

Jurisdictional Scan of Environmental Assessment Processes in **Nova Scotia**



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

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

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

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

Glossary of Impact Assessment Terms

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 Nova Scotia

Adverse Effect	An effect that impairs or damages the environment or changes the environment in a way that negatively impacts human health.
The Crown	The Crown is a political concept in Canada that represents the Sovereign (currently King Charles III) in right of Canada, including provinces and territories. The term refers to the executive power and capacity of the Sovereign; however, in practice, it refers to the government.
Environmental Effect	Positive or negative changes to the environment, including socio-economic conditions, environmental health, physical and cultural heritage, or on any structure, site, or thing.
Proponent	The company, organization, or government department that proposes a project for environmental assessment review.
Undertaking	Projects that require environmental assessment are called undertakings.

Glossary of Nova Scotia Legislation

<i>Environment Act</i> (1994-95)	Establishes the framework for how Nova Scotia will support and promote the protection, enhancement, and prudent use of the environment. Specifically, Part IV sets out the requirements for environmental assessment.
Environmental Assessment Regulations	Describe the environmental assessment process and identify the types of projects that require an environmental assessment.
Environmental Assessment Panel Regulations	Establishes the procedures for independent review panels to assess projects undergoing an environmental assessment.
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 Mi'kmaq First Nations in Nova Scotia with an introductory roadmap to provincial Impact Assessment (IA) processes, or Environmental Assessment (EA) processes as they are referred to in Nova Scotia. It summarizes the most relevant information in the EA legislation for Mi'kmaq and outlines how to maximize Mi'kmaq participation in the EA process. Through effective involvement, First Nations can advocate for their rights and interests to be considered in decisions on major projects. In this manner, First Nations can better protect and advance their rights and interests.

1.2 Aboriginal and Treaty Rights in Nova Scotia

Nova Scotia is covered by the Peace and Friendship Treaties, first signed between the Mi'kmaq and the Crown in the 1720's. The Mi'kmaq have never surrendered, ceded, or sold the Aboriginal Title, and, as such maintain Title claims to all lands in Nova Scotia. Mi'kmaq Treaty Rights, along with inherent Aboriginal Rights and Title, are recognized and affirmed under Section 35 of the *Constitution Act, 1982*.

The [Assembly of Nova Scotia Mi'kmaq Chiefs](#) is the governance institution that represents all thirteen Mi'kmaq communities in Nova. The thirteen Mi'kmaq communities that form part of the Assembly include:

- Glooscap First Nation;
- Eskasoni Mi'kmaw Nation
- Annapolis Valley First Nation;
- L'sitkuk (Bear River) First Nation;
- Membertou First Nation;
- Millbrook First Nation;
- Paqtnkek Mi'kmaw Nation;
- Pictou Landing First Nation;
- Potlotek First Nation;
- Sipek'ne'katik First Nation;
- Wagmatcook First Nation;
- Wasoqopa'q First Nation; and
- We'koqma'q First Nation.

Nova Scotia has the legal obligation to consult with the Mi'kmaq when making decisions that have the potential to impact established Mi'kmaq Aboriginal and Treaty Rights and Title. Consultation between the Crown and Mi'kmaq communities is primarily done through the [Kwilmu'kw Maw-klusuaqn Negotiating Office](#).

2. The Nova Scotia Environmental Assessment Process

2.1 Key Environmental Assessment Legislation in Nova Scotia

In Nova Scotia, 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:

- Federal [Impact Assessment Act](#) (IAA) (refer to the Federal Jurisdictional Scan);

- Nova Scotia's [Environment Act](#) and the related regulations:
 - The [Environmental Assessment Regulations](#), which describe the EA process and identify which projects require a Class I or Class II EA; and
 - The [Environmental Assessment Review Panel Regulations](#), which establishes the procedures for independent review panels for the Class II EA process.

“One Project, One Review”

Canada is currently establishing a ‘one project, one review’ process for IA/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 progress of the federal government and Nova Scotia in negotiating Cooperation Agreements under the IAA.

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

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

The *Environment Act* identifies, in the *Environmental Assessment Regulations*, the types of projects that are likely to cause adverse impacts or significant environmental effects (i.e., an **undertaking**) and must go through an EA process.

- The Minister of Environment and Climate Change also has the discretionary power to require EAs for projects not included in the Regulations.

Nova Scotia has two different classes of undertakings that follow a different EA process, depending on the type of undertaking being proposed:

- **Class I Undertakings:** Small-scale projects that may or may not cause significant impacts. Includes project types such as renewable energy projects (wind, biofuels), mines, quarries, large wetland alterations, and waste facilities.
- **Class II Undertakings:** Large-scale projects that are considered to have the potential to cause significant impacts. Includes project types such as pulp mills, cement plants, incinerators, and large energy plants.

The Department of Environment and Climate Change (Department) posts information about projects undergoing an EA on the [Environmental Assessment Projects](#) webpage. Past projects can be viewed on this website as well.

- The Department created the [EA Project Dashboard](#) to display these projects visually.

2.2 Roles and Responsibilities in Nova Scotia’s Environmental Assessment Process

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

Government Regulators	Environmental Assessment Branch (EAB)	The branch under the Department of Environment and Climate Change responsible for administering the EA process for proposed undertakings in Nova Scotia.
	Environmental Assessment Officer (EA Officer)	Individual in the EAB assigned to support proponent(s) throughout the EA process.
	Department of Environment and Climate Change (Department)	Neutral regulator for all projects undergoing an EA process in Nova Scotia under the <i>Environment Act</i> and is responsible for consultation with First Nations during EA processes.
Decision-Makers	Minister of Environment and Climate Change (Minister)	Primary decision-maker for all proposed undertakings undergoing an EA process in Nova Scotia. Responsible for referring undertakings to the EA Panel.
Other Parties	Proponents	Responsible for starting the EA process, preparing required documentation, and engaging with regulators and First Nations.
	EA Panel	An independent expert review panel that is responsible for reviewing the EA Report submitted by proponents for Class II EA Processes.
	First Nations	Participate throughout the EA process in key moments and are consulted by proponents and the Department.
	Kwilmu'kw Maw-klusuaqn Negotiating Office	Office that works on behalf of the thirteen Mi'kmaq communities of Nova Scotia to support consultation discussions with Nova Scotia or the federal government.

Learning Resources and Tools for Nova Scotia

1. [What is an Environmental Assessment \(YouTube Video\);](#)
2. [What is the Environmental Assessment Approval process \(YouTube Video\);](#) and
3. [Environmental Assessment in Nova Scotia \(Slide Deck\).](#)

3. Overview of the Nova Scotia 3-Stage EA Process

Class I and Class II EA processes follow three main stages:

1. **Pre-Registration** consists of activities taking place before the formal legislated EA process.
2. **Registration** refers to the formal legislated EA process.
3. **Follow-up** occurs following the Minister's Decision and continues until the undertaking is decommissioned.

Stage 1: Pre-Registration

Figure 1 provides a general flowchart outlining the activities during the **Pre-Registration** stage for both Class I and Class II EA processes in Nova Scotia.

Jurisdictional Scan of Environmental Assessment Processes in Nova Scotia

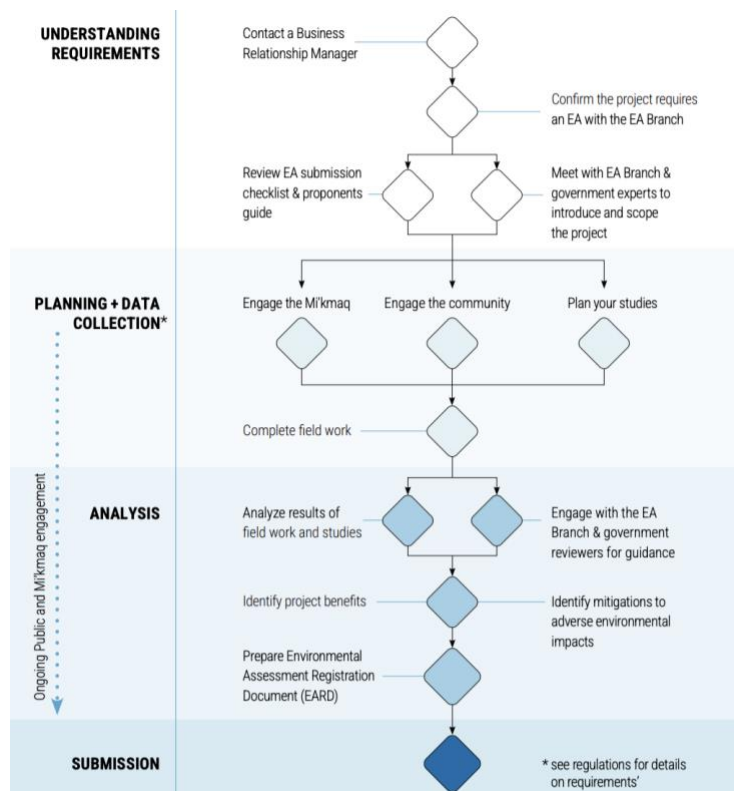


Figure 1: Nova Scotia EA Process (Department of Environment and Climate Change)

Phase 0: Early Engagement

Nova Scotia does not have a formal “Early Engagement” Phase. However, proponents are encouraged to notify affected First Nations as early as possible. Phase 0 should begin when the proponents start considering a project or activity within a First Nation’s 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	Proponents initiate early engagement activities with affected First Nations to understand their concerns and expectations for the EA process. Proponents are responsible for sharing clear and accessible information about the project and committing to work in good faith.
First Nations	Engage with the 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 → Stronger early relationships and shared expectations that support meaningful First Nation participation throughout the EA process.

Phase 1: Understanding the Requirements for an EA

During Phase 1, proponents begin engagement with the EAB to confirm the EA requirements for the proposed project. If the EAB confirms an EA is required for the undertaking:

- An EA Officer is assigned to work with proponents throughout the rest of the EA process; and
- Proponents meet with the EA Officer to discuss the proposed undertaking to identify which EA stream it should be reviewed through.

Roles and Responsibilities in Phase 1	
Proponents	Engage with the EAB and with the EA Officer to provide information about the proposed undertaking.
EAB	Review information provided by proponents to determine whether an EA is required and to identify which EA stream applies.
EA Officer	Provide support to proponents in identifying which EA stream the proposed undertaking should be reviewed through.

Expected Outcomes of Phase 1 → Confirmation of whether an EA is required for the proposed undertaking and identification of the EA stream under which it should be reviewed.

Phase 2: Planning and Data Collection

During Phase 2, proponents begin identifying and collecting the studies and information required for the **EA Registration Document**. Key activities include:

- Proponents, in consultation with the EA Officer, identify the information they need to provide in the EA Registration document:
 - For the Class I EA process, the [Department's Checklist for Class 1 Environmental Assessments](#) lists the general information and studies required.
 - For the Class II EA process, the EAB provides proponents with a description of the information requirements for the EA Registration Document.
- Proponents begin engagement with First Nations to identify any environmental concerns related to the proposed undertaking.
- Proponents work with First Nations to develop a **Community Engagement Plan** that will be regularly reviewed and updated throughout the EA process.
- Proponents work to complete the required studies and fieldwork outlined by the EAB.

Roles and Responsibilities in Phase 2	
Proponents	Begin conducting engagement activities with First Nations, such as developing a Community Engagement Plan and completing the required studies and fieldwork to inform the development of the EA Registration Document.
EA Officer	Provides proponents guidance on the information requirements and engagement expectations for the proposed undertaking.
EAB	Provides proponents guidance on the information requirements for proposed undertakings undergoing a Class II EA process.
First Nations	Engage in proponent-led activities by providing input on concerns and issues related to the undertaking and working with proponents to develop a Community Engagement Plan.

Expected Outcomes of Phase 2 → Proponents complete required studies and fieldwork.

Phase 3: Analysis

Phase 3 begins once proponents have collected all required baseline information and can begin drafting the EA Registration Document. Key activities include:

- Analyze the potential socio-economic, environmental, health, and cultural heritage effects of the proposed undertaking.
- Develop mitigation measures to avoid, minimize, or compensate for anticipated negative environmental effects.
- Identify the proposed undertaking's potential positive effects, such as job creation, economic growth, and contributions to broader priorities (i.e., renewable energy, climate change, housing, health care).
- Consider the undertaking's potential to positively or negatively impact greenhouse gas emissions and assess its potential impact on climate change.
- Detail engagement efforts with First Nations, including a description of how they addressed any concerns or issues raised during Phase 2.
- Develop a plain language summary of the EA Registration Document to support public engagement and consultation with the First Nations during Stage 2.

Roles and Responsibilities in Phase 3	
Proponents	Responsible for analyzing the baseline information collected in Phase 2 to identify potential effects from the proposed undertaking and continue to engage with First Nations, as needed.
First Nations	May be engaged by proponents.

Expected Outcomes of Phase 3 → Development of the EA Registration Document and related plain-language summary.

Phase 4: Submission

Proponents submit the EA Registration Document to the EAB to formally begin Stage 2 of the EA process.

Roles and Responsibilities in Phase 4	
Proponents	Responsible for submitting the EA Registration Document to the EAB.
EAB	Uploads the EA Registration Document online at Environmental Assessment Projects .

Expected Outcomes of Phase 4 → Submission of the EA Registration Document.

Stage 2: Registration

Once the EA Registration Document is submitted, the formal EA process with a legislated timeframe begins. Regardless of whether the proposed undertaking is subject to a Class I or a Class II EA process, the following activities occur:

- The EA Officer confirms with proponents the receipt of the EA Registration Document and advises proponents of the **Registration Date** for the EA.
 - The registration date is typically seven calendar days after the proponent's submission.

- Proponents notify the public that the EA for the proposed undertaking is underway and provide the dates of the public comment period when registration begins.
- The Department of Environment and Climate Change begins consultation with the First Nations on the project on the Registration Date.

Class I EA Process

The Class I EA Process is a streamlined review process for small-scale projects that may or may not cause significant impacts.

- Most undertakings proposed in Nova Scotia undergo a Class I EA process.

Figure 2 provides an overview of the **Class I EA process**.

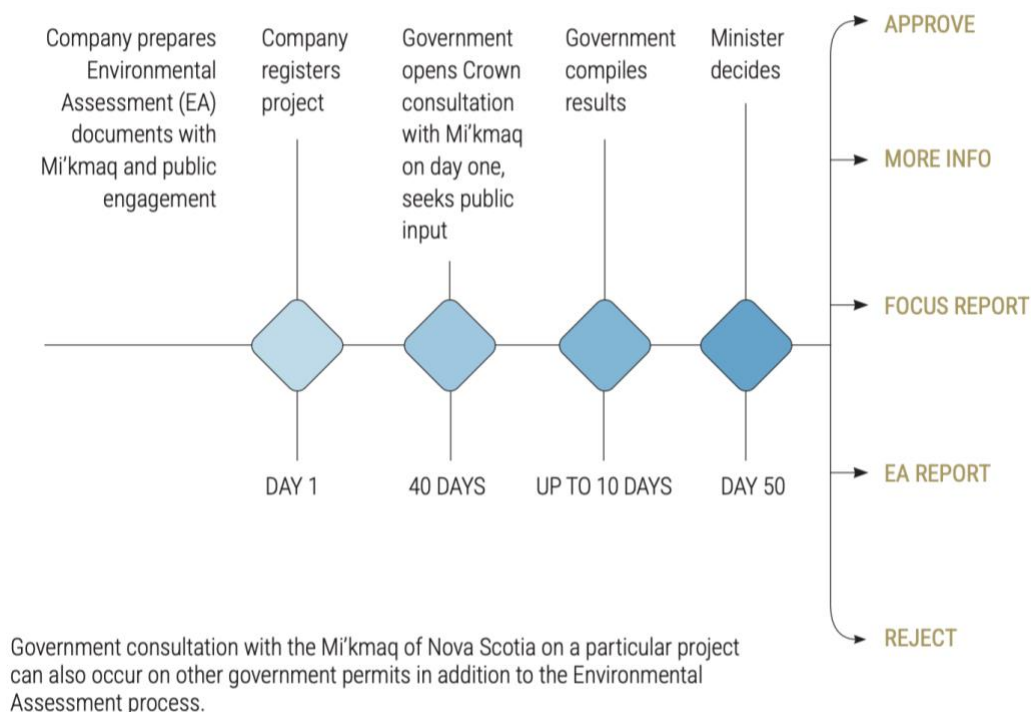


Figure 2: Class I EA Process (Department of Environment and Climate Change)

The Minister makes a decision on the proposed undertaking within 50 days of the Registration Date. To do this, the Minister considers the information provided in the EA Registration Document, input received during First Nations consultation, and the results of the Department's technical review.

The Minister may make one of the following decisions for the proposed undertaking:

1. Undertaking Approved:
 - a. The undertaking is approved and may proceed to Stage 3.
2. More Information Required:
 - a. Proponents are required to submit the required information identified by the Minister as an addendum to the EA Registration Document within one year of the Minister's decision.

- b. Upon receipt of the information, the Class I EA process restarts, and the Minister has 50 days to approve or reject the project, or to determine that a Focus Report or an EA Report is required.
3. **Focus Report** Required:
 - a. The EAB provides proponents with written **Terms of Reference (ToR)** for the Focus Report. Proponents then have one year to prepare and submit it.
 - b. Once submitted, the EAB invites the public and other government bodies to review the Focus Report and provide comments.
 - c. The EAB summarizes the comments received and provides the Minister with a recommendation about the proposed undertaking.
 - d. Based on the Focus Report, the Minister may approve or reject the project or determine if an EA Report is required.
4. **EA Report** Required:
 - a. The proposed undertaking proceeds under the Class II EA process.
 - i. Refer to the 'Class II EA Process' section for additional details.
5. Undertaking Rejected:
 - a. The undertaking is rejected and may not proceed to Stage 3.

Class II EA Process

The Class II EA Process is roughly a 275-day process that assesses large-scale projects that have the potential to cause significant impacts. This process is longer and includes an independent review of the proposed undertaking by an **EA Panel**. A Class II EA process begins when:

- The EA Registration Document is received for a proposed undertaking undergoing a Class II EA Process; or
- Proponents of a Class I undertaking are required to prepare an EA Report.

Figure 3 provides an overview of the **Class II EA process**.

Jurisdictional Scan of Environmental Assessment Processes in Nova Scotia

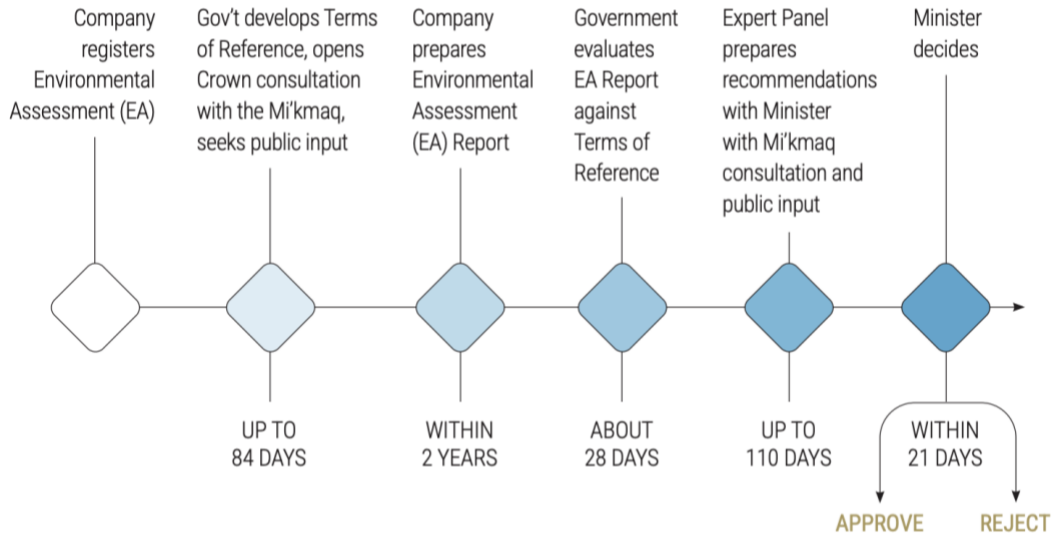


Figure 3: Class II EA Process (Department of Environment and Climate Change)

Phase 5: Notification and Mi'kmaq, Public, and Government Comments on ToR and Issuance of Final ToR

Phase 5 begins when the EAB issues a public notice inviting the public, Mi'kmaq First Nations, and federal and provincial departments to provide comments to inform the development of the ToR for the EA Report. Key activities include:

- A 30-day comment period during which the public, Mi'kmaq, and federal and provincial departments can submit written comments.
- EAB reviews all comments submitted during this period to prepare the final ToR.
- Proponent(s) have 21 days to respond to public comments received on the ToR.
- The EAB issues a final ToR for the EA Report to proponent(s).

Roles and Responsibilities in Phase 5	
EAB	Responsible for notifying the public of the start of the comment period. Reviews all comments submitted during Phase 5 to develop the ToR for the EA Report.
First Nations	Submits written comments, as needed, during Phase 5 to support the development of the ToR for the EA Report.
Proponents	Responds to comments received during the comment period and is engaged by the EAB, as needed, to support the development of the ToR.

Expected Outcomes of Phase 5 → Issuance of final ToR for the EA Report.

Phase 6: EA Report Preparation and Submission

Proponents have up to 2 years to prepare and submit the draft EA Report that meets the requirements of the final ToR to the EAB for review. The EAB then advises proponents whether the draft EA Report satisfies the requirements of the ToR.

- If the EA Report is deficient, proponents must provide additional information or make revisions as identified by the EAB.

Roles and Responsibilities in Phase 6	
Proponents	Prepares and submits the draft EA Report to the EAB.
EAB	Reviews the draft EA Report and confirms whether it meets the requirements outlined in the final ToR.

Expected Outcomes of Phase 6 → Confirmation that the draft EA Report meets the requirements of the final ToR.

Phase 7: EA Panel Public Hearings or Review

Phase 7 begins when the Minister refers the EA Report to the **EA Panel** and lasts up to 110 days. Key activities include:

- The **EA Panel Administrator** publishes a public notice announcing the release of the EA Report and inviting the public to submit written comments.
- A 48-day comment period during which the public, First Nations, and federal and provincial departments can submit written comments on the EA Report.
 - The Minister may extend the public comment period.
- At its discretion, the Panel may hold a **public hearing** of the proposed undertaking to:
 - Receive submissions from interested parties, including First Nations;
 - Ask questions or seek clarification about the potential environmental effects of the proposed undertaking; and
 - Gather information to support the **Panel's Report and Recommendations**.
- The EA Panel develops and submits its Panel's Report and Recommendations to the Minister, outlining its recommendations about the proposed undertaking.

Roles and Responsibilities in Phase 7	
EA Panel	Notify the public about a comment period for the EA Report and may decide that a public hearing is needed for the proposed undertaking. Submits Report and Recommendations to the Minister.
Minister	Refers the EA Report to the EA Panel for review.
First Nations	Submit written comments during the public comment period for the EA Report or participates in the public hearing for the proposed undertaking.

Expected Outcomes of Phase 7 → Submission of the Panel's Report and Recommendations to the Minister.

Phase 8: Minister's Decision

Within 21 days of receiving the Panel's Report and Recommendations, the Minister makes a decision about whether the proposed undertaking, communicated to proponents in writing, is:

- Approved;
- Approved, but with conditions; or
- Rejected.

Roles and Responsibilities in Phase 8
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Minister	Considers public, First Nations, and governmental input to make a decision on whether to approve the proposed undertaking.
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Expected Outcomes of Phase 7 → Minister's Decision on the proposed undertaking.

Stage 3: Follow-Up

Stage 3 occurs after the Minister's Decision to approve a proposed undertaking. The EAB meets with proponents to review the terms and conditions in the Minister's Decision and guides proponents through the process of obtaining additional authorizations, as needed.

- Affected Mi'kmaq communities are informed of the Minister's Decision via letter.

Available Funding for First Nations Consultation and Participation

In Nova Scotia, there is no engagement funding available for Mi'kmaq communities. It is recommended that the First Nations engage with proponents to request funding to support First Nation participation throughout the EA process.

First Nations can also access participant funding for joint federal and provincial IAs (does not apply to Nova Scotia-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 this funding is available, it is expected that the amount will not cover all the costs for a First Nation to be engaged in an EA process. As such, it is recommended that the First Nation negotiate additional EA-related funding from proponents when possible.

4. First Nation Consultation in Nova Scotia

Consultation is undertaken exclusively with the Mi'kmaq of Nova Scotia and their governance/representative bodies¹. Key documents that guide Nova Scotia's approach to consultation include:

1. The [2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference](#) (TOR);
2. [Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia](#); and
3. [The Canada-Nova Scotia Memorandum of Understanding on Cooperation regarding Duty to Consult](#).

It is recommended to also review [Kwilmu'kw Maw-klusuaqn's Consultation Terms of Reference](#) – available in both English and Mi'kmaq – for more information on the consultation process in Nova Scotia.

¹ As per Nova Scotia's Policy and Guidelines for consultation, this includes the Assembly of Nova Scotia Mi'kmaq Chiefs (11 communities) through the Kwilmu'kw Maw-klusuaqn, Sipekne'katik First Nation, and Millbrook First Nation.

Figure 4 details the **Aboriginal Consultation Process** undertaken by the Department during Stage 1 and 2 of the EA process.

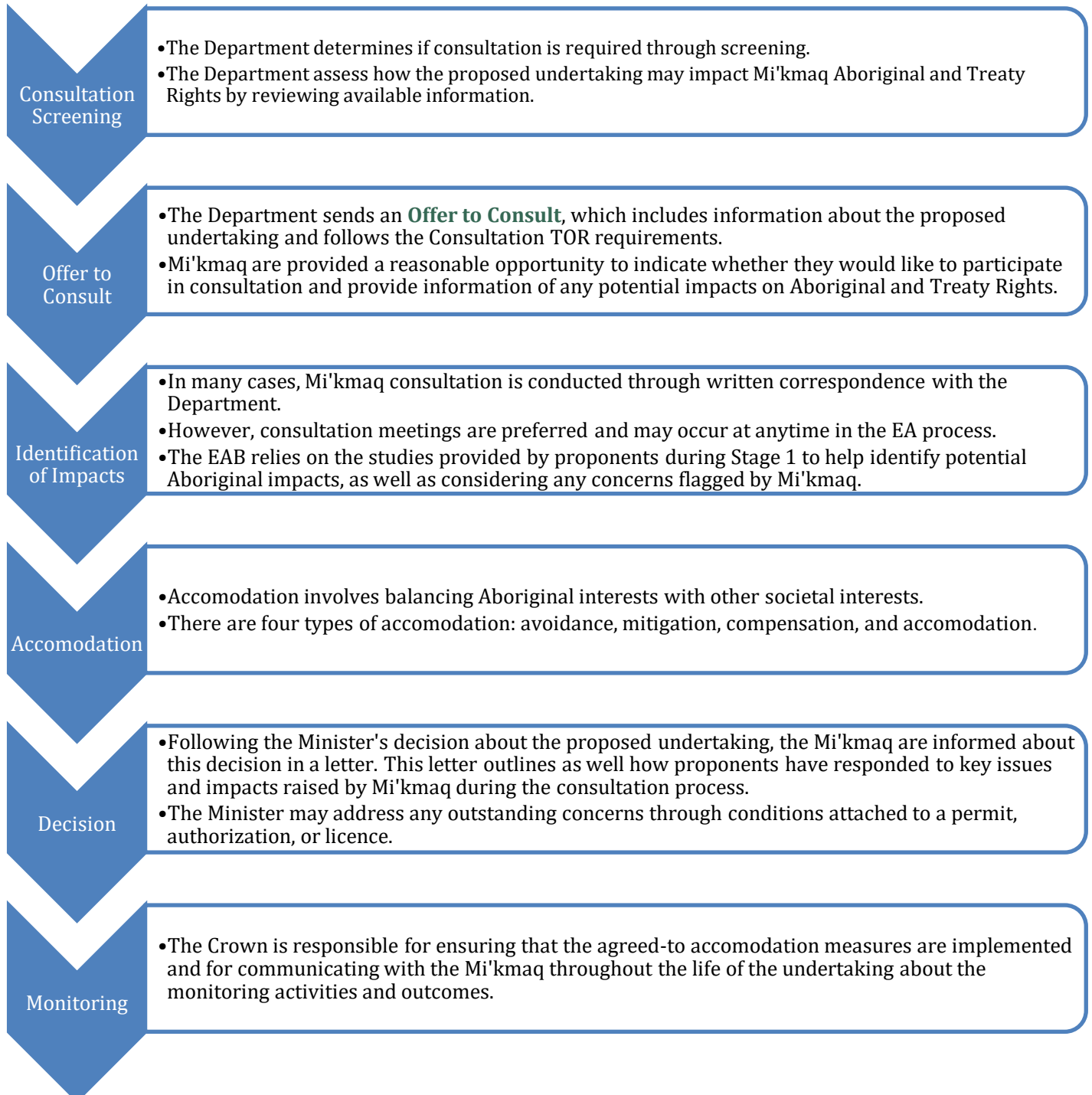


Figure 4: Aboriginal Consultation Process

Proponent's Role in Crown Consultation in Nova Scotia

Nova Scotia is ultimately responsible for consultation and fulfilling the **Duty to Consult** with Mi'kmaq; however, it may delegate some aspects of the Duty to Consult to proponents.

Regardless of whether a formal delegation request is made, proponents are required to, at a minimum, engage with Mi'kmaq communities in a manner that supports and complements Crown consultation.

Examples of consultation activities that may be delegated to proponents include:

- Notifying First Nations about the proposed undertaking and providing relevant information;
- Meeting with the First Nations to identify, understand, and address any concerns; and
- Supporting the completion of a [Ecological Knowledge Study](#) to document First Nation past and current use and to provide information on the potential impacts of the proposed undertaking on First Nation activities, including the practice of Rights.

Any consultation activities conducted by proponents must be carried out in accordance with [‘The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia.’](#)

5. Emerging EA Trends in Nova Scotia

Emerging Practice: Amendments to the Environmental Assessment Regulations

In 2025, the Environmental Assessment Regulations were amended to modernize and streamline the Nova Scotia EA process to support the development of energy and natural resource projects across the province. The main changes to the EA process include:

- Proponents are now required to provide information on the positive and negative impacts of their undertaking with respect to climate change.
- Identifying clean energy projects (i.e., wind, solar, hydro), low-carbon fuel projects, as well as larger biomass, biogas, and clean fuel projects as Class I projects.
- Extending the consultation period with the Mi'kmaq for Class I projects by 10 days.

For a detailed description of the regulatory and non-regulatory changes made to modernize the EA process, please refer to the [Government of Nova Scotia's Factsheet](#).

Ongoing Concern: Short Timelines of the EA Process

Despite the changes to modernize the EA process in Nova Scotia, the amendments to the regulations do not address the ongoing concern that the 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 (The Chronicle Herald 2025). The short timelines for Class I and Class II undertakings do not always allow sufficient time for the Minister to consider all the potential direct, indirect, and cumulative impacts of an undertaking.

6. Further Support and Guidance

Support and Guidance Material for Further Learning

1. [Environmental Assessment Process](#);
2. [Who is the Kwi'mu'kw Maw-klusuaqn Negotiation Office Video](#) (Mi'kmaw only);
3. [Consultation with the Mi'kmaq of Nova Scotia](#); and
4. [A Proponent's Guide to Environmental Assessment](#).

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

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

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

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

Jurisdictional Scan of Environmental Assessment Processes in Nova Scotia

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.