

Jurisdictional Scan of Environmental Impact Assessment Processes in **Saskatchewan**



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, 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 Saskatchewan was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the Saskatchewan 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.
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Glossary of Terms Specific to Saskatchewan

Terms of Reference	A formal document that outlines the scope and the requirements of an EIA Report by outlining the information that must be gathered and analyzed to assess a project's potential effects.
Ministerial Decision	The decision made by the Minister of the Environment during Phase 8 of the EA process to outline terms and conditions to be met over the duration of the project, if approved.
Duty to Consult	Saskatchewan has a legal duty to consult with and as appropriate, accommodate First Nations and rights-bearing Métis communities before making a decision that could impact Aboriginal or Treaty Rights.
Saskatchewan Environmental Assessment Review Panel	A standing panel of technical experts from provincial ministries and agencies that are responsible for reviewing the project documents and providing expertise to evaluate potential impacts.

Glossary of Legislation Specific to Saskatchewan

Environmental Assessment Act	The main legislation used by the province of Saskatchewan and requires proponents to get Ministerial approval for developments with significant environmental impacts, focusing on protecting air, land, water, and biodiversity for sustainable growth, involving steps like screening, impact prediction, public input, and mitigation plans to ensure projects are safe and account for effects on humans, wildlife, and Indigenous uses.
United Nations Declaration on the Rights of Indigenous Peoples Act (2021)	Act that affirms the rights of Indigenous peoples and advances the implementation of United Nations' Declaration on the Rights of Indigenous Peoples as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.
Section 35 of the Constitution Act (1982)	Recognizes and affirms the existing Aboriginal and Treaty Rights of First Nations, Inuit, and Métis peoples in Canada. These inherent rights are not defined in the Act, but include rights to Aboriginal title, rights to use lands and resources (hunting, fishing, and trapping), self-government rights, and rights to cultural practices.
Duty to Consult	The Duty to Consult is a constitutional obligation stemming from the honour of the Crown and Section 35 of the Constitution Act, 1982. It requires the Crown to consult and accommodate Indigenous groups when

contemplating conduct or decisions that might adversely impact potential or established Aboriginal or Treaty rights.

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1. Introduction

1.1 Purpose of the Jurisdictional Scan

This jurisdictional scan is intended to provide First Nations in Saskatchewan with an introductory roadmap to the provincial Impact Assessment (IA), which in Saskatchewan is called Environmental Impact Assessment (EIA). It summarizes information from Saskatchewan EIA legislation relevant to First Nations and outlines how First Nations can participate effectively in the EIA process. Through effective involvement, First Nations can advocate for their views and concerns to be considered and incorporated into 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 Saskatchewan

All of Saskatchewan is subject to historic treaties, encompassing 70 First Nations and 233 reserves (approximately 800,000 hectares of land). These include:

- Treaty 2, which covers land in the southeast corner of Saskatchewan and includes 3 First Nations;
- Treaty 4, which covers southern Saskatchewan and includes 35 First Nations;
- Treaty 5, which covers a portion of central Saskatchewan and includes 3 First Nations;
- Treaty 6, which covers most of central Saskatchewan and includes 29 First Nations;
- Treaty 8, which covers the northwestern corner of Saskatchewan and includes 3 First Nations; and
- Treaty 10, which covers northwest and central Saskatchewan and includes 5 First Nations.

The treaty landscape influences EIA processes by establishing constitutionally protected First Nations rights that must be considered when assessing a project's potential impacts. Also, any potential impact on these rights triggers the Government of Saskatchewan's Duty to Consult with affected First Nations, rooted in Section 35 of the *Canadian Constitution* and recognizing the inherent Aboriginal Rights and Title of all First Nations, as well as the Treaty Rights of Treaty signatory First Nations.

2. The Saskatchewan Environmental Impact Assessment Process

2.1 Key Environmental Impact Assessment Legislation in Saskatchewan

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

1. The Canadian *Impact Assessment Act (IAA)* (for more information, please refer to the Federal Jurisdictional Scan); and/or
2. Saskatchewan's *Environmental Assessment Act (EAA)*.

"One Project, One Review"

The Government of Canada is currently in the process of working to establish a 'one project, one review' goal for IA through the development of [Cooperation Agreements](#). These agreements will set out how federal government and provincial/territorial governments will work together on assessments of major projects.

As of April 2026, there has been no draft Saskatchewan-Canada Cooperation Agreement, and no updates.

- Refer to this [webpage](#) for updates on Cooperation Agreements between the federal government and provincial/territorial governments.

Saskatchewan's EAA outlines how EIAs must be carried out and lists what types of projects may be subject to an EIA. These are called **developments** and include projects that:

- Affect any unique, rare, or endangered feature of the environment;
- Substantially utilize any provincial resource and, in doing so, pre-empt the use, or potential use, of that resource for any other purpose;
- Cause the emission of any pollutants or create by-products or residual or waste products which require handling and disposal in a manner that is not regulated by any other act or regulation;
- Cause widespread public concern because of potential environmental changes;
- Involve a new technology that is concerned with resource utilization, and that may induce significant environmental change; or
- Have a significant impact on the environment or necessitate further development, which is likely to have a significant impact on the environment.

Types of Activities in Saskatchewan Exempt from an EIA

Many activities of interest to First Nations do not require an EIA. These include:

- Maintenance and small-scale upgrades to existing infrastructure, provided that such activities do not require significant changes to the project. Substantial changes may trigger the need for an EIA.

- Mineral exploration activities, unless they involve significant expansion or represent a new development. These activities are typically regulated by other applicable acts (i.e., The Environmental Management and Protection Act, 2002) and require specific permits.

The Minister of the Environment has significant discretionary power over the designation or exemption of a project, the scope of the EIA, and the final decision on a project.

All information about projects undergoing an EIA that require public comment is on the [Saskatchewan Environmental Assessment page](#).

The Ministry of the Environment's Environmental Assessment and Stewardship Branch (EASB) oversee the EIA process and has prepared additional and specific guidelines to support proponents and the public on the EIA process:

1. Guidelines specific to developing and assessing specific documents for the EIA process:
 - a. [Technical Proposal Guidelines](#);
 - b. [Guidelines for the Terms of Reference and Environmental Impact Statement](#); and
 - c. [Technical Review Guidelines](#).
2. Guidelines for specific types of projects undergoing an EIA:
 - a. [Environmental Review Guidelines for Oil and Gas Activities](#); and
 - b. [Mineral Exploration Guidelines for Saskatchewan](#).

2.2 Roles and Responsibilities in the Saskatchewan EIA Process

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

Government Regulator	Environmental Assessment and Stewardship Branch (EASB)	The EASB is a department under the Ministry of the Environment that acts as the primary regulator for all projects proposed in Saskatchewan undergoing an EIA.
		The EA Commissioner is appointed by the Minister of the Environment and determines the need for an EIA for a project and develops a Ministerial Determination for the project.
		EA Administrator is responsible for managing the EIA process for major projects and ensuring that the Duty to Consult with First Nations is fulfilled.
Other Government Bodies Involved	Saskatchewan Environmental Assessment Review Panel (SEARP)	A standing panel of technical experts from provincial ministries and agencies that are responsible for reviewing the project documents and providing expertise to the EASB to evaluate potential impacts.
Decision-Makers	The Minister of Environment	Primary decision-maker for all projects proposed in Saskatchewan.
Other Parties	Proponent(s)	Responsible for starting the EIA process, preparing required documentation, and engaging with regulators and First Nations, as directed by the Crown.
	First Nations	First Nations participate throughout the EIA process in key moments and are consulted primarily by proponent(s).

Learning Resources and Tools for Saskatchewan

1. [Guidelines for an Environmental Assessment](#)
2. [High Level Overview of the Environmental Assessment Process](#)

3. Overview of the Saskatchewan 8-Phase Process

Figure 1 provides an overview of the general structure of Saskatchewan's EIA process. A detailed flowchart of the process is available in Appendix A.



Figure 1: EA Process Overview

Engagement and consultation with First Nations are required throughout the EIA process. However, there is no policy on the specific engagement and consultation activities that First Nations can expect in each phase. The proponent is encouraged to consult with First Nations on many of these activities, and the EASB evaluates the adequacy of the proponent's consultation.

Phase 0: Early Engagement

Saskatchewan does not have a formal "Early Engagement" Phase. Phase 0 begins when the proponents 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	
Proponents	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 Saskatchewan	Not directly involved, but early discussions with 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 8.

Phase 1: Proposal Development

This phase begins when proponents are considering a project, and the EASB has developed a self-assessment tool in the [Technical Proposal Guidelines](#) for proponents to determine

whether it may qualify as **development** and require an EIA review as per the EAA. If the self-assessment indicates that the project would require an EIA, the proponent(s) submit an [Environmental Assessment Application](#) to the EASB using the Technical Proposal Guidelines. If the conclusion of the self-assessment is unclear, proponents must submit an application for a Ministerial Determination, along with a Technical Proposal, to the EASB.

Engagement with First Nations at this stage is encouraged by the EASB, but is not enforced, and is called **voluntary proponent engagement** before a project proposal is submitted. After the project proposal is submitted, it is evaluated to determine if it triggers the government's **Duty to Consult (DTC)**. The [Proponent Handbook](#) guides voluntary engagement processes.

- 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 1	
Proponents	Conduct a self-assessment to determine whether the proposed project or activity will require an EA and begin developing the Technical Proposal.
First Nations	Engage with the proponent(s) for the development of the Technical Proposal, if contact has been established.

Expected Outcomes of Phase 1 → Development of a Technical Proposal for a project.

Phase 2: Application

The proponent completes and submits the Technical Proposal and other required information about the project to the EASB via the [Saskatchewan Environmental Assessment page](#).

Roles and Responsibilities in Phase 2	
Proponents	Submits a technical proposal to the EASB documenting the self-assessment and any concerns raised about the project during engagement.
EASB	Provide support for proponent(s), as needed.

Expected Outcomes of Phase 2 → Submission of the Technical Proposal to the EASB.

Phase 3: Screening

The EASB reviews the Technical Proposal to assess the potential severity of the project’s environmental impacts. During the screening process, the EASB can:

- Ask for additional information from proponents about the project;
- Request that the proponents make specific commitments related to the EIA (required studies, mitigation measures, etc.) and conduct public information meetings; and
- Share the Technical Proposal with other provincial or federal government agencies, including the Saskatchewan Environmental Assessment Review Panel (SEARP), for comments, if required.

During this review, the EASB determines if the project has the potential to impact Aboriginal and Treaty Rights and if the DTC is triggered. If the DTC is triggered:

- The EASB will provide proponent(s) with the [Government of Saskatchewan First Nation and Métis Consultation Policy Framework \(CPF\)](#); and
- The EASB will provide a list of First Nations communities to proponent(s) that must be consulted with during the EIA process.

Following the review, the Minister of the Environment decides whether an EIA is required by issuing a Ministerial Determination:

- If an EIA is required, the Ministerial Determination will be published online to give public notice that an EIA is being conducted for the project.
- If an EIA is not required, the project can proceed provided it is implemented as described in the Technical Proposal and meets all other regulatory requirements.

Roles and Responsibilities in Phase 3	
EASB	Technical review of the Technical Proposal submitted by the proponent(s) to determine if an EIA is required. As needed, requests additional information from the proponent or submits the proposal for external technical review. Determines if the DTC is triggered and, if so, will provide a list of First Nations for the proponent(s) to consult with.
Proponent(s)	Consults with identified First Nations if the DTC is triggered, and provides additional information to the EASB, as needed.
Minister of the Environment	Determines if the project needs an EIA and develops a Ministerial Determination for the project.
First Nations	If identified as an affected First Nation, can expect to be consulted by the proponent(s).

Expected Outcomes of Phase 3 → Determination of whether a project requires an EIA.

Phase 4: Scoping

If Phase 3 identifies that a project requires an EIA, proponents prepare the **Terms of Reference (TOR)** for their project. The TOR identifies the key impacts that need to be studied and sets out the requirements for the Environmental Impact Statement (EIS). The EASB works with proponents to ensure that all environmental, ecological, socio-economic, and cultural issues will be appropriately assessed.

- Any concerns or issues identified by First Nations during Phase 1 may be considered by the EASB and proponents when developing the TOR.

The EASB and the SEARP undertake a technical review of the TOR and, if needed, provide comments to the proponents to flag issues to be addressed in the EIS.

Roles and Responsibilities in Phase 4
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Proponent(s)	Prepares the TOR, provides additional information as needed.
EASB	Assists proponent(s) in drafting the TOR, reviews the TOR, provides comments, and requests information, as needed.
SEARP	Reviews the TOR, provides comments, and requests information, as needed.

Expected Outcomes of Phase 4 → A final TOR setting out the requirements for the EIS.

Phases 5 and 6: Impact Assessment and Review

Phase 5 begins when proponents submit their EIS to the EASB for review. The proponent is encouraged to consult with First Nations on the development of the EIS before this phase. The EIS includes the proponent's consultation report, which details how the proponent has consulted with First Nations to identify and address their concerns regarding adverse impacts on rights and traditional uses.

Once the proponent submits the EIS, and an EA Administrator is assigned to coordinate the technical review of the EIS through the SEARP. If the EIS is found to be lacking information, the EASB will prepare a summary of deficiencies and information gaps, organized as follows:

1. Type 1: Deficiencies important enough to withhold a decision on the EIS and which must be addressed before the EIS goes to public review;
2. Type 2: Deficiencies not important enough to withhold a decision on the EIS, but must be resolved before regulatory approvals are given following an EIA approval;
3. Type 3: Relatively minor issues that affect the accuracy of the EIS; and,
4. Type 4: Poor phrasing of proponent commitments that may create problems with enforcement and compliance after the EIA is approved.

The proponent will provide additional information as required, in the form of addendums to the original EIS, or may provide a completely revised EIS when a large amount of revision is needed.

A **Technical Review Comments (TRCs)** summary is developed and released by the EASB to support Phase 7 and Phase 8. The TRCs provide information on potential environmental impacts, their significance, and the effectiveness of the proposed mitigation measures.

- If the EASB disagrees with the proponent's conclusions in the EIS, these issues will be included in the TRCs.

Roles and Responsibilities in Phase 5	
Proponent	Develops and submits the EIS. Provides additional information, addendums, or EIS revisions when required.
EASB	Reviews the EIS review, prepares a summary of deficiencies, identifies information gaps, and prepares the TRC summary.
EA Administrator	Directs and coordinates the EIS review.
SEARP	Reviews the EIS for completeness and accuracy, provides information requests or comments as needed.

Expected Outcomes of Phases 5 and 6 → the final EIS and the TRC summary of the EASB and SEARP's review of the EIS.

Phase 7: Public Comment

Phase 7 begins when the EIS and TRC Summary are published on the online registry and lasts for 30 to 60 days.

- First Nations should review these documents and comment on the findings, highlight any concerns, or identify potential mitigation measures.

Public Information Meetings and Inquiries

During Phase 7, if there is information missing related to the proposed project, the Minister of the Environment may:

- Call for an additional public information meeting to be held; or
- Appoint a board of inquiry to investigate any aspect of the proposed project, ask for public comments, and gather more information on any issues. The board then submits a report containing recommendations to the Minister.

The Minister can order additional meetings or call an inquiry at any time before making the final decision on whether to approve the project.

Roles and Responsibilities in Phase 7	
Minister of the Environment	Can call for additional public information meetings or appoint a board of inquiry to investigate aspects of the proposed project.
Board of Inquiry	If appointed by the Minister, gathers public comments and information on the project and submits a summary of recommendations to the Minister.
First Nations	Submit public comments and participate in public information meetings, as desired. Engage with the EASB regarding the adequacy of consultation.
Proponent(s)	If called for by the Minister, required to participate in public information meetings and provide information requested during inquiries.

After completion of the public review period of the EIS, the EASB conducts a final assessment of the proponent's consultation with First Nations. This allows the EASB to follow up with potentially impacted First Nations to determine if any outstanding concerns exist.

Expected Outcomes of Phase 7 → Completion of public review period and EASB's final assessment of review of consultation activities.

Phase 8: The Minister's Decision

The Minister makes the final decision based on whether sufficient mitigation measures and safeguards are in place to protect the environment if the project proceeds. Once the decision has been made, the Minister provides a **Ministerial Decision Document** that provides written reasons to all interested parties explaining why the Minister either:

- Approves the project and provides terms and conditions; or
- Refuses approval of the project and provides reasons for the decision.

The Ministerial Decision Document will outline the project's terms and conditions.

Roles and Responsibilities in Phase 8	
Minister of the Environment	Decision-making about the project, documented in the Ministerial Decisions Document that identifies conditions, as necessary.
First Nations	First Nations who have submitted public comments throughout the EIS process are notified about the Minister's final decision on the project.

Expected Outcomes of Phase 8 → Publication of the Ministerial Decision Document detailing approval of a project, including terms and conditions, or denial of the project with reasons.

Available Funding for Indigenous Consultation and Participation

In Saskatchewan, the [First Nations and Métis Consultation Participation Fund](#), which is administered by the Ministry of Government Relations, provides funding to eligible First Nations to support their participation in consultations for EIAs.

- More information can be found [here](#).

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

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

Although funding is available for EIA in Saskatchewan, the amount typically does not cover all the costs associated with a First Nation's involvement in an EIA. It is recommended that the First Nation negotiate additional EIA-related funding from the proponent(s).

4. First Nations Consultation in Saskatchewan

The [Government of Saskatchewan First Nation and Métis Consultation Policy Framework \(CPF\)](#) is the guiding framework for fulfilling the DTC. The following resources are designed to guide proponent consultation with First Nations and may be useful for First Nations themselves:

- [Proponents Guide: Consultation with First Nations and Metis in Saskatchewan Environmental Impact Assessment](#); and
- [Proponent Handbook: Voluntary Engagement with First Nation and Métis Communities to Inform Government's Duty to Consult Process](#).

The main steps in the consultation process are as follows:

Step 1: Pre-Consultation Assessment

During the Screening Phase of the EIA, the Saskatchewan government determines if consultation is required, and the level of consultation that is appropriate, using standard factors used across Canada:

- If the proposed project has the potential to negatively impact Aboriginal and/or Treaty rights and/or traditional use;
- The length of time the potential negative impact may last;
- The size of the area of the potential negative impact; and
- The intensity of the potential negative impact on rights and/or traditional uses.

For amendments, renewals, extensions, or transfers of existing dispositions, only new potential adverse impacts are considered when determining the depth of consultation.

If there are no identified impacts on Aboriginal and Treaty rights and/or traditional uses, the DTC is not triggered. However, the threshold for triggering the DTC is low. As the Crown representative, when the Saskatchewan government is uncertain, they will consult with First Nations until sufficient information is available to determine the appropriate level of consultation.

Once that has been determined, Saskatchewan identifies potentially impacted First Nations based on the overlap of their traditional territories with the geographic area where potential adverse impacts may occur. Consultation is initiated with the Chief and Council of a First Nation.

Step 2: Consultation

For all levels of consultation, First Nations are notified by the EASB about the project as early as possible. This notification includes:

- A description of the decision or action that Saskatchewan is contemplating that could adversely impact Aboriginal or Treaty rights;
- The extent and likely duration of the impact on rights and traditional uses;
- Specific questions about the information being requested on impacts to Aboriginal and Treaty rights and traditional uses;
- A timeline for response from the First Nation and for Saskatchewan reporting on the DTC outcome following notification;
- An assessment of likely impacts on the environment and/or renewable resources; and
- Identification of any mechanisms that will be applied to mitigate potential impacts.

First Nations may respond to the notification to confirm or refine the EASB's assessment of potential impacts and flag any concerns that they have. This may occur throughout the EIA process, although clear guidance is lacking on phase-specific consultation responsibilities and activities. Where concerns are raised, the EASB may take steps to avoid, minimize, or mitigate impacts, including adjusting or delaying decisions, imposing conditions, requiring changes to proposed activities, or denying approvals.

Consultation may result in accommodation measures to address adverse impacts on rights and traditional uses. This may involve:

- Attaching certain conditions to approvals to undertake activities;
- Requiring proponents to adjust the proposed activity or program;
- Delaying a decision or issuing an approval pending further consultation; or
- Denying the proponent's application to conduct an activity.

Following consultation, the Saskatchewan government reports back to the participating First Nation Chief and Council about the decision, how concerns were addressed, and any accommodation measures applied.

5. Emerging EIA Trends in Saskatchewan

Ongoing Concern: Lack of Meaningful Consultation

In 2025, Peter Ballantyne Cree Nation (PBCN) filed an application to challenge the EIA approval of the proposed Wheeler River uranium mine on the basis that consultation was inadequate and not meaningful. PBCN further claimed that the Saskatchewan government did not fully consider PBCN's traditional rights and Title to their traditional territory when approving the project. PBCN asserted that they had not been provided with sufficient time, resources, or capacity funding to properly assess potential impacts on its Aboriginal and Treaty rights and traditional land uses. PBCN seeks to have the EIA quashed, as consultation should have occurred before key project decisions were finalized. For more information on this case, see this [article](#).

Emerging Practices: Saskatchewan Joins Alberta in Challenging Federal Impact Assessment Act

In June 2025, Saskatchewan announced its support for Alberta's legal action to challenge the federal *Impact Assessment Act* (IAA) before the Alberta Court of Appeal. Saskatchewan argues that the 2024 amendments to the IAA do not adequately address how the IAA infringes on provincial jurisdiction over natural resource development. Saskatchewan is calling for reform to streamline assessments, respect provincial authority, and support resource development, which it views as essential to economic growth. As a result, there is ongoing uncertainty about the constitutionality of the amended IAA (2019). This is something that First Nations should continue to monitor, as it may affect EIA processes and timelines. For more information about Saskatchewan's position, refer to this [press release](#).

6. Further Support and Guidance

The following resources may be helpful for First Nations navigating the Saskatchewan EIA system.

1. [Government of Saskatchewan: Guidelines for an Environmental Assessment](#)
2. [Government of Saskatchewan: Environmental Assessment Process](#)
3. [Environmental Assessment in Saskatchewan: High level overview](#)

4. Government of Saskatchewan First Nation and Métis Consultation Policy Framework (CPF)
5. Proponent Handbook Voluntary Engagement with First Nation and Métis Communities to Inform Government's Duty to Consult Process
6. [Proponents Guide: Consultation with First Nations and Metis in Saskatchewan Environmental Impact Assessment](#)

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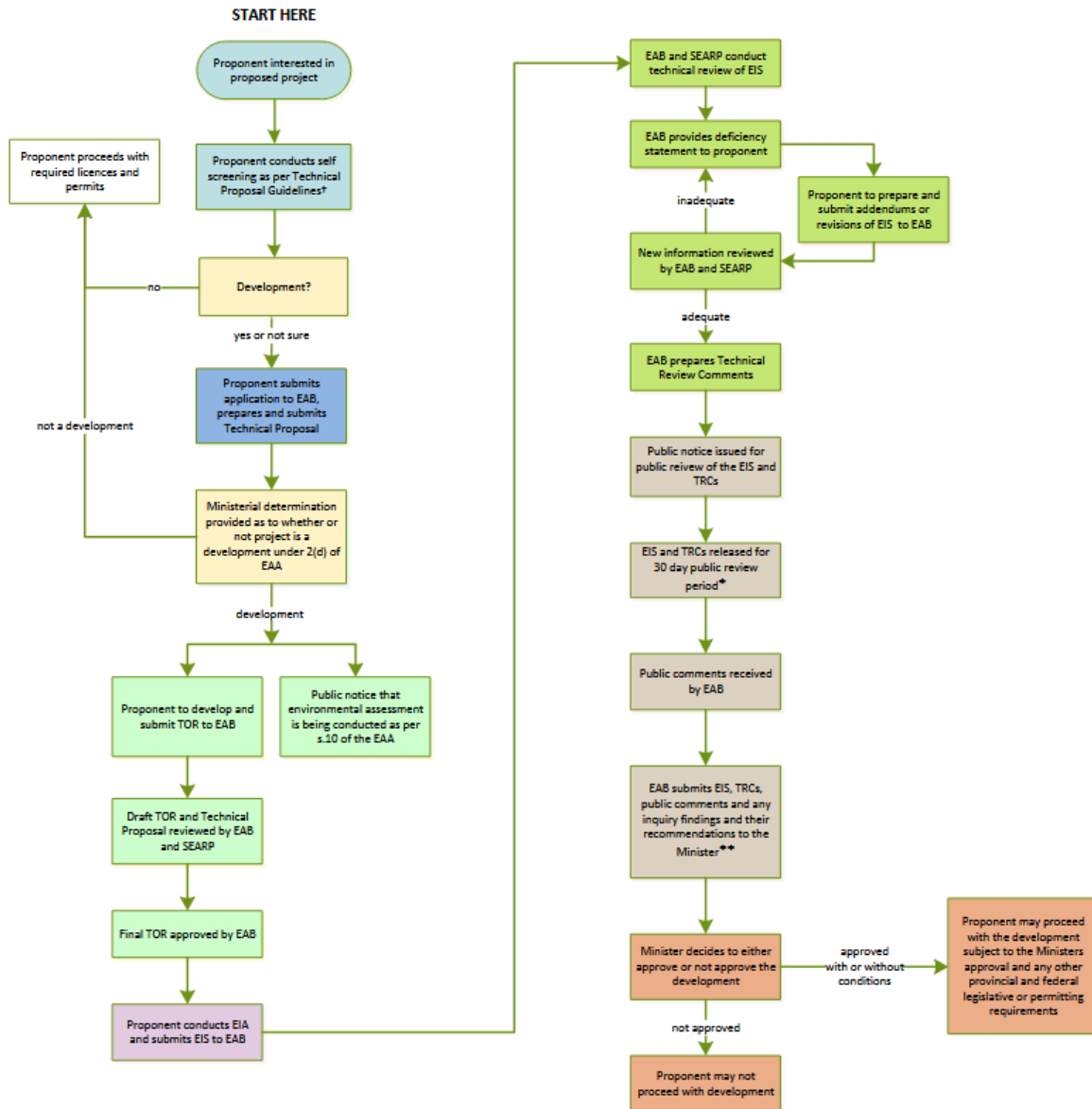
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Appendix A: Comprehensive flowchart for Saskatchewan's 8-phase IA process



Appendix A: 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 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 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 IAs, especially at the provincial level.

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

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

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

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

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

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

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

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

