

Jurisdictional Scan of Environmental Impact Assessment Processes in **Prince Edward Island**



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 Prince Edward Island was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the Prince Edward Island 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 impact assessment process that follows a federal, provincial, or territorial statute, such as the federal IA process. (This includes processes by which a First Nation and a federal or provincial government has both agreed to a process through a land claim that is subsequently recognized in a statute.)
Valued Component (or "Value")	Cultural, environmental, economic, health, social, and other elements of the natural and human environment that 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 Prince Edward Island

Referral project	A project that has been screened out of an EIA, but typically still undergoes review by a small Technical Review Committee.
Environmental Impact Statement (EIS)	The report produced by the proponent for a project that contains a summary, baselines for the environment, predicted environmental impacts, and proposed mitigation measures.
Undertaking	A type of project or activity that requires an EIA as defined by the <i>Environmental Assessment Act</i> .
Screening document	The final package of all relevant documents, including the EIS report, TRC comments, public feedback, and other information received during the EIA process.
Screened out	When a project is screened by the Environmental Land Management Section and determined not to require an EIS, it can proceed to other regulatory processes as needed.
Technical Review Committee (TRC)	An intergovernmental group of experts that reviews EIA documents and provides feedback and recommendations to the ELMS.
Project Information Form (PIF)	The PIF is the application package made by a proponent when a proposed project may be an undertaking and require an EIS. The PIP must include sufficient information for the ELMS to determine whether it requires an EIS or can be reviewed as a Referral Project.
EA Coordinator	The employee in ELMS who oversees the EIA process.
Environmental Land Management Section (ELMS)	The branch within the Government of Prince Edward Island Department of Land and Environment that oversees EIA processes.

Glossary of Prince Edward Island Legislation

Environmental Protection Act	PEI's primary environmental statute, which establishes the legal framework for EIAs and broader environmental regulation.
United Nations Declaration on the Rights of Indigenous Peoples Act (2021)	Act that affirms the rights of Indigenous peoples and advances the implementation of United Nations' Declaration on the Rights of Indigenous Peoples as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.
Section 35 of the Constitution Act (1982)	Recognizes and affirms the existing Aboriginal and Treaty Rights of First Nations, Inuit, and Métis peoples in Canada. These inherent rights are not defined in the Act, but include rights to Aboriginal title,

	rights to use lands and resources (hunting, fishing, and trapping), self-government rights, and rights to cultural practices.
Duty to Consult	The Duty to Consult is a constitutional obligation stemming from the honour of the Crown and Section 35 of the Constitution Act, 1982. It requires the Crown to consult and accommodate Indigenous groups when contemplating conduct or decisions that might adversely impact potential or established Aboriginal or Treaty rights.

Table of Contents

About the First Nations Major Project Coalition	2
Impact Assessments in Canada	2
Disclaimer	3
Glossary of Impact Assessment Terms.....	4
Glossary of Terms Specific to Prince Edward Island	5
Glossary of Prince Edward Island Legislation	5
Table of Contents.....	7
1. Introduction	8
1.1 Purpose of the Jurisdictional Scan.....	8
1.2. Aboriginal and Treaty Rights in Prince Edward Island	8
2. The Prince Edward Island Environmental Impact Assessment Process	9
2.1 Key Environmental Impact Assessment Legislation in Prince Edward Island	9
2.2 Overview of Prince Edward Island EIA Roles and Responsibilities	9
3. Overview of the Prince Edward Island 5-Phase Process.....	9
4. Indigenous Consultation in Prince Edward Island	15
5. Emerging EIA Trends in Prince Edward Island	16
6. Further Support and Guidance	16
References.....	17
Appendix 1: Summary Table of Impact Assessment Process in Canadian Jurisdictions	18

1. Introduction

1.1 Purpose of the Jurisdictional Scan

This jurisdictional scan is intended to provide First Nations in Prince Edward Island (PEI) with an introductory roadmap to the provincial Impact Assessment (IA), which in Prince Edward Island (PEI) is called Environmental Impact Assessment (EIA). It summarizes information from the PEI EIA legislation relevant to First Nations and outlines how First Nations can participate effectively in the EIA process. Through effective involvement, First Nations can ensure impacts on their rights and interests are considered in decisions on major projects. In this manner, First Nations can better protect and advance their rights and interests.

1.2. Aboriginal and Treaty Rights in Prince Edward Island

Epektwik, or Prince Edward Island, is home to two Mi'kmaq bands. The largest is Lennox Island First Nation, and about half of the members live in L'nui Mnikuk, or the Lennox Island reserve, in northwestern PEI. The second community is Abegweit First Nation, which was originally part of the Lennox Island First Nation but separated in 1972 to better serve the members located in eastern PEI. Members of Abegweit First Nation live in the Morell, Rocky Point, and Scotchfort reserves.¹

In 1725, 1749, and 1752, the *Peace and Friendship Treaties* were signed between the British and the Mi'kmaq in the Maritimes, with an agreement that the Mi'kmaq would not be hostile to British settlers, and that the British settlers would not interfere with Mi'kmaq hunting, fishing and harvesting.² These Treaties did not involve the surrender or ceding of land to the British; they only promoted living side by side in peace. All of Epektwik is covered by these Treaties. Mi'kmaq assert aboriginal title and rights over the whole island. Currently, Mi'kmaq, the government of PEI, and the Government of Canada are negotiating an Agreement-in-Principle for a modern treaty. This Accord could replace the *Indian Act* band governments with a more appropriate governance model to represent the Nations and provide greater clarity on rights-based activities.³

¹ Indigenous PEI. "About". Accessed February 24, 2026. <https://indigenousspei.ca/about/>

² L'Nuey. "Treaties of Peace and Friendship". 2020. https://lnuey.ca/wp-content/uploads/2020/09/lnuey_4291_treatyday_ResearchPaper_V01_lowres.pdf

³ Government of PEI. "Understanding Indigenous Matters". Accessed February 24, 2026. <https://www.princeedwardisland.ca/en/information/executive-council-office/understanding-indigenous-matters>

2. The Prince Edward Island Environmental Impact Assessment Process

2.1 Key Environmental Impact Assessment Legislation in Prince Edward Island

EIA in PEI is governed by the [Environmental Protection Act](#), which sets out proponent responsibilities, the type of projects (called undertakings) that need to be assessed, and the powers of the Minister of Land and Environment in rejecting or granting approval to a project.

2.2 Overview of Prince Edward Island EIA Roles and Responsibilities

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

Government Regulators	Department of Land and Environment	Department in charge of protecting air, land, and water resources, and responsible for conservation and sustainable management of forests, fish, and wildlife resources.
	Environmental Land Management Section	Specific branch within the Department that oversees the EIA process.
Decision-Makers	Minister of Land and Environment	Role with the authority to approve or deny a project at the completion of an EIA.
Other Parties	Proponents	Development applicants required to complete documents and studies for the EIS statement, engage with First Nations on impacts and mitigations, provide additional information as required, and comply with conditions applied to project approval.
	First Nations	The role of First Nations in EIA is unclear through publicly available guidance.

3. Overview of the Prince Edward Island 5-Phase Process

Prince Edward Island has a phased approach to EIA, where the conditions for each phase must be satisfied before moving to the next. These phases are outlined in the [Environmental Impact Assessment Guidelines](#) and are legislated under the [Environmental Protection Act](#). They include:

- Application to the ELMS;
- Screening
- Environmental Impact Statement drafting and submission
- Environmental Review and Public consultation
- Decision.

PEI does not formally have a phase for early engagement with First Nations, and the EIA guidance does not provide clarity on initial engagement with First Nations. Ideally, the proponent would reach out to any potentially impacted First Nations before beginning the EIA process. First Nations consultation policy and guidance in the EIA process are not laid out in a single policy. However, PEI represents the Crown and is still required to satisfy the Duty to Consult and accommodate. In Figure 1, the 5 phases of the PEI EIA process are shown, each indicated by a red outline.

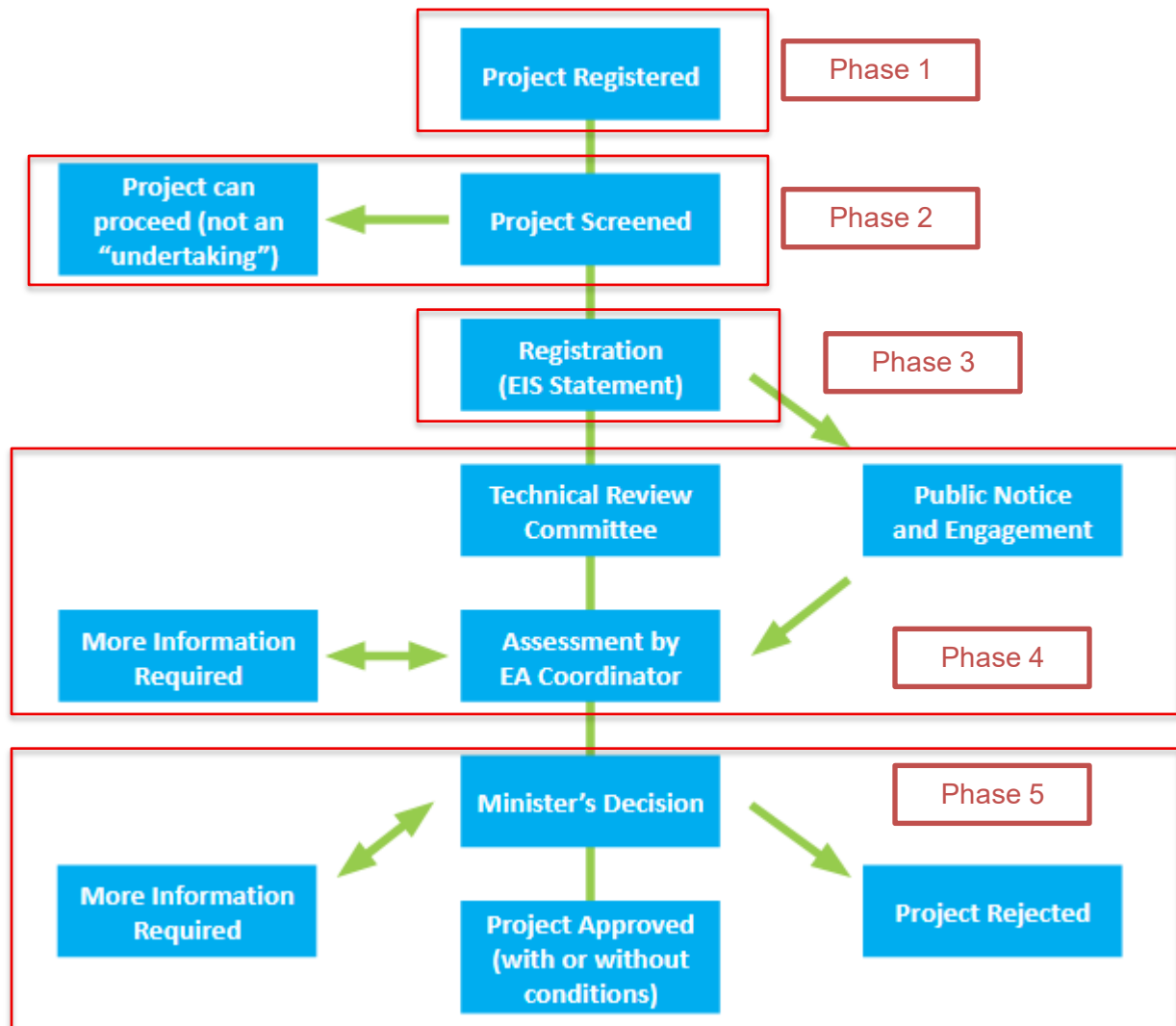


Figure 1. Overview of the PEI EA process, adapted from "Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island"⁴

Generally, the provincial EIA process is not subject to rigid timelines. The Guidelines state that 8-10 weeks is a typical timeline for an EIA, but the process varies significantly based on the complexity of the proposed undertaking. The only set timelines are all within Phase 4:

⁴ East Coast Environmental Law. "Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island", 2025. <https://www.ecelaw.ca/summary-series/environmental-impact-assessment-pei-2025>

- A minimum of three weeks for the TRC Review
- A minimum of 14 days between the EIS submission and any public information sessions
- A minimum of 10 days after the public information session opens for public feedback.

Phase 0: Early Engagement

Prince Edward Island does not have a formal “Early Engagement” Phase. Phase 0 begins when the proponent(s) start considering a project or activity within a First Nation’s Territory and continues until Phase 1 begins. This Phase allows everyone to prepare for the EIA process by:

- Proponents identifying potentially affected First Nations, and initiating early engagement with them; and
- First Nations sharing their initial concerns, priorities, and expectations for participation throughout the EIA process.

Roles and Responsibilities in Phase 0	
Proponent(s)	Begin engagement early with First Nations and share clear information about the project and commit to working in good faith.
First Nations	Share interests, concerns, and expectations; identify capacity needs; begin developing community-driven priorities.
Government of PEI	Not directly involved, but early discussions can help First Nations clarify their consultation requirements.

Expected Outcomes of Phase 0 → Stronger early relationships and shared expectations that support meaningful First Nations participation in Phases 1 to 5.

Phase 1: Application

The Proponent begins this phase by determining whether the project may be an **undertaking**, as defined by the *Environmental Assessment Act*, and therefore requires screening by the **Environmental Land Management Section (ELMS)** of the **Department of Land and Environment**. The definition of an undertaking is deliberately broad, and examples include projects that will

- cause contaminants to be released to the environment;
- affect any rare or endangered environmental features;
- have significant effects on the environment; or,
- cause public concern around the real or perceived risks to the environment.⁵

An undertaking does not include wells, water supply systems, or wastewater treatment systems, as these are subject to separate legislation.⁶

The ELMS, or Minister for the Department of Land and Environment (“the Minister”), can designate or exempt projects from the EIA process.

⁵ Appendix A in the [Environmental Impact Assessment Guidelines](#) lists a number of examples.

⁶ [Water Act](#), and [Water Withdrawal Regulations](#)

If the project may be an undertaking, the Proponent prepares the **Project Information Form (PIF)**⁷ to submit to the ELMS. Depending on the project, some initial studies and assessments may be needed to complete the PIF, as it is meant to provide enough information to allow screening by the ELMS.

The Proponent also may submit an **Environmental Impact Statement (EIS)** early, along with the PIF, if it is certain that an EIS will be needed later in the process (see Phase 3).

Roles and Responsibilities	
Proponents	Determine or consult with the ELMS if a project needs to go through a screening. Complete the PIF and submit to the ELMS.
First Nations	At the time of writing, formal role for First Nations remains unclear.
ELMS	Provide guidance to the proponent to determine if the proposed project is, or may be, an Undertaking, and assist with the PIF.

Expected Outcomes of Phase 1 → Completed PIF submitted to the ELMS.

Phase 2: Screening

The ELMS reviews the PIF to determine whether the project is an undertaking. There are two outcomes for this phase:

1. The project is not considered an undertaking by the ELMS and is **screened out**. The project would then be considered a **referral project**. This process still requires review by the ELMS and is typically reviewed by a small interdepartmental **Technical Review Committee (TRC)** of government experts. The TRC provides recommendations to the proponent and the ELMS. The TRC has the option to upgrade a referral project to an undertaking and have it go through an EIS, based on this review. If it remains a referral project, the project can **proceed outside of the EIA process**, subject to additional permitting or regulatory processes.
2. The ELMS, with potential feedback from the TRC, confirms that the project is an undertaking, which requires the proponent **to proceed to the next phase** and submit an **EIS**.

The requirements for First Nations consultation in this phase are unclear from publicly available guidance.

Roles and Responsibilities	
Technical Review Committee	Review the PIF and provide feedback to the ELMS on completeness and potential impacts and can upgrade a referral project to an EIS.
ELMS	Review the PIF and determine if it can be screened outside of the EIA process, or if it is an undertaking and will need an EIS.
First Nations	At the time of writing, formal role for First Nations remains unclear.

⁷ Appendix C in the [Environmental Impact Assessment Guidelines](#).

Expected Outcomes of Phase 2 → Decision on whether the project is screened out or requires an EIS.

Phase 3: Environmental Impact Statement

An **Environmental Assessment Coordinator (EA Coordinator)** from the ELMS is assigned to oversee the project. The proponent is responsible for preparing the EIS, and often this is done through an external consultant. The EIS contains a project description, activities, potential environmental issues related to the project, a description of the baseline environment, proposed mitigations, public consultation plans, and a statement on whether the project should proceed as described in the EIS⁸.

When the EIS is submitted to the ELMS, the next phase begins.

Roles and Responsibilities	
Proponents	Complete an EIS and all associated studies. Typically, this is done by third-party consultants hired by the proponent.
EA Coordinator	Provide guidance for the EIS requirements and contents as requested by the proponent or consultants. Receive the EIS when complete.

Expected Outcomes of Phase 3 → A completed EIS Report, including baselines, potential impacts, proposed mitigations, and plans for public engagement.

Phase 4: Environmental Review

Once the EIS is submitted to the EA Coordinator, it is published for public comment and sent to a TRC for review. The TRC is composed of provincial and federal experts from relevant departments and potential impact areas, and external experts can be brought in if necessary. The TRC members conduct a minimum three-week review and provide comments to the EA Coordinator. Based on these comments, the EA Coordinator can request additional information from the proponent, require additional studies or evaluation, recommend conditions for project approval, and then determine when the EIS is completed.

There are two levels of public consultation, as determined by the EA Coordinator:

1. Level I is for projects that are not expected to generate significant public concern and have limited environmental effects. This typically includes a notice posted on the ELMS website and newspaper notices to advise the public of the proposal, with the opportunity to provide comments and feedback to ELMS. There is an opportunity to upgrade Level I to Level II if significant public concern arises during consultation.
2. Level II is for projects expected to have public concern and notable environmental effects. The proponent must host at least one public information session near the proposed project site and supply technical and project materials, qualified personnel to answer questions, and provide public comment forms (which are sent to ELMS). An

⁸ Guidance on required sections in an EIS is in section 6 (p. 13-16) of the [Environmental Impact Assessment Guidelines](#).

ELMS representative also attends. The public information session is held at least 14 days after the EIS is submitted, and there are 10 calendar days⁹ after the session for the public to provide feedback.

Public consultation is not required for all projects, and certain project types are explicitly excluded.¹⁰

There is unclear guidance on how First Nations are consulted, notified, or engaged as rights-holders in this phase.

Roles and Responsibilities	
Proponents	Provide additional information and conduct additional studies as requested by the EA Coordinator. If public consultation is Level II, host at least one public information meeting.
ELMS	Accept the submitted EIS from the proponent, provide a representative for a public meeting. If needed, accept public feedback
TRC	Review the EIS, provide comments to the EA coordinator, request additional information or studies from the proponent through the EA Coordinator, and recommend conditions for project approval.
EA Coordinator	Coordinate requests and information between the proponent and the TRC, accept comments from the TRC, determine when EIS is complete, determine level of public consultation needed
Public	Review project material, attend public meetings, and provide feedback.

Expected Outcomes of Phase 4 → Completed EIS with all necessary information and studies, completed public consultation and opportunity for feedback.

Phase 5 – Decision

The EA coordinator compiles all relevant documents, including the EIS report, TRC comments, public feedback, and other information received, into the **screening document**. Also in the screening document is a report prepared by the EA Coordinator that includes the project background, potential project impacts, proposed mitigations, proposed conditions, and a recommendation whether to approve or deny the project. The screening document is sent to the Minister of Land and Environment for a final decision.

After reviewing the screening document, the Minister can:

1. Determine that more information is required;
2. Approve the project;
3. Approve the project, subject to terms and conditions; or,
4. Deny project approval.

⁹ This is a minimum, but comments can be submitted and accepted by ELMS until shortly before the project decision is made.

¹⁰ Appendix F in the [Environmental Impact Assessment Guidelines](#), currently the only exclusion is a manure storage facility

If a project is approved, with or without terms and conditions, the proponent may still need other provincial and federal approvals. Generally, the screening document and the Minister's final decision takes a minimum of 10 calendar days, but usually around two weeks to prepare following the close of public consultation.

Roles and Responsibilities	
Minister of Land and Environment	Review the screening document and make a final decision on the project.
EA Coordinator	Compiles all documents relevant to the EIA process into the screening document.

Expected Outcomes of Phase 5 → Final decision on the project is made by the Minister.

The provincial EPA allows some decisions (i.e., a decision to refuse to approve a project) to be appealed to the [Island Regulatory and Appeals Commission](#).¹¹

Further Resources for Participation Funding and Support in PEI

Prince Edward Island does not offer participant funding to support public participation in EIA processes. First Nations can access participant funding through the federal [Participant Funding Program](#) (PFP) to support engagement and consultation during joint federal and provincial IAs (does not apply to PEI-only reviews). To apply for this funding, First Nations must:

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

4. Indigenous Consultation in Prince Edward Island

In 2012, the PEI Provincial government and the Mi'kmaq of PEI (represented by the Chiefs of both First Nations) signed the [Mi'kmaq-Prince Edward Island-Canada Consultation Agreement](#). This Agreement created the Mi'kmaq Consultation Unit at the Mi'kmaq of PEI, which receives and assesses information from the federal and provincial governments on potential activities and decisions that may impact First Nation treaty rights, and provides feedback on concerns and proposed accommodations. The role and status of the Mi'kmaq Consultation Unit are unclear through publicly available documents.

Specific consultation guidelines for an EIA will need to be developed on a case-by-case basis, as First Nations are not necessarily provided with specific guidelines or privileges. PEI is responsible for ensuring the Duty to Consult is carried out, and potential impacts on First Nations Rights and Title are appropriately engaged with and accommodated, but how this occurs is not clear from publicly available documents.

¹¹ <https://irac.pe.ca/>

There is potential for major change to consultation frameworks in the future, as [the Accord is finalized](#).

5. Emerging EIA Trends in Prince Edward Island

As mentioned in Section 4, there is potential for changes in First Nations consultation within EIA when the Accord between the two Mi'kmaq Nations in PEI, the government of PEI, and the Government of Canada is finalized. The potential changes are unclear; however, the Framework includes “Environmental Assessment and Protection” as one of the subject matters for negotiation of the Accord under section 12.¹²

6. Further Support and Guidance

Support and Guidance Material for Further Learning

1. [Environmental Impact Assessment Guidelines. Revised January 2010. Government of PEI.](#)
2. [Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island. May 2025. East Coast Environmental Law.](#)

¹² <https://www.princeedwardisland.ca/en/information/executive-council-office/understanding-indigenous-matters>

References

Ila'matulti'k, ("We Reconcile"), *Mi'kmaq, Prince Edward Island, Canada Framework Agreement*. 2019.

https://www.princeedwardisland.ca/sites/default/files/publications/executed_framework_agreement_-_mikmaq-pei-canada.pdf

Indigenous PEI. "About". Accessed February 24, 2026. <https://indigenousei.ca/about/>

L'Nuey. "Treaties of Peace and Friendship". 2020. https://lnuey.ca/wp-content/uploads/2020/09/lnuey_4291_treatyday_ResearchPaper_V01_lowres.pdf

Government of PEI. "Environmental Impact Assessment Guidelines". Rev. January 2010. https://www.princeedwardisland.ca/sites/default/files/publications/environmental_impact_assessment_guidelines.pdf

Government of PEI. "Understanding Indigenous Matters". Accessed February 24, 2026. <https://www.princeedwardisland.ca/en/information/executive-council-office/understanding-indigenous-matters>

East Coast Environmental Law. "Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island". 2025. <https://www.ecelaw.ca/summary-series/environmental-impact-assessment-pei-2025>

Mi'kmaq - Prince Edward Island - Canada Consultation Agreement. 2012. <https://www.rcaanc-cirnac.gc.ca/eng/1344522721221/1539609958685>

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

The table below presents the relevant laws, regulations, Crown agencies, and First Nation consultation requirements for impact assessment processes in various Crown jurisdictions in Canada. The table also summarizes key challenges and concerns First Nations may have with 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 IA 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 IAs 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 IAs, especially at the provincial level.

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

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

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

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

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

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

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

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

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

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

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

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

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

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

Jurisdictional Scan of Environmental Impact Assessment Processes in Prince Edward Island

	Assessment Act (2003) ¹³				
--	---	--	--	--	--

¹³ 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.