

Jurisdictional Scan of Environmental Impact Assessment Processes in the **Northwest Territories**



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 the Northwest Territories (NWT) was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the NWT Environmental Impact Assessment (EIA) 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 EIA 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 EIA 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 EIA processes.

Crown EIA 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 EIA and consultation processes. An absence of existing guidance does not preclude First Nation engagement on a given aspect of the EIA process. Where guidance exists, there may be flexibility in how it is applied. First Nations may request engagement on specific aspects of an EIA 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 EIAs.

The information in this Jurisdictional Scan is not intended to be prescriptive. It focuses on Crown statutory EIA 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 EIA processes.

Glossary of Impact Assessment Terms

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 parameters like magnitude, duration, frequency, reversibility, likelihood, and geographic extent.
Impact Statement	Detailed technical document, usually in the form of compiled technical reports often between 5,000 and 20,000 pages in length, prepared by the proponent in a 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 result 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 IA 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 are identified as having scientific, social, cultural, economic, historical, archaeological, or aesthetic importance.
Mitigation	Mitigation is 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 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 committed mitigation measures are applied; effectively the impacts of a project that are unlikely to be fully mitigated with committed-to measures in place.
Significance Determination / Severity Determination	Based on the impact characterization, concluding if a proposed project's environmental, rights, culture, social, or economic impacts are acceptable or not. This will often inform a final decision about the project.

Glossary of Terms Specific to the Mackenzie Valley

The NWT has developed a [reference bulletin](#) that provides operational interpretation of key terminology used during the EIA process. First Nations are encouraged to review this bulletin to understand better understand the EIA process.

Regulatory Bodies Responsible for Issuing Permits in the Mackenzie Valley

Mackenzie Valley Land and Water Board	The Mackenzie Valley Land and Water Board (MVLWB) is the regulatory body that is responsible for issuing land use permits (LUPs) and water licenses (WLs) in parts of the Mackenzie Valley region in the NWT in which land claims have not been settled. They are also responsible for issuing LUPs and WLs for developments in the Mackenzie Valley region whose potential environmental impacts cross jurisdictional boundaries. The MVLWB is the Preliminary Screener responsible for administering Stage 1 (screening) of the EIA process for proposed developments in the Deh Cho and South Slave regions (unsettled claims areas) as well as any development that may have impacts on more than one settlement region. • Access the MVLWB Public Registry by clicking here.
Gwich'in Land and Water Board	The Gwich'in Land and Water Board (GLWB) is the regulatory body that is responsible for issuing LUPs and WLs and administering Stage 1 (screening) of the EIA process for applicable developments that are proposed in the Gwich'in Settlement Region. • Access the GLWB Public Registry by clicking here.
Sahtu Land and Water Board	The Sahtu Land and Water Board (SLWB) is the regulatory body that is responsible for issuing LUPs and WLs and administering Stage 1 (screening) of the EIA process for applicable developments that are proposed in the Sahtu Settlement Region. • Access the SLWB Public Registry by clicking here.
Wek'èezhìi Land and Water Board	The Wek'èezhìi Land and Water Board (WLWB) is the regulatory body that is responsible for issuing LUPs and WLs and administering Stage 1 (screening) of the EIA process for applicable developments that are proposed in the Wek'èezhìi Management Area. • Access the WLWB Public Registry by clicking here.

Glossary of Environmental Assessment Legislation Specific to the Mackenzie Valley

Mackenzie Valley Resource Management Act (MVRMA)	A federal act that establishes an integrated land and water management system in the NWT, rooted in the settled land claims with First Nations and Inuit. The MVRMA promotes the sustainable management of natural and physical resources by outlining the EIA process for proposed developments in the Mackenzie Valley region.
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[Impact
Assessment Act](#)
(IAA)

A federal act that mandates assessments of major projects to determine environmental, health, social, and economic impacts, including those on Indigenous rights. It covers projects on federal lands, by federal authorities, or deemed “designated projects,” with the Impact Assessment Agency of Canada (IAAC) being the party responsible for administering the process.

Glossary of Terms Specific to the Inuvialuit Settlement Region

Community Hearing Development	An oral hearing held by the EIRB in an Inuvialuit community under Rule 2.7 of the Environmental Impact Review Rules. (a) any commercial or industrial undertaking or venture, including support and transportation facilities related to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting; or (b) any government project, undertaking or construction whether federal, territorial, provincial, municipal, local or by any Crown agency or corporation, except government projects within the limits of Inuvialuit communities not directly affecting wildlife resources outside those limits and except government wildlife enhancement projects.
Environmental Impact Review	An examination of a proposal for a development undertaken by the EIRB as per section 11, 12 or 13 of the Inuvialuit Final Agreement.
Environmental Screening	An examination of a Project Description submission undertaken by the EISC as per subsection 11(1) of the Inuvialuit Final Agreement.
Formal Hearing	A formal hearing (in person or virtual) conducted by the EIRB under section 1.1 of the Environmental Screening Rules.
Inuvialuit Settlement Region	The Inuvialuit Settlement Region is created by the Inuvialuit Final Agreement. It is located in the NWT except for the Yukon North Slope, which is located in the Yukon Territory.
Hearing	A written hearing, a formal hearing, or a community hearing forming part of an Environmental Review Proceeding where the Review Board receives information or evidence, either orally or in writing, from the Parties and Members of the public.
Party	Any person or organization that registers for Party status to participate in an Environmental Impact Review.
Written Hearing	A hearing where the Review Board receives information or evidence only in writing from the Parties and Members of the public

Glossary of Environmental Assessment Legislation Specific to the Inuvialuit Settlement Region

Inuvialuit Final Agreement	The Inuvialuit Final Agreement (IFA) is a comprehensive land claim agreement signed between the Government of Canada and the Inuvialuit on June 5, 1984. The IFA enabled the Inuvialuit to be meaningful partners in decision-making processes to manage the environment and wildlife within the Inuvialuit Settlement Region (ISR).
Yukon Environmental and Socio-economic Assessment Act	In the Yukon North Slope, the Yukon Environmental and Socio-economic Assessment Act (YESAA) process applied to any developments proposed in that area.

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1. Introduction

1.1 Purpose of the Jurisdictional Scan

This Jurisdictional Scan is intended to provide First Nations in the Northwest Territories (NWT) with a roadmap to the provincial Impact Assessment (IA), which is referred to in the NWT as Environmental Impact Assessment (EIA) process. It summarizes information most relevant to relevant information in the EIA legislation for First Nations and outlines how to maximize First Nation participation in the EIA process. Through effective involvement, First Nations can advocate for their rights and interests to be considered in decisions on major projects. In this manner, First Nations and Inuit can better protect and advance their rights and interests.

1.2 Aboriginal and Treaty Rights in the NWT

Some of the numbered treaties, signed in the late 1800s and early 1900s, cover parts of the NWT. These include:

- Treaty 8, which covers portions of northern Alberta, British Columbia, Saskatchewan and the parts of southern NWT, including the area south of Hay River and Great Slave Lake.
- Treaty 11, which covers most of the NWT's Mackenzie District.

To date, there are four modern treaties that have been implemented in the NWT. These include:

1. The [Western Arctic Claim: The Inuvialuit Final Agreement](#) (1984), which defines the Inuvialuit Settlement Region (ISR) in the Mackenzie Delta, Beaufort Sea, and Amundsen Gulf areas.
2. The [Gwich'in Comprehensive Land Claim Agreement](#) (1992), which is specific to the Gwich'in and covers most of the Tsiigehtjik watershed, a part of the Mackenzie Delta and northeast Yukon Territory.
3. The [Sahtu Dene and Metis Comprehensive Land Claim Agreement](#) (1993), which recognizes Sahtu Dene and Metis ownership of the Sahtu area in the Mackenzie River Valley.
4. The [Tłıchǫ Land Claims and Self-Government Agreement](#) (2005), which established the Tłıchǫ Government as well as the Wek'èezhí Land and Water Board and covers the land located between Great Slave Lake and Great Bear Lake.

The settlement of land claims in the territory provides First Nations and Inuit with harvesting rights, land ownership rights, and pathways by which they can participate in land and water management decisions. As such, EIAs in the NWT's Mackenzie Valley region are shaped by the Gwich'in Comprehensive Land Claim Agreement, Sahtu Dene and Metis Comprehensive Land Claim Agreement, and Tłıchǫ Land Claims and Self-Government Agreement.

2. The NWT Environmental Impact Assessment Process

2.1 Key Environmental Impact Assessment Legislation in the NWT

In the NWT, an EIA may be required, depending on the location of the proposed development, under the following legislative frameworks:

- For the Mackenzie Valley region, the EIA process established under the [Mackenzie Valley Resource Management Act](#) (MVRMA) and related regulations:
 - [Preliminary Screening Requirements Regulations](#); and
 - [Exemptions List Regulations](#).
- For the ISR, the EIA process is guided by the [Inuvialuit Final Agreement](#).

The [Impact Assessment Act](#) (IAA) may also apply to designated projects in the NWT. In such cases, federal IA processes may be coordinated with regional regimes, including through joint review processes where appropriate.

“One Project, One Review”

Canada is currently establishing a ‘one project, one review’ process for EIA 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 this [webpage](#) for updates on the progress of the federal government and the NWT in negotiating Cooperation Agreements under the IAA.

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](#).

Overview of the EIA Framework in the Mackenzie Valley Region

In the NWT, the EIA process is overseen by the [Mackenzie Valley Environmental Impact Review Board](#) (Review Board), which is an arms-length body that operates independently of the federal and the territorial government.

- The Review Board is responsible for ensuring that all EIA information related to a proposed development is published on the [Public Registry](#).

The MVRMA identified there to be three distinct stages of EIA process for developments proposed in the Mackenzie Valley. These include:

- **Stage 1:** Preliminary Screening, which is led by the **Preliminary Screener**;
- **Stage 2:** Environmental Assessment, which is led by the Review Board; and
- **Stage 3:** Environmental Impact Review, which is led by the **Review Panel**.

Stage 1, Preliminary Screenings, determines whether a proposed development has the potential to cause adverse environmental impacts and should proceed to Stage 2 of the EIA process. Proponents can directly self-refer their development to Stage 2, which bypasses Stage 1.

The [Preliminary Screening Requirement Regulations](#) set out the federal and territorial Acts and regulations that trigger Preliminary Screening, or Stage 1, for a proposed development.

- The [Exemption List Regulations](#) identify the types of developments that do not require Preliminary Screening and thus are exempt from an EIA.
- Some other developments not included in the Exemption List Regulations may also be exempt from an EIA if they are:
 - Proposed in response to an emergency, as designed in sections 119 and 124(b) of the MVRMA; or
 - Were already authorized to proceed before June 22, 1984 (commonly referred to as a **Grandfather Clause**).

Overview of the EIA Framework in the Inuvialuit Settlement Region

EIAs in the ISR area of the NWT are guided by the IFA, which established a co-management system for this area that includes the Government of Canada, Government of Northwest Territories, and Inuvialuit. As such, all EIAs in the ISR are conducted in a manner that ensures that **Inuvialuit Traditional Knowledge** (ITK) and values are incorporated in all stages of decision-making.



Figure 1: Inuvialuit Settlement Region (Inuvialuit Final Agreement)

Section 11 of the IFA outlines two distinct stages in the EIA processes to review developments proposed both in the land and offshore areas of the ISR. These are:

- **Stage 1: Environmental Screenings** conducted by the [Environmental Impact Screening Committee \(EISC\)](#); and
- **Stage 2: Environmental Impact Reviews** conducted by the [Environmental Impact Review Board \(EIRB\)](#).

Developments proposed in the ISR that are subject to an Environmental Screening (Stage 1) are outlined in Section 11(1) of the IFA. These include:

- Developments that are likely to cause a negative environmental impact;
- Developments proposed in the Yukon North Slope that may have a negative environmental impact, or have been referred to the EISC by the Yukon Environmental and Socio-Economic Assessment Board (YESAB);
- Developments of which the Inuvialuit request environmental impact screening; and
- Developments in areas including the Aklavik land selections where the traditional harvest of the Dene/Métis may be adversely affected¹.

Section 11(2)(c) of the IFA does note that that an EIA is not needed for proposed developments exempted pursuant to the exclusion list by the Screening Committee. This Exclusion List can be found in Appendix A of the EISC's [Environmental Impact Screening Guidelines](#).

If the EISC determines in their Environmental Screening that a proposed development has the potential to result in significant negative impact on present or future wildlife harvesting, based on its environmental impacts, they refer the development to the EIRB to undertake an Environmental Impact Review (Stage 2).

The EISC has an [online registry](#) that contains all information related to Environmental Screenings of development activities.

The EIRB maintains a [public registry](#) with all documentation related to an Environmental Impact Review of a proposed development.

Exception: The Yukon North Slope

The Yukon North Slope is the northernmost portion of the Yukon territory that stretches from the Alaska boundary to the NWT border. Proposed developments in the Yukon North Slope are not assessed under the IFA, rather, they are assessed under the [Yukon Environmental and Socio-Economic Assessment Act](#) (YESAA).

- For more information about the Yukon EA process, please refer to the Yukon Jurisdictional Scan.

Once the YESAB does a preliminary review of proposed developments and provides recommendations around the proposed development to the EISC, the EISC then undertakes an Environmental Screening of the development to determine if they need to refer the development to the EIRB for an Environmental Impact Review.

¹ This is subject to any agreements between the Inuvialuit and the Dene/Metis and done on request by the Dene/Metis or by the Inuvialuit.

2.2 Roles and Responsibilities for the NWT Environmental Impact Assessment Process

Several parties with distinct roles and responsibilities are involved in the EIA process in the Mackenzie Valley Region of the NWT:

Regulators	Preliminary Screener	Administrator of Stage 1 of the NWT EIA process. The Preliminary Screener changes depending on the nature of the proposed development being reviewed (identified in the Glossary). - If proposed development requires a land use permit or water license, one of the Land and Water Boards² are the preliminary screeners. - If proposed development requires another type of authorization, other government departments³ are the preliminary screeners.
	Review Board	Administrator of Stage 2 of the NWT EIA process. Responsible for appointing at least 3 members to form a part of an independent Review Panel in the case that a proposed development proceeds to Stage 3. Responsible for undertaking consultation activities with affected First Nations and Inuit.
	Review Panel	Administrator of Stage 3 of the NWT EIA process. The Review Panel may consist of both Review Board members and non-Review Board members.
Decision-Makers	Preliminary Screener	Decision-maker during Stage 1 of the NWT EIA process. They can determine whether a proposed development should be released or whether it should be referred to Stage 2 in the EIA process.
	Minister of Indigenous and Northern Affairs Canada (INAC)	Decision-maker during Stage 2 of the NWT EIA process. They are responsible for determining whether the proposed development should be released, whether the proposed development should proceed to Stage 3, or reject a proposed development. Responsible for sharing information during Stage 3 with relevant decision-maker(s) to inform their decision about the development.
	Relevant decision-maker(s)	Decision-maker during Stage 3 of the NWT EIA process. The relevant decision-maker(s) for proposed development changes depending on the nature of the development. Some examples of potentially relevant decision-maker(s) include: Responsible Ministers; Designated Regulatory Agencies; and/or Tłıchq Government.
Other Parties	Proponents	Prepares and submits EIA documentation, as required, throughout Stages 1 to 3, including providing additional information requested by regulators. Engages with First Nations and Inuit throughout the EIA process.
	First Nations and Inuit	Participate in the EIA process during key moments, including sharing their views and perspectives about the proposed development to regulators as requested. For proposed developments proceeding to

² These may include the Gwich'in Land and Water Board, Sahtu Land and Water Board, Wek'èezhìi Land and Water Board, and the Mackenzie Valley Land and Water Board.

³ These may include, but are not limited to, Crown-Indigenous Relations and Northern Affairs Canada, Environment and Climate Change Canada, Department of Fisheries and Oceans Canada, Government of the Northwest Territories, or Local Governments.

		Stage 2 and Stage 3 of the EIA process, First Nations and Inuit are consulted by the Review Board.	
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Several parties with distinct roles and responsibilities are involved in the EIA process in the ISR of the NWT:

Regulators	EISC	Responsible for conducting the initial screenings (Stage 1 of EIA Process) for developments proposed in the onshore and offshore areas of the ISR.
	EIRB	Responsible for conducting the review of proposed developments (Stage 2 of the EIA Process) that have been referred from the EISC since they are considered to either cause significant environmental effects or to have the potential to interfere with current or future Inuvialuit harvesting activities.
Decision-Makers	Screening Panel	A Screening Panel is established by the EISC during Phase 4 of the Stage 1 screening process in accordance with Section 11(9) of the IFA. The Screening Panel is responsible for reviewing all information provided about a proposed project and determining if a proposed project could have a significant negative environmental impact. Based on this, they decide on the proposed project during Stage 1.
	Competent Governmental Authority(ies)	The decision-maker during Stage 2 who is responsible for giving the final authorization for the development based on the EIRB's recommendation. The competent government authority(ies) would be the agency that provides funding and any department or agency that has the authority to issue a license, permit or other authorization that would authorize in any way the carrying out of a development.
Other Parties	Proponents	A person, the government or any other legal entity owning, operating, or proposing to operate any development, as defined in the IFA. This may also include Inuvialuit proponents.
	Inuvialuit	Those people known as Inuvialuit or Inuit who are beneficiaries as defined in the IFA. They may also have information about the development proposal and request to have Party status to participate in the Stage 2 review process.
	Party, which may include Inuvialuit	Any person or organization that registers for Party status to participate in the Stage 2 review process.

3. Overview of the Mackenzie Valley Region 3-Stage Environmental Impact Assessment Process

In the Mackenzie Valley, a proposed development may go through up to three review stages (Figure 1). The Review Board looks at whether it may cause impacts on the environment or on the cultural or social well-being of people in the Mackenzie Valley, or whether it might raise public concern. Whether a proposed development must go through all three stages before being approved depends on the complexity of the proposed development.

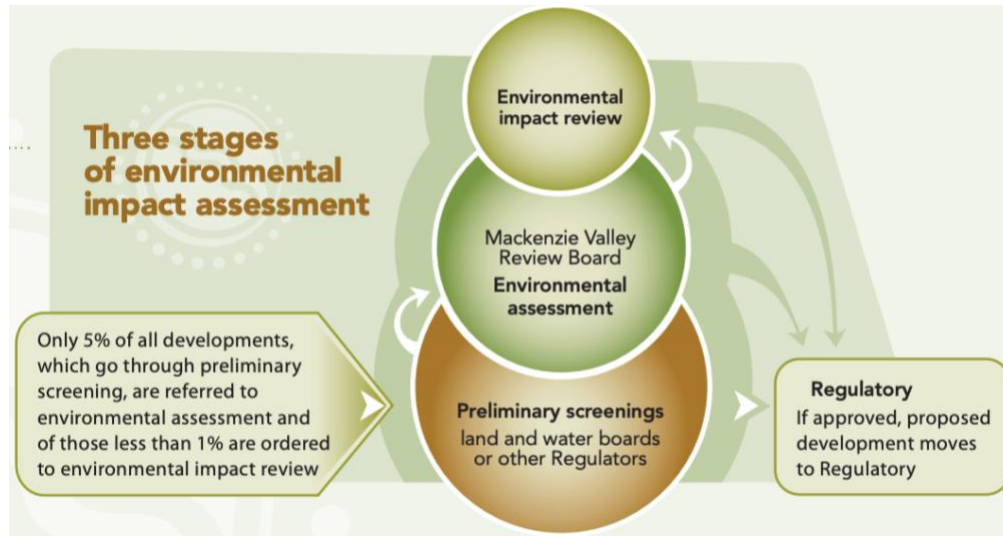


Figure 2: Three Stages of EIA in the NWT.

Stage 1: Preliminary Screenings

The **Preliminary Screening** stage determines whether a proposed development may cause significant adverse impacts on the environment or may cause significant public concern. A detailed analysis of potential adverse impacts is not done during this Stage. Instead, the Preliminary Screener reviews the proposal to determine whether the project has the potential to cause such effects. If significant adverse impacts are predicted, the Review Board refers the proposed development to Stage 2 of the EIA process.

The Preliminary Screener, who is responsible for Stage 1, changes depending on the nature of the proposed development.

- Regardless of who is identified as the Preliminary Screener, the Review Board and First Nations and Inuit can review and provide input.

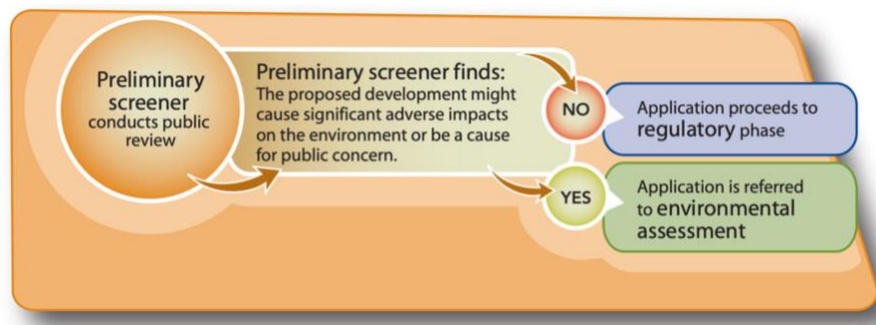


Figure 3: Flowchart of the Preliminary Screening Process (Stage 1)

For detailed information about Stage 1, refer to the Review Board's [Preliminary Screening Booklet 3](#) or to the Review Board's [Guidelines for Preliminary Screeners](#).

Phase 0: Early Engagement

Preliminary Screeners require that proponents begin engagement activities with affected First Nations and Inuit before they submit their applications. At a minimum, proponents must inform First Nations and Inuit about the proposed development and provide them the opportunity to share any views or concerns about it.

- The extent of public engagement varies depending on the scope of the proposed development and the requirements set out by the Preliminary Screener.
- For more information about the importance of early engagement, or “Phase 0”, refer to FNMPC’s [‘The Case for Phase 0: Improving Impact Assessment Efficiency and Effectiveness.’](#)

Roles and Responsibilities in Phase 0	
Proponents	Begin engagement early with First Nations and Inuit to share clear information about the project and discuss the project design.
First Nations and Inuit	Are engaged by proponents to share any interests, concerns, and expectations about the proposed development.

Expected Outcomes of Phase 0 → Stronger early relationships and shared expectations that support meaningful First Nations and Inuit participation in Phases 1 to 6.

Phase 1 & 2: Application Submission and Determining Completeness of the Application

During Phase 1, proponents develop and submit a **Screening Application** for the proposed development to the relevant Preliminary Screener to review.

Phase 2 begins once the Preliminary Screener receives the Screening Application. The Preliminary Screener reviews the Application to determine whether it provides sufficient information to continue into Phase 3. If the Application does not have enough information, the Preliminary Screener may:

- Ask proponents to provide additional information; or
- Reject the Application and ask the proponent to re-submit it with more information.

Roles and Responsibilities in Phase 1 & 2	
Preliminary Screener	Reviews the proponent’s Screening Application and determines if it has sufficient information to proceed to Phase 3.
Proponents	Responsible for developing and submitting their Screening Application for their proposed development to the relevant preliminary screener.

Expected Outcomes of Phase 1 & 2 → Screening Application determined to be complete.

Phase 3: Notification of Other Agencies, Review Board, and the Public

The Preliminary Screener notifies various **Reviewers** (i.e., Review Board, other government agencies, First Nations and Inuit) who may have an interest in the proposed development or that may wish to provide comments about the Screening Application.

- Public notices are published in newspapers and online.
- The Preliminary Screener must also notify the Review Board, in writing, that they have enough information to conduct a preliminary screening for the proposed project.

Roles and Responsibilities in Phase 3	
Preliminary Screener	Notifies various reviewers about the proposed development and notifies the Review Board.

Expected Outcomes of Phase 3 → Public notification about the proposed development.

Phase 4: Identification of Potential Impacts and Mitigation Measures

Preliminary screeners review the Screening Application, and any input provided during Phase 0, to determine if the proposed development has any potential impacts. The Preliminary Screener lists the potential impacts and identifies any **Terms or Conditions** that can be imposed to mitigate these potential impacts.

Roles and Responsibilities in Phase 4	
Preliminary Screener	Reviews information about the proposed development to develop a list of potential impacts and identify terms and conditions to mitigate those effects.

Expected Outcomes of Phase 4 → Creation of a list of potential impacts of a proposed development, including identifying any terms or conditions to mitigate these impacts.

Phase 5: Preforming the “Might Test”

Preliminary Screeners determine if a proposed development could have significant environmental impacts or raise public concern. This determination is based on the size of the impact, the duration of the impact, how widespread the impact is and the impact’s likelihood.

Roles and Responsibilities in Phase 5	
Preliminary Screener	Determines the significance of the proposed development’s potential impacts.

Expected Outcomes of Phase 5 → Determination of significance of the potential impacts linked to the proposed development.

Phase 6: Preliminary Screening Decision and Written Results

Preliminary screeners communicate their decision in a Preliminary Screening Report to either:

- Release the proposed development, and allow proponents to obtain any required permits, licenses or authorizations; or
- Require the proposed development to proceed to Stage 2.

Roles and Responsibilities in Phase 6	
Preliminary Screener	Drafts the Preliminary Screening Report to communicate their decision about the proposed development.

Expected Outcomes of Phase 6 → Preliminary Screening Report outlining whether to release the proposed development or require the proposed development to proceed to Stage 2.

Even if the preliminary screener determines that an EIA is not needed for the proposed development, there are organizations that can refer the proposed development to proceed to Stage 2. The organizations that have this authority include:	
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| <ul style="list-style-type: none"> • The Review Board; • A regulatory authority, the National Energy Board, a department or agency of the federal or territorial government; | <ul style="list-style-type: none"> • The Gwich'in Tribal Council, Sahtu Secretariat Incorporated, and the Tłıchǵ Government; or • A local government in the Mackenzie Valley. |
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If an organization refers a proposed development to Stage 2, they must provide a justification for their reasons for referral.

Stage 2: Environmental Impact Assessment

When required, the Review Board is responsible for reviewing the proposed development if it is likely to cause significant environmental impacts or public concern. For detailed information about Stage 2, refer to the Review Board's [Environmental Assessment, Booklet 4](#) or to the Review Board's [Environmental Impact Assessment Guidelines](#).

Phase 1: Environmental Impact Assessment Start-up and Opening Public Registry

The Review Board notifies the proponent and potential participants (including affected First Nations and Inuit) that they have started Stage 2 of the EIA process for the proposed development. The Review Board uploads any information from Stage 1, including comments submitted by First Nations and Inuit, on the public registry.

Roles and Responsibilities in Phase 1	
Review Board	Notifies all potential participants in the EIA process that the EA for the proposed development has begun and submits all documents on the public registry.

Expected Outcomes of Phase 1 → Starting of EA for the proposed development.

Phase 2: Scoping the Project and the Issues

The Review Board examines the key components of the proposed developments to identify the most relevant issues that should be the focus of the EA. During this Phase, the Review Board considers any of the following to scope issues:

- The Preliminary Screening Report;
- Sensitive areas located around the proposed development;
- Issues raised during proponent-led engagement activities during Stage 1; and
- Issues raised by First Nations or Inuit communities during **Issues Scoping Sessions** led by the Review Board or via written submissions.

Roles and Responsibilities in Phase 2	
Review Board	Reviews the proposed development to identify the key components and key issues that should be the focus of the EIA. Leads an Issues Scoping Session with affected communities to better understand concerns.
First Nations and Inuit	Participates in Issues Scoping Session to share their perspectives and views about the proposed development.

Expected Outcomes of Phase 2 → Identification of key components and issues of the proposed development to help focus the EIA.

Phase 3: Producing Terms of Reference and a Work Plan

During Phase 3, the Review Board develops the following key documents:

- **Terms of Reference (TOR):** Specifies the information that the proponent must include in the **Assessment Report**.
- **Work Plan:** Outlines how the Review Board will conduct Stage 2, including identifying the main steps and establishing an estimated timeline for the EIA process.

The draft TOR and Work Plan are circulated to all parties involved in the EIA process for comment before being finalized.

Roles and Responsibilities in Phase 3	
Review Board	Develops the draft TOR and Work Plan and incorporates feedback from all parties involved in the EA to create the final TOR and Work Plan.
First Nations and Inuit	Review and provide feedback, as necessary, to the Review Board on the draft TOR and the Work Plan.

Expected Outcomes of Phase 3 → Finalized TOR and Work Plan for the EA.

Phase 4: Development of the Proponent's Assessment Report

The proponent prepares their **Assessment Report** that addresses all the requirements outlined in the TOR. At a minimum, the Assessment Report includes:

- Identification of the potential impacts of the proposed development, including an estimation of the significance of those impacts on the physical and human environment;
- Description of any mitigation or remedial measures that would reduce or avoid the identified impacts; and
- Analysis of how the proposed development's impacts interact with the impacts of past developments, as well as developments that are currently underway, or are reasonably foreseeable developments.

Roles and Responsibilities in Phase 4	
Proponent	Drafts and submits the Assessment Report, in accordance with the TOR, the Review Board.

Expected Outcomes of Phase 4 → The Assessment Report is submitted to the Review Board.

Phase 5: Conformity Check

Once the proponent submits their Assessment Report, the Review Board checks to make sure the Assessment Report captures everything in the TOR.

- If there are gaps, the Review Board issues a **Deficiency Statement** and requires the proponent to provide additional information before proceeding to Phase 6.

Roles and Responsibilities in Phase 5	
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Review Board	Reviews the Assessment Report against the requirements of the TOR to determine if additional information is required.
Proponent	Provides additional information, as requested by the Review Board.

Expected Outcomes of Phase 5 → Completion of conformity check of the Assessment Report.

Phase 6: Technical Review

Technical reviewers, including all parties involved and any experts engaged by the Review Board, review the Assessment Report. During this Phase, the Review Board may lead technical sessions or workshops for technical reviewers to discuss the proposed development.

Roles and Responsibilities in Phase 6	
Review Board	Coordinates the technical review of the proposed development with all parties involved in the EIA process, including facilitating technical sessions as needed.
First Nations and Inuit	If involved in the EIA process, First Nations and Inuit may participate in undertaking a technical review of the proposed development.

Expected Outcomes of Phase 6 → Completion of the technical review of the proposed development.

Phase 7: Information Requests

The Review Board issues **Information Requests (IRs)** to the proponent to request additional information about the proposed development. Other parties involved in the EIA process have the opportunity to submit possible IRs for the Review Board to consider.

- There may be one or more rounds of IRs. The Work Plan outlines when the Review Board expects for the IRs to be issued during the EIA process.

Roles and Responsibilities in Phase 7	
Review Board	Reviews proposed IRs provided by other parties and issues one or multiple rounds of IRs to the proponent.
First Nations and Inuit	Can submit potential IRs for the Review Board to consider issuing to proponents during Phase 7.

Expected Outcomes of Phase 7 → Proponent provides information to resolve the Review Board's IRs about the proposed development.

Public Hearings

The Review Board decides on a case-by-case basis whether public hearings are needed for a proposed project. There are multiple types of hearings that can occur during the EIA process:

- **Public Hearings:** Normally held after Phase 7 to allow for the proponent and all parties to present their final thoughts about the proposed development. The Review Board is present during these hearings, regardless of if they are either:
 - **Formal Hearing:** An oral hearing that involves all parties involved in the EIA process; or
 - **Community Hearing:** An informal oral hearing that allows the Review Board to hear directly from First Nations and Inuit.

- **Written Hearings:** Parties involved in the EIA process submit written advice and comments to the Review Board about the proposed development.

Phase 8: Preparing the Report of Environmental Assessment

The Review Board reviews all the information about the proposed development during deliberation to determine whether to:

- Approve the development as proposed;
- Approve the development with additional measures to prevent or reduce significant adverse impacts;
- Order an **Environmental Impact Review** of the development; or
- Reject the development, if significant impacts cannot be avoided or mitigated.

The Review Board then prepares a **Report of Environmental Assessment**, that outlines the Review Board's recommendation and the rationale behind it. This Report also includes any non-binding recommendations identified by the Review Board for the proposed development.

- The Report is submitted to the Minister of INAC and the proponent; and
- The Report is made publicly available on the registry.

Roles and Responsibilities in Phase 8	
Review Board	Reviews information about the proposed development to make a recommendation about the proposed development, which is communicated to the decision-maker in the Report of Environmental Assessment.

Expected Outcomes of Phase 8 → Submission of the Report of Environmental Assessment, which contains the Review Board's recommendation about the proposed development.

Phase 9: Federal Minister's Decision

The Minister of INAC distributes the Report of Environmental Assessment to each responsible minister with jurisdiction over the proposed development. If the Review Board recommends that the proposed development be approved, the Minister of INAC then determines whether to:

- Adopt the Review Board's recommendation;
- Refer it back to the Review Board for further consideration; or
- Enter into a **Consult-to-Modify** process and either:
 - Adopt the recommendation with modification; or
 - Reject the reasons for decision and order an Environmental Impact Review.

Roles and Responsibilities in Phase 9	
Minister of INAC	Distributes the Report of Environmental Assessment and reviews it to make a final ministerial decision about the proposed development.

Expected Outcomes of Phase 9 → Final ministerial decision about the proposed development, either to approve it, request further review of it, or reject it.

Stage 3: Environmental Impact Review

Stage 3 builds on the work done in Stage 2. However, the review is carried out by an independent **Review Panel** appointed by the Review Board, rather than the Review Board itself.

Phase 1: Environmental Impact Review Start-up

Phase 1 begins when an **Environmental Impact Review** is ordered by the Minister of INAC.

Key activities include:

- Creating a public registry for the proposed development that includes any relevant information from Stage 1 and Stage 2; and
- The Review Board appoints a Review Panel of at least 3 members, composed of Review Board members and subject-matter experts.

Roles and Responsibilities in Phase 1	
Review Board	Responsible for setting up the public registry for the proposed development and appointing the Review Panel.

Expected Outcomes of Phase 1 → Appointment of the Review Panel and opening of a public registry for the proposed development.

Phase 2: Terms of Reference for the Review Panel

The Review Board develops the **Terms of Reference (Panel TOR)**, setting the Panel's mandate, scope, procedures, and public consultation and hearings requirements.

- The Review Board may consult with affected First Nations and Inuit to help develop the Panel TOR.

Roles and Responsibilities in Phase 2	
Review Board	Develops the Panel TOR, consulting with First Nations and Inuit as needed.
First Nations and Inuit	Are consulted, as needed, by the Review Board to help develop the Panel TOR.

Expected Outcomes of Phase 2 → Finalized Panel TOR for Stage 3 of the EIA process.

Phase 3: Scoping, Conformity Check, Hearings and Deliberation

Key steps of phase three of stage three include:

- The proponent prepares an **Environmental Impact Statement (EIS)** for the proposed development, based on the Panel TOR;
- The Review Panel undertakes a conformity check to make sure that the EIS meets the Panel TOR requirements before starting the technical review; and
- If needed, the Review Panel organizes public hearings.

Once these steps are completed, the Review Panel compiles and summarizes all information and input received into a **Report of the Review Panel**.

Roles and Responsibilities in Phase 3
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Review Board	Coordinates the activities in Phase 3, including setting up public hearings as needed. Responsible for drafting the Report of the Review Panel.
Proponent	Prepares the EIS in accordance with the Panel TOR.

Expected Outcomes of Phase 3 → Completion of the EIS and of the Report of the Review Panel.

Phase 4: Environmental Impact Review Decisions

The Review Panel makes a determination about whether the proposed development should be:

- Approved, with or without mitigation or remedial measures or a follow-up program; or
- Rejected.

Roles and Responsibilities in Phase 4	
Review Board	Makes a recommendation about the proposed development, based on all the information and input gathered from Stage 1 to Stage 3 of the EIA process.

Expected Outcomes of Phase 4 → The Review Panel recommends an action for the proposed development, which is distributed to the Minister of INAC.

Phase 5: Final Decision

The Minister of INAC reviews the Review Panel's recommendation and shares it with other relevant decision-makers. If the Review Panel recommends that the proposed development be approved, the relevant decision-makers can then determine whether to:

- Accept the recommendation and approve the proposed development; or
- Reject the recommendation and either must:
 - Provide reasons for rejecting recommendation;
 - Consult with the Review Board to modify the recommendation; or
 - Refer the recommendation back to the Review Panel for further consideration.

Roles and Responsibilities in Phase 4	
Minister of INAC	Reviews the Review Panel's recommendation and shares it with other relevant decision-makers.
Relevant Decision-Makers	Receive the Review Panel's recommendation and make a final decision about the proposed development.

Expected Outcomes of Phase 5 → Final decision about the proposed development.

<u>Available Funding for First Nations and Inuit Consultation and Participation</u>	
The Northern Participant Funding Program provides funding to First Nations and Inuit to participate in EIAs for major projects in the Mackenzie Valley region. • For more on how to apply for this funding, First Nations and Inuit should review the Government of Canada's webpage. Although funding may be available, it often does not cover the full costs of meaningful participation. As such, First Nations and Inuit governments and organizations frequently	

negotiate additional capacity funding from proponents to support their involvement in EIA processes.

4. Overview of the ISR 2-Stage Environmental Impact Assessment Process

In the ISR, a proposed development may go through up to two review stages. Through these reviews, the regulators ensure that a proposed development does not cause significant negative environmental effects on the environment which could result in significant adverse impacts on current and future Inuvialuit wildlife harvesting.

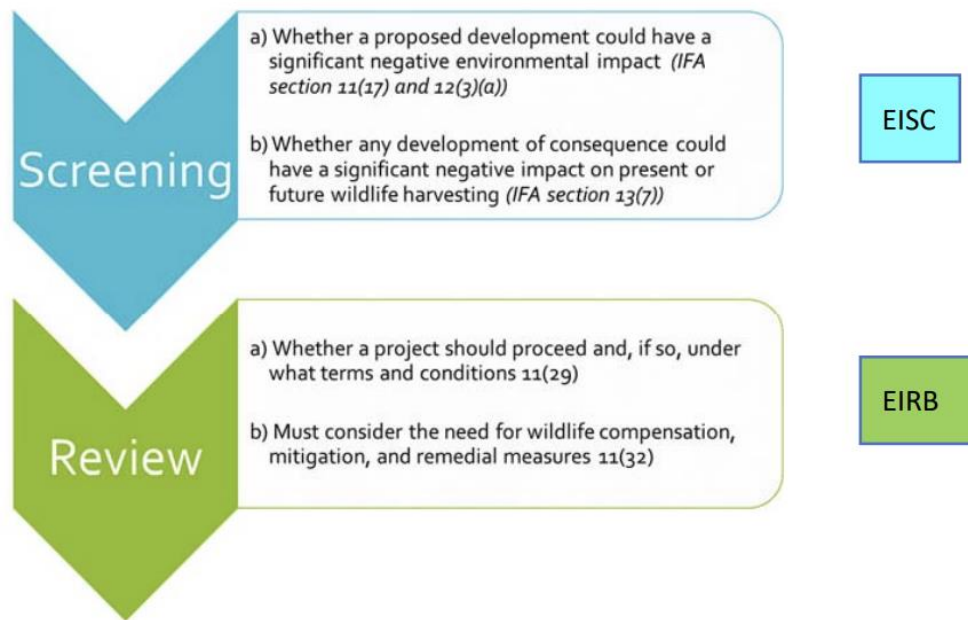


Figure 4: Overview of the ISR 2-Stage EIA Process

Stage 1: Environmental Screening

The Environmental Screening process is led by the EISC to determine if a proposed development could have the potential to cause adverse environmental impacts, which could alter current and future Inuvialuit harvesting practices. Through Stage 1, the Screening Panel makes a decision as to whether a proposed development should proceed or be referred for further assessment in a Stage 2 under the IFA.

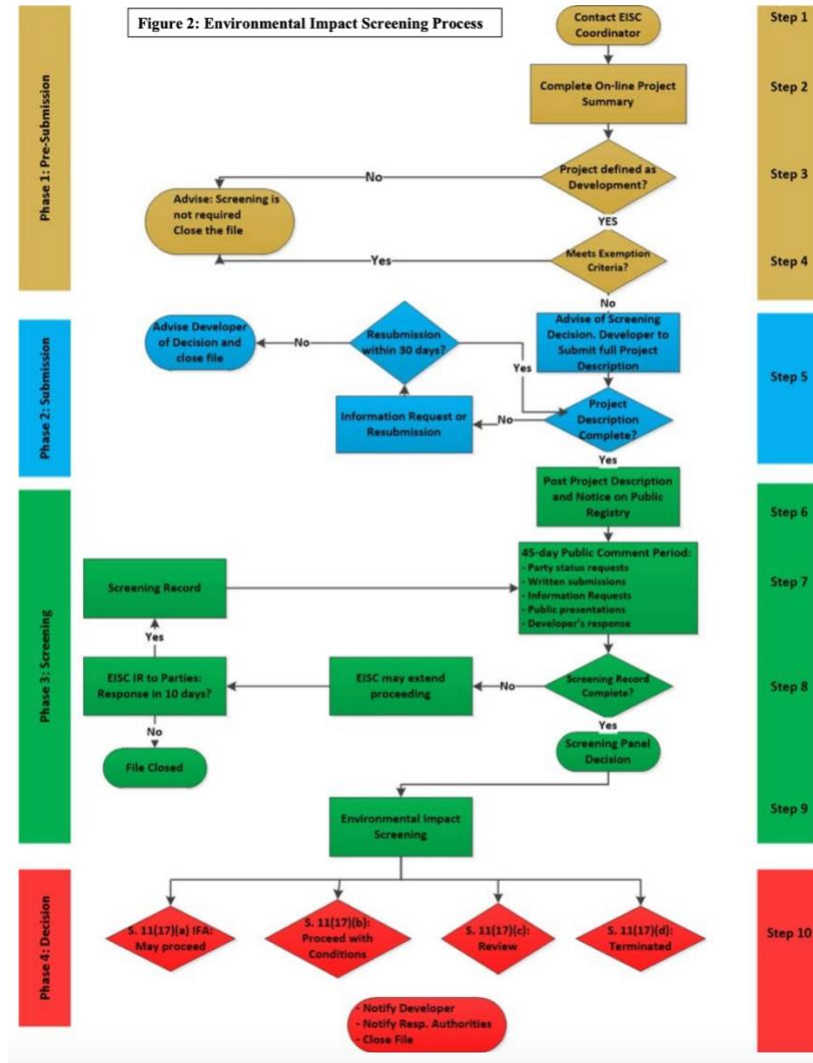


Figure 5: Flowchart of the Environmental Screening Process

For detailed information about Stage 1, refer to the EISC's [Environmental Impact Screening Guidelines](#).

Phase 0: Early Engagement

The EISG does not have a require “Early Engagement”. However, Phase 0 begins when the proponents start considering a project or activity within the ISR. Phase 0 continues until the Environmental Screening process officially begins in Phase 1, allowing everyone to prepare for the EIA process through early relationship-building.

- For more information about the importance of early engagement, or “Phase 0”, refer to FNMP's [‘The Case for Phase 0: Improving Impact Assessment Efficiency and Effectiveness.’](#)

Roles and Responsibilities in Phase 0	
Proponents	Begin engagement early with Inuvialuit to share clear information about the project and discuss the project design.

Inuvialuit	Are engaged by proponents to share any interests, concerns, and expectations about the proposed project and screening process.
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Expected Outcomes of Phase 0 → Stronger early relationships and shared expectations that support meaningful Inuvialuit participation in Phases 1 to 4.

Phase 1: Pre-Submission and Determinations (Step 1 to 4 on Figure 7)

Phase 1 begins when proponents complete and submit a **Project Summary Questionnaire (PSQ)** through the EISG online registry. The PSQ provides a summary of the proposed project and associated activities. The proponent may request in the PSQ for:

- The project proceeds directly to Phase 2 because it is not exempt from screening; or
- The project be reviewed by the EISG to determine if it is a **Development** and/or exempt from screening.

If the proponent requests a review, the following occurs:

- The ESIC determines whether the proposed project is a Development:
 - If **yes**, the EISC moves to the next stage.
 - If **no**, the proponent is notified, the decision is posted on the online registry, and the file is closed.
- If it is a Development, the ESIC then considers whether screening is required by asking:
 - Have the Inuvialuit requested a screening under section 11(1)(c) of the IFA?
 - If **yes**, the proponent is notified, more information is requested, and the decision to proceed to Phase 2 is posted on the online registry.
 - If **no**, the EISG decides if the Development is exempt from screening:
 - If **yes**, the proponent is notified, a complete project description is requested, and the decision for the Development to proceed to Phase 2 is posted on the online registry.
 - If **no**, the proponent is notified, more information is requested, and the decision to proceed to Phase 2 is posted on the online registry.

Roles and Responsibilities in Phase 1	
Proponents	Submits the PSQ, provides project information, and may be requested by the EISC to provide more information to support Phase 2.
EISC	Determine if a proposed project is a Development, whether it is exempt from screening, and whether it proceeds to Phase 2.
Inuvialuit	Review the PSQ on the online registry and may request that a proposed project undergo screening.

Expected Outcomes of Phase 1 → A decision confirming whether the project must proceed to Phase 2 or is exempt from an Environmental Screening.

Phase 2: Submission (Step 5 on Figure 7)

Phase 2 begins when the proponent submits a **Project Description** to the EISC through the online registry. The EISC reviews the Project Description to determine whether it contains sufficient information to support Environmental Screening.

- If **complete**, the proponent is notified, the decision is posted on the online registry, and the Development proceeds to Phase 3.
- If **incomplete**, the EISC notifies the proponent and provides a 30-day period to submit an updated Project Description that has the missing information.
 - If the proponent fails to provide an update Project Description, the EISC closes the file.

Roles and Responsibilities in Phase 2	
EISC	Reviews the proponent's Project Description to determine if there is sufficient information to support the screening process. If needed, requests for the proponent to submit additional information.
Proponents	Develop and submit the Project Description to the EISC and, if requested, provides an updated Project Description within 30 days.

Expected Outcomes of Phase 2 → The EISC determines that the Project Description is complete and can support screening in Phase 3.

Phase 3: Environmental Impact Screening (Step 6 to 8 on Figure 7)

The EISC posts the Project Description and a **Notice of Commencement** on the online registry. Once posted, the following activities occur:

- A 45-day comment period begins, including:
 - Submission of **Information Requests (IR)** during the first 35 days from the public, including Inuvialuit, for the EISC to consider. If the EISC determines that the IRs are appropriate, they are submitted on the online registry for the proponent to respond to.
 - Submission of written submissions from the public, including Inuvialuit, throughout the full 45-day period to support Phase 4.
- Once this comment period ends, the proponent has 10 days to respond to any issues or IRs raised by the public.
- The EISC reviews the public record to determine if it is complete and can be used to support Phase 4⁴.

Roles and Responsibilities in Phase 3	
EISC	Administers the public comment period by uploading documents on the online registry and submitting any IRs to the proponent. They determine when and whether the record is complete and can support Phase 4.
Proponents	Respond to IRs and provide responses to issues raised during the comment period.
Inuvialuit	Review Development information and submit comments, ITK, or recommendations to the EISC. Can also identify potential IRs that the EISC should consider submitting to proponents.

Expected Outcomes of Phase 3 → A complete public record ready for Phase 4.

⁴ During this stage, and only if there are extreme circumstances (i.e., late submission or extreme complex evidence), the EISC may extend Phase 3 until all information gaps in the public record are provided.

Phase 4: Decision (Step 9 to 10 on Figure 7)

The EISG sets up a Screening Panel to conduct a screening of the Development and determine if it could have significant negative environmental impacts. The Screening Panel reviews information submitted by the proponent, along with information from other parties, such as ITK.

Once a decision is made, the Screening Panel provides written notice to the proponent and competent governmental authority(ies) and posts the decision on the online registry. The decision may be one of the following:

- The Development is not likely to cause significant harmful environmental effects and may proceed without a Stage 2 review under the IFA.
- The Development, subject to Terms and Conditions recommended by the ESIG, is not likely to cause significant harmful environmental effects and may proceed without a Stage 2 review under the IFA.
- The Development could cause significant harmful environmental effects and must undergo a Stage 2 review under the IFA.
- The Development proposal lacks key information, so the ESIG terminates Stage 1.
 - If the Developer wishes to proceed, they must re-submit a new proposal for the Development and Stage 1 is restarted.

Roles and Responsibilities in Phase 4	
Screening Panel	Review the complete public record and determine whether the Development may proceed, proceed with conditions, or require Stage 2 review.
EISG	Sets up the Screening Panel and is responsible for ensuring that the final decision is submitted on the online registry.

Expected Outcomes of Phase 4 → A final decision on whether the Development may proceed or requires further review.

Stage 2: Environmental Impact Review

If a proposed development has been referred to Stage 2 by the EISC, the EIRB undertakes an environmental impact review to determine its potential for significant adverse environmental effects. The EIRB drafts a report which includes recommendations as to whether a proposed development is allowed to proceed, and if so, under what specific **Terms and Conditions**.

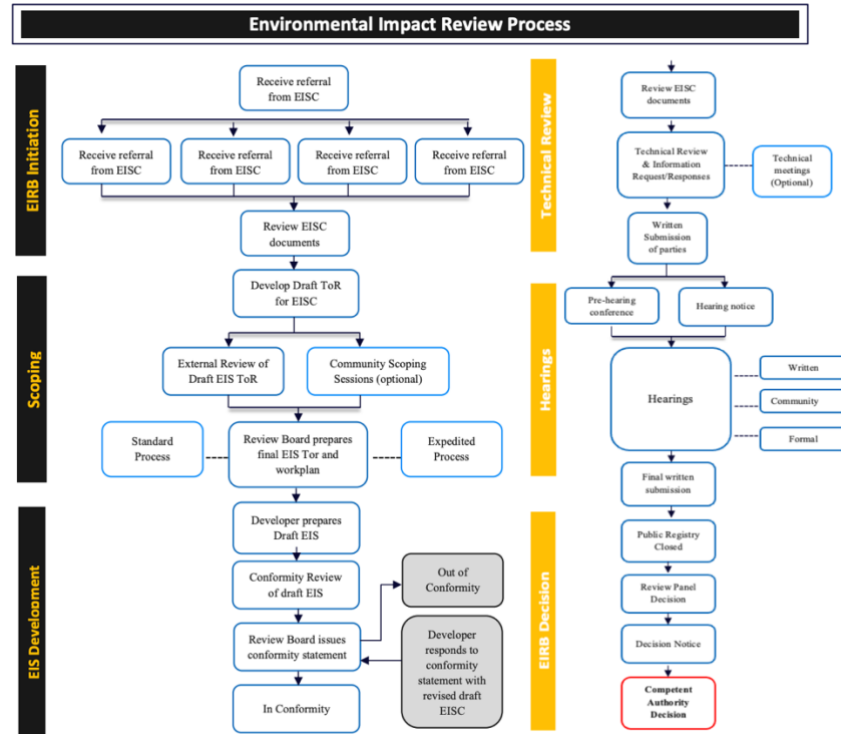


Figure 6: Flowchart of the Environmental Impact Review Process

For detailed information about Stage 2, refer to the EIRB's [Environmental Impact Review Guidelines](#).

Phase 1: Environmental Impact Review Initiation

Once the EIRB receives a referral package from the EISC, the following activities take place:

- The EIRB sets up a new file on its online registry for the Development, which includes:
 - A **Public Notice of Referral**, inviting organizations and individuals to register as **Parties** to the review⁵; and
 - The Project Description and all information in the EISC referral package.
- Interested organizations or register as Parties to participate in Stage 2. Registered Parties are added to a distribution list to receive any future notices and documents⁶.
- The EIRB drafts a **Review Schedule** and **Work Plan** that will guide the Stage 2 process. These are finalized during Phase 2.

Roles and Responsibilities in Phase 1	
EIRB	Starts the Environmental Impact Review process for the Development, by opening a file on the online registry and inviting organizations to participate in the review process as Parties.
EISC	Refers the Development to the EIRB and provides a referral package.

⁵ Organizations and individuals may register for Party status at any time up to Phase 4.

⁶ Groups or individuals do not need to be Parties if they wish to file documents with the EIRB or make a statement at an oral hearing during Phase 4. The EIRB must consider any submission from any member of the public, as per the IFA.

Parties, including Inuvialuit	If interested, register to participate in the Stage 2 review of the Development.
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Expected Outcomes of Phase 1 → Initiation of the Environmental Impact Review process for the Development.

Phase 2: Scoping

The EIRB scopes the Development to identify key issues that should be assessed in the proponent's **Environmental Impact Statement (EIS)**. During this, the EIRB determines:

- **Scope of Development**, including all activities associated with the Development; and
- **Scope of Assessment**, including the scope of issues and the geographic and temporal scope of the review.

The EIRB prepares a draft **Terms of Reference (TOR)** based on the information provided by the proponent, as well as any comments from Parties. Once the draft TOR is complete:

- The EIRB posts the draft TOR, the draft Review Schedule, and the draft Work Plan on the public registry for a public comment.
 - The EIRB may also hold community scoping sessions in potentially impacted Inuvialuit communities to receive comments, concerns, and recommendations.
- After considering all comments, the Review Board issues final TOR, final Review Schedule, and final Work Plan on the online registry.

Roles and Responsibilities in Phase 2	
EIRB	Defines the scope of development and assessment, prepares draft and final Terms of Reference, and sets the review schedule. May set up community scoping sessions.
Proponent	Provides information about the Development and responds to requests to provide additional details.
Parties, including Inuvialuit	Participate in scoping sessions, if required, and provide comments on the draft Terms of Reference and review process.

Expected Outcomes of Phase 2 → Final Terms of Reference and a Review Schedule that clearly defines the issues, scope, and information requirements for the Environmental Impact Review.

Phase 3: Development of the draft Environmental Impact Statement

Phase 3 begins when the proponent submits a draft EIS to the EIRB, in accordance with the TOR. Once submitted, the following activities occur:

- The EIRB undertakes a conformity review to determine if the draft EIS has enough information to support Phase 4 and aligns with the TOR. Once the review is complete, the EIRB issues a **Conformity Statement** which identifies:
 - Whether the draft EIS conforms and the Development may proceed to Phase 4; or

- Whether the draft EIS is deficient and identifies information gaps that must be addressed by the proponent.
 - The Proponent must revise the draft EIS as per the Conformity Statement and re-submit it to the EIRB for another conformity review before the Development proceeds to Phase 4.

Roles and Responsibilities in Phase 3	
EIRB	Reviews the draft EIS to see if it conforms with the TOR and issues the Conformity Statement which determines whether the Development may proceed to Phase 4 or if additional information is required.
Proponent	Prepares and submits the draft EIS to the EIRB and, if any deficiencies are identified by the EIRB, the proponent provides additional information through their revised EIS.

Expected Outcomes of Phase 3 → A draft EIS that conforms with the TOR.

Phase 4: Technical Review

The EIRB and Parties complete a technical review of the EIS, issue IRs to the proponent, and prepare any written submission to be considered during Phase 6. The EIRB also appoints a **Review Panel** to support rest of the Stage 2 review process.

Parties examine the Development in detail, can request additional information, and identify outstanding issues to prepare for Phase 5. Activities that may occur during this phase include:

- Submission of **Information Requests (IRs)** to the proponent to request additional information about the Development. The EIRB may allow more than one round of IRs.
- The EIRB or the Review Panel may direct there to be technical meetings focused on specific topics of concern. Meeting materials and minutes are published on the online registry for the public to have access to.
- The EIRB or Review Panel may arrange visits to the Development site at any time during the review to get more information about potential effects.
- All Parties may submit written evidence, views, concerns, conclusions, and recommendations about the Development, including proposing Terms and Conditions.

Roles and Responsibilities in Phase 4	
EIRB / Review Panel	Administers the technical review process by overseeing the issuance of IRs and written submissions by Parties. If needed, the EIRB or the Review Panel may direct there to be technical meetings or for a site visit to occur.
Proponent	Responds to IRs and written submissions sent by Parties. If needed, participates in technical meetings and supports site visits.
Parties, including Inuvialuit	Participates in the technical review process by reviewing the Development's information and may submit written submissions or IRs to the proponent to get more information about the Development. May participate in technical meeting or in a site visit.

Expected Outcomes of Phase 4 → Completion of the technical review of the EIS, along with a record of comments submitted by Parties during the technical review.

Phase 5: Hearing

Before hearings begin, the Review Panel may hold a **Pre-Hearing Conference** with Parties to organize the hearing process. This will establish the following:

- The issues to be discussed during the hearing;
- The hearing procedures; and
- Timelines for the hearing.

The Review Panel issues a **Hearing Notice** at least 30 days before the official Hearing occurs. In this Notice, the Review Panel will specify which type(s) of hearing formats will be used:

- Community Hearings: Less formal oral hearings held in Inuvialuit communities to hear directly from residents and community members. For these types of hearings, the Review Panel may facilitate procedures to ensure that Elders and other Inuvialuit individuals are able to meaningfully participate.
- Formal Hearings: Structured oral hearings with presentations, questioning, and evidence testing.
- Written Hearings: Hearings conducted entirely through written submissions, questions, and responses, often used for expedited reviews.

During or after the Hearing(s), the Review Panel sets deadlines for Parties to submit their final written submissions that summarize each Party's position with respect to the Development.

Roles and Responsibilities in Phase 5	
Review Panel	Responsible for administering the pre-hearing conference and the hearing process.
Proponent	Presents additional evidence and responds to questions during hearings.
Parties, including Inuvialuit	Present views and evidence about the Development by participating in hearings. They can file final submissions to clarify their position with respect to the Development.

Expected Outcomes of Phase 5 → Completed hearing process.

Phase 6: Decision

The Review Panel reviews all the information about the Development, submissions made by Parties, and comments shared during hearings to prepare its final recommendations about the Development. The Review Panel may recommend that:

- The Development proceed, subject to the identified Terms and Conditions;
- The Development should not proceed, as proposed; or
- The Development requires additional assessment and may not proceed until that additional assessment is complete.

Once the Review Panel has drafted their recommendation, they share it with the reasons for their recommendation, to the proponent, the Parties, and the competent governmental authority(ies). It is the competent governmental authority(ies) who have the final authority to approve, reject, or impose conditions on the Development.

- Once the competent governmental authority(ies) make a decision about the Development, this decision is published on the online registry and in a press release.

Roles and Responsibilities in Phase 6	
Review Panel	Reviews the full record to issue a recommendation about the Development to the competent governmental authority(ies).
Competent Governmental Authority(ies)	Consider the Review Panel's recommendations and make the final regulatory decision on whether the Development proceeds and under what conditions.

Expected Outcomes of Phase 6 → A final decision on whether the Development may proceed and, if so, under which Terms and Conditions.

<u>Available Funding for First Nations and Inuit Consultation and Participation</u>
The Northern Participant Funding Program provides funding to First Nations and Inuit to participate in EIAs for major projects in the ISR. For more on how to apply for this funding, First Nations and Inuit should review the Government of Canada's webpage. Although funding may be available, it often does not cover the full costs of meaningful participation. As such, First Nations and Inuit governments and organizations frequently negotiate additional capacity funding from project proponents to support their involvement in EIA processes.

5. First Nation and Inuit Consultation in the NWT

First Nation and Inuit Consultation in the Mackenzie Valley Region

The MVRMA sets out the consultation process for EIAs in the NWT. The Review Board is the party responsible for fulfilling the legislated consultation requirements that are outlined in Part 5 of the MVRMA⁷, such as:

- Carry out consultations required by land claims;
- Consult with First Nations and Inuit on whose lands a development is proposed, or with the Tłıchǫ Government, when applicable; and
- Consider concerns raised by the public, including First Nations and Inuit, regarding proposed developments.

The Review Board is in the process of developing their own engagement and consultation policy documents. In the meantime, the Review Board has adopted the [Mackenzie Valley Land and Water Board Engagement and Consultation Policy 2013](#) on an interim basis.

The Review Board fulfills their requirements to consult with affected First Nations and Inuit by running a fair, transparent, and inclusive EIA process that involves:

- Directly engaging with potentially affected First Nations and Inuit;

⁷ It is important to note that the consultation requirements outlined in the Mackenzie Valley Resource Management Act are informed by settled land claims in the Mackenzie Valley region.

- Designing EIA workplans and procedures in a manner that allows adequate time for meaningful participation;
- Ensures that the public has access to relevant documents through an online registry;
- Providing plain-language summaries of decisions, including translation into relevant First Nation and Inuit languages; and
- Clear communication about processes, outcomes, and reasons for decisions with First Nations and Inuit.

For more information about the consultation activities that form a part of the EIA process, refer to the Review Board's [Reference Bulletin on Consultation and Engagement in EIA](#).

Consultation and Engagement Protocols

The Review Board is working with First Nations and Inuit to develop community-specific **Consultation and Engagement Protocols** that would set out:

- Community-specific protocols for how the Review Board should interact, communicate, and engage communities during the EIA process; and
- Identify a community's preferred communication methods and engagement approaches; and
- Identify community-specific processes outlining how the Review Board can better fulfil its requirement for consultation in EIA.

Some examples of Consultation and Engagement Protocols in the NWT are:

1. [Weghàà Èleyatits'eed: Tłı̨cho Government Guidelines for Proponents of Development \(2022\)](#); and
2. [Gwich'in Renewable Resources Board's Consultation Rules and Procedures \(2010\)](#).

In the NWT, the legal duty to consult rests with the Crown. However, under the Mackenzie Valley Resource Management Act, proponents are expected to engage meaningfully with affected Indigenous governments and organizations throughout the EIA process. The Review Board strongly encourages that proponents work with First Nations and Inuit during the EIA process. Some of the Review Board's key guidance documents for proponents include:

- [Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment](#); and
- [Environmental Impact Assessment Guidelines \(2004\)](#);

Inuvialuit Consultation in the ISR

During Stage 1 of the EIA process in the ISR, the EISC requires proponents to engage and consult with Inuvialuit communities and other parties when preparing their Project Description before it is submitted during Phase 2. As part of this requirement, the EISC outlines the following expectations for proponents during consultation processes:

- Proponents must conduct consultation in a manner that ensures communities are informed early in the process, are able to share concerns, and have a meaningful opportunity to discuss potential impacts directly with the proponent.
- Proponents must identify which communities are required to be consulted and determine the appropriate level of consultation for each.

The EISC will not accept a proponent's Project Description if there has been no meaningful effort to consult affected Inuvialuit communities during its development.

Similarly, proponents are required to engage and consult with affected communities during the Stage 2 review process. The EIRB expects proponents to engage and consult with affected Parties prior to submitting their draft EIS in order to:

- Discuss the proposed development with potentially affected Parties;
- Address and resolve concerns;
- Gather ITK to include in the EIS;
- Identify and assess potential impacts and outline mitigation measures; and
- Inform affected Parties about the Development.

Whilst some aspects of Crown consultation may occur through the Stage 2 process (and to a lesser extent, Stage 1), the **Duty to Consult** with affected Inuvialuit communities' rests with competent government authority(ies) once the Stage 2 process is complete.

- Competent government authority(ies), once they receive the EIRB's recommendation, will provide further guidance to Inuvialuit communities on how the engagement and consultation undertaken by the proponent during Stage 2 will feed into the early stages of Crown consultation.

Community Conservation Plans

Each of the Inuvialuit communities in the ISR have developed their own **Community Conservation Plan** that reflects the community's values and strategies related to the management of resources within the community's planning area. Key aspects that Inuvialuit communities identify in these Plans include:

- Priority land use areas and activities within their planning area;
- Areas of specific ecological and cultural importance; and
- Designation of areas of importance to the communities.

Proponents are expected to have reviewed any Community Conservation Plans, or the Yukon North Slope Wildlife Conservation and Management Plan, that may apply to the area where the proposed Development is located. The information contained should be considered by proponents when defining the scope of community-specific consultation activities.

6. Emerging EIA Trends in the Northwest Territories

Ongoing Concern: Fast-Tracking of Major Projects in the Mackenzie Valley Region of the NWT
The [Major Projects Office \(MPO\)](#) was established in August 2025 to support the advancement of nation-building projects across Canada as part of the federal government's plan to create a more self-sustaining and competitive economy. The MPO serves as the 'single-window' body that identifies projects of national interest and supports their accelerated development by streamlining regulatory processes.

The MPO has developed a [Projects and Transformative Strategies Map](#) that outlines the projects that the MPO is currently reviewing to see if they are in Canada's national interest and thus should be accelerated. In the NWT, there are three projects that have been referred to the MPO:

- Taltson Hydro Expansion;
- Mackenzie Valley Highway; and
- Article Economic and Security Corridor.

First Nations and Inuit should review these proposed developments to determine whether they fall within their traditional territories. If so, these communities should prepare for early and ongoing engagement processes.

- For example, the [Mackenzie Valley Highway is currently undergoing an EIA](#) that is expected to be completed by 2027. The inclusion of this project on the MPO's priority list may result in the streamlining and/or accelerating of certain regulatory steps in the EIA process.

Emerging Practice: Improvements to the EIA Process

The NWT conducts an independent Environmental Audit every five years to evaluate the territory's EIA process, including how environmental information is used in decision-making and progress on cumulative impact monitoring. The 2025 Environmental Audit found that the territory's EIA system continues to improve, with no major concerns. It noted that the Review Board has improved their regulatory coordination. However, several challenges remain. In particular, the Audit noted the need for stronger cumulative effects monitoring, improved land-use planning, and greater community engagement

- Click here to read the full [Northwest Territories 2025 Environmental Audit Report](#).

7. Further Support and Guidance

Support and Guidance Material for Further Learning

To learn more about the EIA process in the Mackenzie Valley Region, First Nations and Inuit should visit:

- The Review Board's [Step-by-Step Information webpage](#) for step-by-step information about the EIA process in the province, including detailed explanations of each stage in the EIA process.
- The Review Board's [EIA Guidelines Overview booklet](#) to have a summary of the Review Board's EIA Guidelines. This booklet is available in multiple Indigenous languages, as well as in English and French.

To learn more about the EIA process in the ISR, First Nations and Inuit should review:

- The EISC's [Environmental Impact Screening Guidelines](#) for a detailed overview of Stage 1 of the EIA process in the ISR.
- The EIRB's [Environmental Impact Review Guidelines](#) for detailed information about Stage 2 of the EIA process in the ISR.

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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 IA processes in various Crown jurisdictions in Canada. The table also summarizes key challenges and concerns First Nations may have with IA 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 IA. First Nations participating in IA 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 IA 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 Impact Assessment Processes in the Northwest Territories

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	Alberta Energy Regulator (AER) (for oil, gas,	Policy on Consultation with First Nations on Land and	First Nations are not considered to be full partners	Alberta's Environmental Assessment Process Overview

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	Enhancement Act (EPEA) Activities Designation Regulation (under the EPEA) Responsible Energy Development Act (REDA)	and coal development projects) Alberta Environment and Protected Areas (AEPA) (for all other types of projects not covered by the AER)	Natural Resource Management, 2013. Guidelines on Consultation with First Nations on Land and Natural Resource Management 2014.	with Alberta when assessing the impacts of proposed projects. 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 accessing 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	Environmental Approvals Branch (EAB)	Interim Provincial Policy for Crown Consultations with First Nations, Métis	In the screening stage, the EAB decides if a project has the potential to impact Indigenous rights and is	Information Bulletin – Environmental Assessment and Licensing under The Environment Act

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	<i><u>The Dangerous Goods Handling and Transportation Act</u></i> <u>Classes on Development Regulation</u>		<u>Communities and Other Aboriginal Communities (2009)</u>	not required to consult with First Nations on this decision. Mandatory consultation with First Nations comes after project plans have been drafted and submitted. Unclear role for First Nations in IA processes. <u>Outdated consultation policy (2009).</u> <u>Criticism of the “One Project, One Review” process.</u>	<u>Environment Act Proposal Report Guidelines</u>
Ontario	<u>Environmental Assessment Act (1990)</u> Ontario Regulations 51/24 (Exemptions from the Act and from Part II of the Act); <u>Ontario Regulation 616/98 – EA Deadlines</u> <u>Ontario Regulation 345/93 – Private Sector Developers.</u>	Minister of the Environment, Conservation and Parks (MCEP)	<u>Code of Practice for Consultation in Ontario's EA Process</u> <u>Environmental Assessments: Consulting Indigenous Communities</u>	<u>Bill 5 – Protect Ontario by Unleashing our Economy Act, 2025</u> 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.	<u>Guide to Preparing Environmental Assessments</u> <u>Willms & Shier Environmental Law's Environmental Assessment Primer</u>

Quebec (Southern QC)	<u>Environment Quality Act (EQA)</u> <u>Regulation respecting the environmental impact assessment and review of certain projects</u> <u>Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact</u>	Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP)	<u>Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents of a Project Subject to the EA procedure</u> (also available in <u>French</u>). <u>Aboriginal Community Consultation Policy Specific to the Mining Sector</u>. <u>Information for Developers and General Information Regarding Relations with Aboriginal Communities in Natural Resource Development Projects</u>. <u>Guide for Project Proponents on Public Participation before the Bureau d'audiences publiques sur l'environnement</u> (French only)	Shortened assessment timelines may reduce opportunities for and quality of Indigenous consultation.	<u>Reference Guide for the Regulation Respecting the Environmental Impact Assessment and Review of Certain Projects</u> (French only) <u>Understanding RAEFIE</u>. <u>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</u> (Guide for project initiators regarding the public participation process under the auspices of the Bureau of Public Hearings on the Environment) (French only) <u>Environmental Assessment in Southern Quebec - Overview (Ministry of Environment, climate change, wildlife and parks)</u> <u>Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents of a Project Subject to the EA procedure</u>. <u>Directive pour la réalisation d'une étude d'impact sur l'environnement</u> (Directive for implementation of an impact study on the environment) (French Only)
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Jurisdictional Scan of Impact Assessment Processes in the Northwest Territories

Quebec (Northern QC)	The James Bay and Northern Quebec Agreement (JBNQA) Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec	James Bay Advisory Committee on the Environment (JBACE)	Consultations Conducted by the Proponent: Expectations of the Review Committee (specific to Cree Territory) Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik (specific to Inuit and Naskapi Territory)	Assessment outcomes and conditions are not respected by proponents. Concerns about overlapping federal, provincial, and First Nations jurisdictions	Environmental Assessment of Northern Projects Environmental and Social Impact Assessment and Review Procedure 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

Jurisdictional Scan of Impact Assessment Processes in the Northwest Territories

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 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.	East Coast Environmental Law. "Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island", 2025
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	Government of Newfoundland and Labrador's Aboriginal Consultation Policy on Lands and Resource Development Decisions	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.	Guide to the Environmental Assessment Process Transparency of Environmental Assessments in Newfoundland and Labrador

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		Canada-Newfoundland and Labrador Offshore Energy Regulator	Pekuakamiulnuatsh, the Essipit, and the Nutashkuan Consultation and Accommodation Protocol	There is a lack of clear guidance for First Nations involvement and Consultation Guidelines are developed for each EA.	Purpose of Environmental Assessment Canada Newfoundland and Labrador Offshore Petroleum Board
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	Environmental Impact Screening Committee (EISC)	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 Impact Assessment Processes in the Northwest Territories

	<u>Socio-Economic Assessment Act (2003)</u> ⁸	Environmental Impact Review Board (EIRB)			
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⁸ 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.