

Jurisdictional Scan of Environmental Assessment Processes in **Newfoundland and Labrador**



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

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

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

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

Glossary of Impact Assessment Terms

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.

Cooperation Agreements	Agreements that set out how federal and provincial/territorial governments will work together on assessments for major projects.
Indigenous Co-Administration Agreements	Agreements that allow Crown and Indigenous governing bodies to formally share decision-making at key points throughout the federal IA process.

Glossary of Terms Specific to Newfoundland and Labrador

Atlantic Accord	A Memorandum of Agreement between Canada and Newfoundland and Labrador on offshore oil and gas resource management.
Undertaking	Any enterprise, project, activity, industry, development, operation, structure, or physical work that may affect the environment.
Registration Document	The mandatory initial submission by a proponent to the Minister of Environment and Climate Change to initiate the provincial EA process.
Environmental Impact Statement	A comprehensive report prepared by the proponent that identifies, predicts, and evaluates the potential environmental effects of an undertaking, and outlines measures to avoid, reduce, or manage them.
Public Information Programs	A structured engagement process that a proponent may be required to carry out to inform the public, First Nations, and stakeholders, and to gather feedback on the proposed undertaking.
Component Studies	Technical studies prepared as part of an Environmental Impact Statement to examine specific aspects of the environment that could be impacted by the proposed undertaking.

Glossary of Newfoundland and Labrador Legislation

<u>Environmental Protection Act</u> (2002)	Governs environmental management in the province through prohibiting the unauthorized release of substances that cause adverse effects and through establishing guidelines for environmental assessment, waste management, and pollution control.
<u>Environmental Assessment Regulations</u> (2003)	Defines the EA process in Newfoundland and Labrador, including the requirements for key EA documents, the timelines for the process, and designated undertakings and exceptions.
<u>Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act</u> (C-NLOPB)	Defines the offshore jurisdiction for the C-NLOPB for the assessment of petroleum undertakings proposed in the Newfoundland Offshore Area.
<u>United Nations Declaration on the Rights</u>	Act that affirms the rights of Indigenous peoples and advances the implementation of United Nations' Declaration on the Rights of

[of Indigenous Peoples Act](#) (2021)

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.

Other provincial environmental legislation that influences Newfoundland and Labrador's EA process can be found [here](#).

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1. Introduction

1.1 Purpose of the Jurisdictional Scan

This Jurisdictional Scan is intended to provide First Nations in Newfoundland and Labrador with an introductory roadmap to the provincial Impact Assessment (IA) process, or Environmental Assessment (EA) processes as they are referred to in Newfoundland and Labrador. It summarizes information from the Newfoundland and Labrador EA legislation relevant to First Nations and outlines how First Nations can participate effectively in the EA 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 Newfoundland and Labrador

In Newfoundland and Labrador, historic treaty relations are shaped primarily by the Mi'kmaq *Peace and Friendship Treaty* (1763) and the *British-Inuit Peace Treaty* (1765). Indigenous groups in Newfoundland and Labrador are at varying stages in their pursuit of self-government and land claim settlements.

- The Labrador Inuit settled the [Labrador Inuit Land Claims Agreement](#) (LILCA) in 2008 with the federal and provincial governments. With the land claims agreement, the Labrador Inuit became self-governing and formed the Nunatsiavut Government to represent Inuit found within the Labrador Inuit Settlement Area, which can be seen [here](#).
- The province's Innu, Mi'kmaq, and Southern Inuit groups have also submitted self-government or land claims proposals to the federal government.
 - The Innu communities of Mushuau Innu First Nation and Sheshatshiu Innu First Nation signed the [Labrador Innu Land Claims Agreement-in-Principle](#) with the federal government in 1978, which covers approximately 70% of Labrador.
 - The Innu First Nations are in the process of negotiating an Agreement-in-Principle with the provincial and federal authorities.
 - The Miawpukek (Conne River) Mi'kmaq First Nation filed a land claim with the federal government, which has not been accepted for formal negotiations by the federal government¹.
 - The NunatuKavut Community Council filed a land claim with the federal government in 1991; it awaits the Crown's decision to accept or reject the proposal for negotiation.

All First Nations in Newfoundland and Labrador possess constitutionally recognized Aboriginal and Treaty Rights under section 35 of the *Constitution Act, 1982*. Any potential impact on these rights, or on inherent Aboriginal rights and title, triggers the provincial and/or federal Crown's

¹ In 2008, Mi'kmaq not living at Miawpukek accepted an [Self-Government Agreement-in-Principle](#) with the federal government to form a 'landless band' under the Indian Act.

Duty to Consult regarding any potential impact to Section 35 rights under the *Constitution Act*, 1982, which affirms these rights for First Nations across Canada.

2. The Newfoundland and Labrador Environmental Assessment Process

2.1 Key Environmental Assessment Legislation in Newfoundland and Labrador

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

1. Federal *Impact Assessment Act* (refer to the Federal Jurisdictional Scan); or
2. The Newfoundland and Labrador [Environmental Protection Act](#) (2002), and related regulations including:
 - a. The [Environmental Assessment Regulations](#), which defines the EA process in Newfoundland and Labrador.

“One Project, One Review”

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

- Refer to this [webpage](#) for updates on the development of the Cooperation Agreement between federal government and Newfoundland and Labrador.

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

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

The *Environment Protection Act* requires any proponents planning a project (otherwise known as an **undertaking**) that could have a significant impact on the natural, social, or economic environment to present the undertaking for review through the EA process. Part III of the *Environmental Assessment Regulations* identifies which undertakings must be registered for an EA and those that are exempt. Those requiring registration include, but are not limited to:

- Large-scale mining developments, hydroelectric projects, and oil refinery developments;
- Small-scale projects, such as scrap yards, quarries, and ATV trails;
- Large-scale energy transmission lines; and
- Industrial facilities such as pulp mills or oil/gas processing plants.

The Minister of Environment, Conservation and Climate Change (the Minister) have the discretionary power to require registration for undertakings not included in the Regulations if the

undertaking could result in significant environmental effects or if there is significant First Nations or public concern.

The Department of Environment, Conservation and Climate Change (the Department) maintains an [EA Bulletin](#), which is a database of past projects' EAs that dates from March 2020.

- The Minister's EA-related announcements, including updates on whether the proposed undertaking has been released or not, are published on the [Public Notices Bulletin](#).

If a project is released, this means that the Minister has determined that no further EA is required at this stage. Other regulatory approvals may still be required before the project can proceed.

Canada-Newfoundland and Labrador Offshore Energy Regulator

The [Canada-Newfoundland and Labrador Offshore Energy Regulator](#) (C-NLOER) is the primary independent regulator responsible for assessing potential environmental effects related to oil and gas undertakings proposed in the **Newfoundland and Labrador Offshore Area**.

- C-NLOER's role in EAs is defined through the [Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act](#).

The C-NLOER is responsible for conducting an EA for oil and gas undertakings proposed in this area, where a federal EA under the *IAA*, is not required.

- The C-NLOER maintains a [Project-Based EAs Registry](#) for such undertakings.

2.2 Overview of Newfoundland and Labrador EA Roles and Responsibilities

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

Government Regulators	Environmental Assessment Division (EA Division)	Administers the EA process by guiding proponents, reviewing submissions, and as required, providing recommendations to the Minister on the potential environmental effects of a proposed undertaking. Consults with proponents and First Nations to develop Consultation Guidelines for the EA process.
	The Department of Environment, Conservation and Climate Change	Responsible for overseeing the EA Division and for ensuring that the province is fulfilling its Duty to Consult . Responsible for publishing information on the EA Bulletin, whether provided by proponents or the Minister.
	C-NLOER	Acts as an independent regulator on behalf of the Government of Canada and the Government of Newfoundland and Labrador to review proposed offshore petroleum undertakings. The C-NLOER's jurisdiction is limited to the Newfoundland Offshore Area. Any petroleum undertaking proposed elsewhere in Newfoundland or Labrador is reviewed by the EA Division.
Other Government	Environmental Assessment	A committee of provincial and federal technical experts, appointed by the Minister. The EA Committee supports Phase 3 and Phase 4 of the EA process.

Bodies Involved	Committee (EA Committee)	
Decision-Makers	Minister of Environment, Conservation and Climate Change (Minister)	Primary decision-maker during Phase 2 of the EA process. If the Minister wants to reject an undertaking, they make a recommendation to the Cabinet for them to formally reject the undertaking. Primary decision-maker for Phase 5 for undertakings requiring an Environmental Preview Report (EPR). Provides a recommendation during Phase 5 to the Cabinet for undertakings requiring an Environmental Impact Statement (EIS).
	Cabinet of Government of Newfoundland and Labrador (Cabinet)	Secondary decision-maker during Phase 2, responsible only for rejecting undertakings as recommended by the Minister. Primary decision-maker during Phase 5 for undertakings requiring an EIS, based on the Minister's recommendations.
Other Parties	Proponents	Responsible for registering the undertaking and initiating the EA process, preparing the required documentation, engaging with the EA Division throughout the EA process, and consulting with First Nations.
	First Nations	Submits public comments during key phases of the EA process, collaborates with the EA Division to develop Consultation Guidelines, and is consulted by proponents or by the EA Division.

3. Overview of the Newfoundland and Labrador 5-Phase Process

Figure 1 provides an overview of the Newfoundland and Labrador 5-phase EA process.

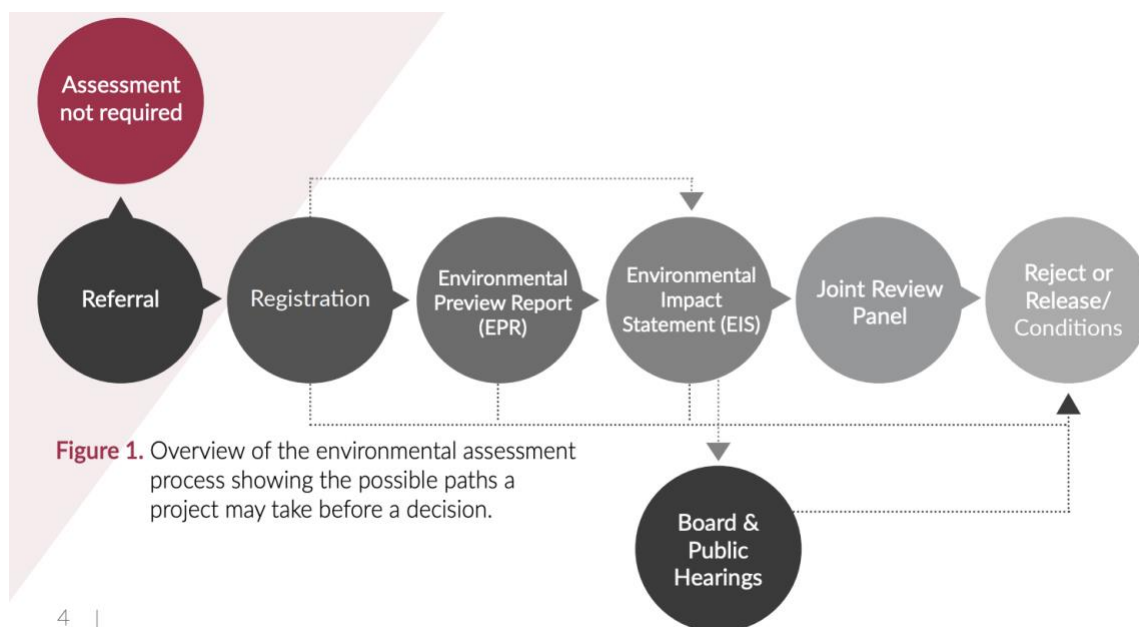


Figure 1: Overview of EA Process in Newfoundland and Labrador (Government of Newfoundland and Labrador)

Phase 0: Early Engagement

There is no formal “Early Engagement” Phase for EAs in Newfoundland and Labrador. However, Phase 0 should begin when proponents start considering an undertaking within First Nations traditional territory. Phase 0 continues until Phase 1 begins and allows everyone to prepare for the EA process through early relationship building.

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

Roles and Responsibilities in Phase 0	
Proponents	Initiates early engagement activities with potentially affected First Nations to understand their concerns and expectations for the EA process. Are responsible for sharing clear and accessible information about the project and committing to working in good faith.
First Nations	Engage with proponents to identify interests and concerns about the proposed project. Identify their capacity needs and their expectations for participation, engagement, and consultation throughout the EA process.

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

Phase 1: Registration and Review

Phase 1 begins when proponents registers an undertaking with the Department by submitted a **Registration Document**, which includes:

- A description of the proposed undertaking;
- Identification of how the proposed undertaking will affect the bio-physical and socio-economic environments; and
- Documentation of how best practice technologies and methods will be used to minimize adverse effects.

Once the Department receives the Registration Document, the following activities occur:

- The Minister has seven days to announce the registration of the proposed undertaking and to upload the Registration Document to the EA Bulletin.
- A 35-day public comment period during which the public, First Nations, and interested government departments can review and submit written comments to the Minister about the Registration Document.
- This is a key stage for raising potential impacts on Aboriginal or Treaty Rights, information gaps, or concerns about cumulative effects or community well-being.
- The EA Division compiles all comments received on the Registration Document and prepares a recommendation for the Minister.

Roles and Responsibilities in Phase 1	
Proponents	Develops and submits a Registration Document to the Department to register the proposed undertaking.

EA Division	Coordinates the public comment period and then compiles public and technical review comments to provide a recommendation to the Minister.
Minister	Announces the registration of the proposed undertaking and uploads all relevant documentation on the EA Bulletin.
First Nations	Submit written comments about the proposed undertaking.

Expected Outcomes of Phase 1 → The EA Division prepares a recommendation for the Minister about the proposed undertaking.

Phase 2: Minister's Decision

Phase 2 begins once the Minister receives the EA Divisions' recommendations about the proposed undertaking. The Minister must determine whether:

1. The undertaking may be released:
 - a. Proponents may proceed as described in the Registration Document, subject to terms and conditions set by the Minister and other regulations (provincial or municipal).
2. An **Environmental Preview Report (EPR)** is required when additional information about the proposed undertaking beyond that in the Registration Document is needed.
3. An **environmental Impact Statement (EIS)** is required for proposed undertakings with significant potential for negative environmental effects or significant public concern.
4. The undertaking is rejected:
 - a. Rejection may be recommended if the Minister determines that:
 - i. The undertaking may result in unacceptable environmental effects;
 - ii. The undertaking does not align with public interest; and/or
 - iii. The undertaking is inconsistent with existing laws or policies.
 - b. The Minister shares their recommendation with the Cabinet, which makes the final determination on whether to reject a proposed undertaking.

The **Minister's Decision** is published on the EA Bulletin within 10 days of the Minister notifying proponents about their decision.

- Most undertakings only complete the registration phase before being released with conditions. Very few undertakings require further assessment through an EPR or an EIS.

Roles and Responsibilities in Phase 2	
Minister	Determines whether an undertaking should be released, requires an EPR or an EIS, or should be recommended to the Cabinet for rejection.
Cabinet	Makes the final decision, based on the Minister's recommendation, to reject a proposed undertaking.

Expected Outcomes of Phase 2 → Decision to either release, require an EPR or an EIS, or reject the proposed undertaking by either the Minister or the Cabinet.

Phase 3: Preparation of EPR / EIS Guidelines

Phase 3 only occurs if the Minister requires either an EPR or an EIS. Key activities include:

- The Minister appoints an EA Committee of technical experts to guide proponent(s) through the process of preparing the **EPR Guidelines** or **EIS Guidelines**.

- Proponents provide the EA Committee with additional information about the potential environmental effects of the proposed undertaking to support the development of the EPR / EIS Guidelines.
- The EA Committee reviews the proponents' information and First Nations and public comments submitted during Phase 1 to finalize and recommend the EPR / EIS Guidelines to the Minister.
- The Minister reviews and issues the EPR / EIS Guidelines to proponents and makes them publicly available through the EA Bulletin.
 - EPR Guidelines are issued within 60 days of the Minister's Decision in Phase 2.
 - EIS Guidelines are issued within 120 days of the Minister's Decision in Phase 2 and have a 40-day public comment period before the Minister approves them.
 - First Nations are encouraged to review and comment on the EIS Guidelines to ensure their interests, concerns, and issues with the proposed undertaking are reflected.

Roles and Responsibilities in Phase 3		
	EPR Approval Process	EIS Approval Process
EA Committee	Reviews information submitted by proponents to develop and recommend the EPR Guidelines to the Minister.	Reviews information submitted by proponents and First Nations as well as public comments to develop and recommend the EIS Guidelines to the Minister.
Minister	Makes a decision about the proposed undertaking based on the acceptability of the EPR.	Makes a recommendation to Cabinet about the proposed undertaking based on the acceptability of the EIS.
Proponents	Prepares and submits the required EPR documents.	Prepares and submits the required EIS documents.
First Nations	-	Reviews and comments on the EIS Guidelines before their approval.

Expected Outcomes of Phase 3 → Finalized EPR / EIS Guidelines for proponents.

Phase 4: Proponent(s) Develop the EPR / EIS

In Phase 4, proponents prepare either the EPR or EIS in accordance with the approved EPR / EIS Guidelines. Depending on which document was determined to be required for the proposed undertaking in Phase 2, different review and approval processes apply.

For EPRs, proponents provide information to address information gaps in the Registration Document, as outlined in the EPR Guidelines. EPRs typically rely on existing information and do not require additional fieldwork.

- A **Public Information Program** may be required during the preparation of an EPR, subject to the discretion of the EA Division.
 - Through a Public Information Program, First Nations may attend meetings or open houses, review EPR materials, submit concerns or comments, and request additional information about an undertaking.

For EISs, proponents conduct a comprehensive review of the undertaking, focusing on key issues relating to effects on both the biophysical and socio-economic environments, as outlined in the EIS Guidelines. Additional fieldwork is often required.

- One or more **Component Studies** may be required for the EIS to provide data on existing valuable ecosystem components (i.e., caribou, fish, or rare plants).
 - These studies have separate Guidelines, public review, and approval processes.
- Proponents are required to implement a Public Information Program to ensure that residents, including First Nations, around the undertaking are fully informed about it.
 - First Nations should participate in these to ensure that any concerns are shared during the Program so that they can be addressed in the EIS.

Roles and Responsibilities in Phase 4		
	EPR Development Process	EIS Development Process
Proponents	Responsible for drafting the EPR and submitting it to the EA Division. May be required to implement a Public Information Program.	Responsible for drafting the EIS and submitting it to the EA Division. Required to develop and implement a Public Information Program and record any public concerns.
EA Division	Supports proponents throughout the development of the EPR and may advise proponents to implement a Public Information Program.	Supports proponents throughout the development of the EIS and throughout the implementation of the Public Information Program.
First Nations	Participates in public comment period for the EIS (and sometimes in Public Information Programs) to share any concerns or issues related to the proposed undertaking.	Participates in public comment period for the EIS and in Public Information Programs led by proponents to share any concerns or issues related to the proposed undertaking.

Expected Outcomes of Phase 4 → Submission of an EPR or an EIS to the EA Division.

Phase 5: EPR / EIS Review and Decision

Phase 5 begins once proponents submit their final EPR or EIS to the EA Division. Depending on which document was identified as required for the proposed undertaking in Phase 2, different review and approval processes apply.

For the EPR Approval process, the following activities occur:

- A 35-day public and technical comment period is held for the EPR once it has been submitted to the EA Committee. First Nations may comment on the EPR at this stage.
- The EA Committee reviews the comments submitted and makes a recommendation to the Minister.
- The Minister has 10 days to make a decision about the EPR, and may either determine:
 - The EPR is deficient;
 - The EPR is ready to be released, and the proposed undertaking is accepted; or
 - The proposed undertaking would require an EIS.

For the EIS Approval process, the following activities occur:

- A 50-day public and technical comment period is held for the EIS once it has been submitted to the EA Committee. First Nations may comment on the EIS at this stage.
- The EA Committee has 20 days to review the public comments submitted, along with their own review, and make a recommendation to the Minister on the acceptability of the EIS.
- The Minister has 20 days to make a recommendation to the Cabinet whether to release or reject the undertaking.
- The Cabinet makes the final decision of whether to release or reject the proposed undertaking.

There are cases in which a Joint Review Panel (an independent, joint, federal-provincial panel of technical experts) may review the EIS for major undertakings however, undertakings requiring this level of assessment are rare.

- Example: [Joint Review Panel Report of the Proposed Lower Churchill Hydroelectric Generation Project](#) (2011)

Roles and Responsibilities in Phase 5		
	EPR Approval Process	EIS Approval Process
EA Division	Supports proponents throughout the development of the EPR.	Supports proponents throughout the development of the EIS.
EA Committee	Reviews public and technical comments on the EPR and makes a recommendation to the Minister.	Reviews public and technical comments on the EIS and makes a recommendation to the Minister.
Minister	Makes a decision about the proposed undertaking based on the acceptability of the EPR.	Makes a recommendation to the Cabinet about the proposed undertaking based on the acceptability of the EIS.
Cabinet	-	Decides whether to reject or release the proposed undertaking.
First Nations	Participates in public comment period for the EPR.	Participates in public comment period for the EIS.

Expected Outcomes of Phase 5 → Final decision to release or reject the proposed undertaking by either the Minister or the Cabinet.

Available Funding for First Nations Consultation and Participation

In Newfoundland and Labrador, there is no provincial government funding available for First Nations, as the province's **Consultation Model** requires proponents to bear the costs associated with the project. This includes:

- Providing necessary capacity funding to First Nations to support consultation processes and the identification of potential impacts on Aboriginal rights; and
- Providing any required financial accommodation for First Nations.

First Nations can also access participant funding for joint federal and provincial IAs (does not apply to Newfoundland and Labrador-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.

4. First Nation Consultation in Newfoundland and Labrador

The Newfoundland and Labrador government has the **Duty to Consult** with First Nations when contemplating any land and resource development decisions (including EAs) that may adversely impact Aboriginal or Treaty Rights. Consultation is guided by the [Government of Newfoundland and Labrador's Aboriginal Consultation Policy on Lands and Resource Development Decisions](#) (the "Policy").

This Policy applies to all Indigenous governments in Newfoundland and Labrador whose Aboriginal or Treaty Rights may be adversely affected by a land and resource development decision. This includes Indigenous organizations currently asserting land claims in Labrador that have not been accepted for negotiation by the province, such as the Naskapi Nation of Kawawachikamach, and the Innu communities of Matimekush-Lac John, Uashat mak Mani-Utenam, Ekuanitshit, Nutakuan, Unamen Shipu, and Pakua Shipi.

Where Indigenous organizations have a final comprehensive land claim agreement, this Policy does not apply. The province will consult with any Indigenous organizations in accordance with the land claim agreement.

Newfoundland and Labrador's Consultation Process with the Innu Nation

Three Innu First Nations – the Pekuakamiulnuatsh, the Essipit, and the Nutashkuan – in Quebec and Labrador signed a formal [Consultation and Accommodation Protocol](#) with the Government of Canada in March 2025. This established a framework for consultation between Canada, Newfoundland and Labrador, and these Innu Nations on projects or decisions that may impact their Aboriginal or Treaty rights.

The Department is the party responsible for leading consultation activities with affected First Nations in a manner that satisfied the province's Duty to Consult.

- Proponents may be delegated some responsibilities for leading consultation activities during the EA process by the province.
 - In these cases, the province establishes compliance and monitoring mechanisms to ensure that the proponent is undertaking consultation in a manner that is consistent with the Policy and any other established consultation process (i.e., land claim agreements).

The province's Consultation Model varies depending on the proposed undertaking, the extent of adverse impacts on asserted Rights, and the affected First Nations. Accordingly, for each undertaking going through an EA, the EA Division consults with affected First Nations to develop undertaking-specific **Consultation Guidelines**. In general, the Consultation Guidelines:

- Establish the specific timelines for undertaking-specific consultations with First Nations;

- Specify the nature and scope of consultation activities, based on the extent of potentially adverse impacts on asserted Rights and the affected First Nations; and
- Outline the costs related to consultation that proponents must bear.

For most proposed undertakings undergoing an EA, the province generally expects proponents to undertake the procedural aspects of consultation by:

- Providing updated, timely information about the proposed undertaking to First Nations and the province;
- Meeting with First Nations to understand the potential impacts of the proposed undertaking on asserted rights;
- Making reasonable efforts to identify measures that mitigate or, where possible, avoid potentially adverse impacts on asserted rights;
- Recording and addressing issues and concerns raised by First Nations during the EA process;
- Engaging with First Nations to identify appropriate mitigation measures;
- Providing documentation to the EA Division related to consultation activities; and
- Discussing with First Nations expectations and opportunities related to project-specific benefits to achieve a mutually beneficial outcome.

In cases where the EA Division is consulting directly with First Nations, they will:

- Engage in meaningful consultation with affected First Nations to identify and assess the potential for adverse impacts on asserted rights and to facilitate discussions between proponents and First Nations.
- Maintain an official **record of the consultation process**, including how concerns raised by First Nations have been considered.
- Review information provided by First Nations and ensure that the views of First Nations are considered by the relevant decision-maker when making decisions about the proposed undertaking.
- Advise First Nations and proponents, in writing, of the outcome of consultation activities.

5. Emerging EA Trends in Newfoundland and Labrador

Emerging Trend: Regional Assessment Process for Newfoundland Offshore Area

In 2020, the first **Regional Assessment** conducted under the IAA was completed for the Newfoundland and Labrador Offshore Area. This Regional Assessment focused on the environmental effects of existing and future offshore petroleum undertakings to improve the efficiency of regulatory timelines. The main outcomes of the Regional Assessment include:

- The establishment of a new regional assessment process specific to the Newfoundland and Labrador Offshore Area that involves both the Impact Assessment Agency of Canada (IAAC) and the C-NLOPB.
- A reduction in the regulatory timeline for the review of petroleum undertakings in the Newfoundland and Labrador Offshore Area to support the economic growth of the province.

The final Regional Assessment Report and supporting documentation are available [here](#).

6. Further Support and Guidance

Support and Guidance Material for Further Learning

1. [A Guide to the Environmental Assessment Process](#);
2. [Transparency of Environmental Assessments in Newfoundland and Labrador](#);
3. [Purpose of Environmental Assessment](#); and
4. [Canada Newfoundland and Labrador Offshore Petroleum Board](#).

References

The Canadian Encyclopedia. 2025. "Treaties with Indigenous Peoples in Newfoundland and Labrador." <https://thecanadianencyclopedia.ca/en/article/treaties-with-indigenous-peoples-in-newfoundland-and-labrador>.

Open Education Alberta. "Impact Assessment Acts." 2023.
<https://pressbooks.openeducationalberta.ca/mruenvregs/chapter/impact-assessment-acts/>.

Newfoundland and Labrador. "Environmental Assessment – A Guide to the Process."
https://www.gov.nl.ca/eccc/files/GUIDE-TO-THE-PROCESS_May-2023.pdf.

Newfoundland and Labrador. 2015. "Environmental Assessment Legislation Review."
https://www.engagenlarchive.ca/sites/default/files/mae-19113_environmental_assessment_online_document_layout_twf_-_march_21.pdf

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

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

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

- There is a lack of clear guidance on Crown processes for fulfilling the Duty to Consult, especially in several provincial jurisdictions.
- Proponents are often tasked with fulfilling aspects of the Duty to Consult but do not always do so in a way that is meaningful or fulsome.
- First Nations often find Crown consultation to be inadequate in that it focuses disproportionately on providing notification and information rather than collaborative engagement and shared decision-making.
- There is a lack of clear guidance and requirements for early engagement (i.e., before the project officially enters the Crown's official 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.

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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

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	Assessment Act (2003)²				
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² 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.