not required to consult with First Nations on this decision.	Information Bulletin – Environmental Assessment and Licensing under The Environment Act

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	<i>and Transportation Act</i> Classes on Development Regulation		Aboriginal Communities (2009)	Mandatory consultation with First Nations comes after project plans have been drafted and submitted. Unclear role for First Nations in IA processes. Outdated consultation policy (2009). Criticism of the “One Project, One Review” process.	Environment Act Proposal Report Guidelines
Ontario	Environmental Assessment Act (1990) Ontario Regulations 51/24 (Exemptions from the Act and from Part II of the Act); Ontario Regulation 616/98 – EA Deadlines Ontario Regulation 345/93 – Private Sector Developers.	Minister of the Environment, Conservation and Parks (MCEP)	Code of Practice for Consultation in Ontario's EA Process Environmental Assessments: Consulting Indigenous Communities	Bill 5 – Protect Ontario by Unleashing our Economy Act, 2025 weakens environmental protections, concentrates decision-making power for the province, allows for special exemptions from EA, and reduces opportunities and quality of First Nations' engagement and involvement.	Guide to Preparing Environmental Assessments Willms & Shier Environmental Law's Environmental Assessment Primer
Quebec (Southern QC)	Environment Quality Act (EQA)	Ministère de l'Environnement, de la Lutte contre les changements	Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents	Shortened assessment timelines may reduce opportunities for and quality of Indigenous consultation.	Reference Guide for the Regulation Respecting the Environmental Impact Assessment and Review of Certain Projects (French only)

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	Regulation respecting the environmental impact assessment and review of certain projects Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact	climatiques, de la Faune et des Parcs (MELCCFP)	of a Project Subject to the EA procedure (also available in French). Aboriginal Community Consultation Policy Specific to the Mining Sector. Information for Developers and General Information Regarding Relations with Aboriginal Communities in Natural Resource Development Projects. Guide for Project Proponents on Public Participation before the Bureau d'audiences publiques sur l'environnement (French only)		Understanding RAEFIE. Guide à l'intention de l'initiateur de projet à propos du processus de participation publique sous l'égide du Bureau d'audiences publiques sur l'environnement (Guide for project initiators regarding the public participation process under the auspices of the Bureau of Public Hearings on the Environment) (French only) Environmental Assessment in Southern Quebec - Overview (Ministry of Environment, climate change, wildlife and parks) Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents of a Project Subject to the EA procedure. Directive pour la réalisation d'une étude d'impact sur l'environnement (Directive for implementation of an impact study on the environment) (French Only)
Quebec (Northern QC)	The James Bay and Northern Quebec Agreement (JBNQA)	James Bay Advisory Committee on the Environment (JBACE)	Consultations Conducted by the Proponent: Expectations of the Review Committee (specific to Cree Territory)	Assessment outcomes and conditions are not respected by proponents.	Environmental Assessment of Northern Projects Environmental and Social Impact Assessment and Review Procedure

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	Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec		Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik (specific to Inuit and Naskapi Territory)	Concerns about overlapping federal, provincial, and First Nations jurisdictions	James Bay and Northern Quebec Agreement Section 22 Guide for proponents under Section 23 of the James Bay and Northern Quebec Agreement
New Brunswick	The Clean Environment Act The Environmental Impact Assessment Regulation - Clean Environment Act Projects that must be registered under the EIA regulation	Environmental Impact Assessment Branch (EIA Branch) in the Department of Environment and Local Government	Duty to Consult and Indigenous Consultation Key opportunities for First Nations during a Comprehensive EIA	Lack of clear requirements or processes for early engagement. Requirements to consider impacts and protect First Nations rights are vague. It is unclear how the duty to consult will be fulfilled during project assessments. Majority of consultation is done by the proponent, with limited involvement by the EIA Branch. Lack of clarity of role for First Nations in the Technical Review Committee. Concern about the “One Project, One Review” process.	Guide to Environmental Impact Assessment in New Brunswick
Prince Edward Island	Environmental Protection Act Environmental Impact Assessment Guidelines	Department of Land and Environment	Mi'kmaq-Prince Edward Island-Canada Consultation Agreement	Specific consultation guidelines for an EIA are developed on an individual basis. First Nations are not necessarily given specific guidelines or privileges. The province is responsible to carry out	East Coast Environmental Law. “Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island”, 2025

Jurisdictional Scan of Environmental Impact Assessment Processes in British Columbia

				the duty to consult and ensure potential impacts to First Nations' Rights and Title are appropriately identified, mitigated, and/or accommodated, but how this occurs is not clearly laid out.	
Nova Scotia	Environment Act Environmental Assessment Regulation Environmental Assessment Review Panel Regulations	Environmental Assessment Branch (EAB) in the Department of Environment and Climate Change	2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia The Canada-Nova Scotia Memorandum of Understanding on Cooperation regarding Duty to Consult	Lack of clear guidance on how First Nations should be involved in Phase 1, specifically around designating project for EA and determining its "class". Lack of clear guidance on First Nation participation in Phases 3 and 6, specifically on how Mi'kmaq knowledge and inputs are considered in those processes. Current ministerial decision-making timelines for both Class I projects (50 days) and Class II projects (275 days) are too short to allow for adequate Mi'kmaq participation and accommodation.	Environmental Assessment in Nova Scotia (Slide Deck) Environmental Assessment Process The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia Fact sheet for 2025 amendments to the Environmental Assessment Regulations
Newfoundland and Labrador	Environmental Protection Act (2002) Environmental Assessment Regulations (2003)	Environmental Assessment Division (EA Division) in the Department of Environment, Conservation and Climate Change Canada-Newfoundland and Labrador Offshore Energy Regulator	Government of Newfoundland and Labrador's Aboriginal Consultation Policy on Lands and Resource Development Decisions Pekuakamiulnuatsh, the Essipit, and the Nutashkuan Consultation and Accommodation Protocol	Lack of clear requirements or processes for early engagement. Depth of consultation during the EA is determined by the province based on proposed activity and extent of possible impacts to asserted rights. There is a lack of clear guidance for First Nations involvement and Consultation Guidelines are developed for each EA.	Guide to the Environmental Assessment Process Transparency of Environmental Assessments in Newfoundland and Labrador Purpose of Environmental Assessment Canada Newfoundland and Labrador Offshore Petroleum Board

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Yukon	Yukon Environmental and Socio-Economic Assessment Act (2003) Assessable Activities, Exceptions and Executive Committee Projects Regulations (2005) Decision Body Time Periods and Consultation Regulations (2005)	Yukon Environmental Socio-Economic Assessment Board (YESAB)	Umbrella Final Agreement (UFA) YESAB's Proponent Consultation Guidance for Executive Committee Screenings	YESAA is a single, territory-wide assessment regime, which can fail to recognize the diversity of First Nation's governance systems across the Yukon. Under YESAA, final decision-making still rests with colonial governments. Settlement Lands often cannot address wider cumulative effects that occur across entire Traditional Territories.	Impact Assessments in Canada's North Overview of the Yukon Environmental and Socio-Economic Assessment Act (YESAA) The YESAB Assessment Process
Northwest Territories	Mackenzie Valley Resource Management Act (MVRMA) (1998) Preliminary Screening Requirements Regulations (1998) Exemptions List Regulations (1998)	Mackenzie Valley Environmental Impact Review Board (Review Board)	Mackenzie Valley Land and Water Board Engagement and Consultation Policy (2013) Reference Bulletin on Consultation and Engagement in EIA	The Review Board has yet to develop EIA-specific consultation and engagement policies for First Nations and Inuit. The Major Projects Office's accelerated approval process for priority projects in the NWT could streamline the EIA process for certain projects that may have the potential affecting First Nations and Inuit rights and interests.	Review Board's Step-by-Step Information webpage Review Board's EIA Guidelines Overview booklet
	Inuvialuit Final Agreement (1984) Yukon Environmental and Socio-Economic	Environmental Impact Screening Committee (EISC) Environmental Impact Review Board (EIRB)	Inuvialuit Final Agreement (1984)	Lack of clear requirements or processes for early engagement with Inuvialuit.	EISC's Environmental Impact Screening Guidelines EIRB's Environmental Impact Review Guidelines

Jurisdictional Scan of Environmental Impact Assessment Processes in British Columbia

	Assessment Act (2003)¹				
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¹ Developments proposed in the Yukon North Slope, although located within the Inuvialuit Settlement Region, are first assessed by YESAB under the Yukon Environmental and Socio-economic Assessment Act. If the YESAB identified the potential for the development to impact current and future Inuvialuit harvesting, the proposed development is referred to the EISC to be screened under the Inuvialuit Final Agreement.