

Jurisdictional Scan of Environmental Assessment Processes in **Québec**



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 Quebec was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the Quebec 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.

Glossary of Terms Specific to Quebec

Responsible Administrator	Decision-maker for Environmental Social Impact Assessments (ESIA) in northern Quebec. According to the nature of the proposed project, the responsible Administrator changes. • Provincial projects: Minister • Federal projects: Chair of the Federal Environmental Assessment Review Office • Projects on Category 1 lands: appropriate Cree Band Council administrator
Impact Study Guidelines	Developed by the responsible Evaluating Committee in northern Quebec to indicate to proponents what are the elements that they need to include in their Impact Study.
Impact Study	Produced by proponents in northern Quebec to assess the potential environmental and social impacts of a project.
Impact Assessment (IA) Report	Report produced by proponents in southern Quebec that has project information, potential impacts, analysis, and mitigation measures.
Environmental and Social Impact Assessment (ESIA)	Assessment that reviews and predicts the environmental and social impacts of proposed development projects in northern Quebec.
Bureau d'audiences publiques sur l'environnement (BAPE)	Public, neutral, and independent organization responsible for leading the mandatory public consultation process for EAs in southern Quebec.
Minister's Directive	A set of instructions, produced by the Minister of the MELCCFP, for projects undergoing an EA in southern Quebec to outline what proponents are required in an IA Report.
Notice of Project	In Southern Quebec, it is the application from proponents to start an IA process. It includes information about the project, such as its location, purpose, and schedule for operation, and a preliminary identification of likely effects attributed to the project.
Information and consultation plan	A plan, drafted by proponents, provided to the Minister in Phase 2 of the southern Quebec EA process that outlines how proponents plan to engage with the public and with First Nations during the IA process.
Registry of Environmental Evaluations	The registry, maintained by the MELCCFP, that has all documentation related to projects subject to one of the EA processes outlined in the <i>Environmental Quality Act</i> .

Environmental Analysis
Report

A report, produced by the MELCCFP for projects undergoing an EA in southern Quebec, that advises the Minister of the MELCCFP on the IA predictions and the project's overall environmental acceptability.

Glossary of Quebec Environmental Assessment Legislation

[Environment Quality
Act](#) (EQA)

Central piece of legislation in Quebec governing the protection, restoration, and management of the environment with a strong focus on preventing pollution and deterioration. Requires authorizations for projects that have the potential to impact the environment (Section 22).

[Regulation respecting
the environmental
impact assessment and
review of certain
projects](#)

Regulation under the EQA that outlines the major projects that would be subject to an environmental assessment process, including authorizing public consultation through the BAPE.

[Regulation respecting
the regulatory scheme
applying to activities on
the basis of their
environmental impact](#)

Establishes a risk-based authorization system that identifies which projects are subject to an EA, based on their risk to result in potential environmental impacts.

[The James Bay and
Northern Quebec
Agreement](#) (JBNQA)

First modern land claims agreement in Canada that sets out environmental and social protections for the Cree, Inuit, and Naskapi territories in Northern Quebec. Also outlined the specific EA procedures for these northern regions.

[Regulation respecting
the environmental and
social impact
assessment and review
procedure applicable to
the territory of James
Bay and Northern
Québec](#)

Regulation that defines the specific EA process for any proposed project located in northern Quebec, specifically in Cree Territory.

[United Nations
Declaration on the
Rights of Indigenous
Peoples Act](#) (2021)

Act that affirms the rights of Indigenous peoples and advances the implementation of United Nations' Declaration on the Rights of Indigenous Peoples as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.

[Section 35 of the
Constitution Act](#) (1982)

Recognizes and affirms the existing Aboriginal and Treaty Rights of First Nations, Inuit, and Métis peoples in Canada. These inherent

rights are not defined in the Act, but include rights to Aboriginal title, rights to use lands and resources (hunting, fishing, and trapping), self-government rights, and rights to cultural practices.

Duty to Consult

The Duty to Consult is a constitutional obligation stemming from the honour of the Crown and Section 35 of the Constitution Act, 1982. It requires the Crown to consult and accommodate Indigenous groups when contemplating conduct or decisions that might adversely impact potential or established Aboriginal or Treaty rights.

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1. Introduction

1.1 Purpose of the Jurisdictional Scan

This Jurisdictional Scan is intended to provide First Nations in Quebec with an introductory roadmap to the provincial Impact Assessment (IA), which is referred to in Quebec as the Environmental Assessment (EA) process. In Quebec, EA operates under two separate systems, divided between southern and northern regions of the province. This jurisdictional scan provides First Nations with an overview of both EA processes, including information on the relevant legislation for each system. It outlines how First Nations can maximize participation in the either of these EA processes. Through effective involvement, First Nations can advocate for their views and concerns to be considered and incorporated into decisions on major projects and better protect and advance their rights and interests.

1.1 Treaty and Aboriginal Rights in Quebec

The treaty context in northern Quebec is shaped by modern, comprehensive land agreements with First Nations:

- The [*James Bay and Northern Quebec Agreement*](#) (JBNQA) is a modern land claim agreement signed in November 1975 by the Government of Quebec, the Government of Canada, the Grand Council of the Crees (Eeyou Istchee), and the Northern Quebec Inuit Association.
- The [*Northeastern Quebec Agreement*](#) is a modern treaty enabling the Naskapi of Schefferville to join the JBNQA.

Most First Nations in Quebec are not signatories to treaties with Canada, with a few exceptions:

- The Abitibiwinni First Nation is a signatory of Treaty 9 but maintains that this does not include the ceding of their ancestral territory in Quebec.
- The four Nations in the Gaspé Peninsula (Gaspésie) (Listuguj Mi'gmaq First Nation, Micmacs of Gesgapegiag First Nation, La Nation Micmac de Gespeg, and Première Nation Wolastoqiyik Wampanoag) that were acknowledged in 2022 by Canada as signatories of the *Peace and Friendship Treaties* (1725 to 1779)¹. The *Peace and Friendship Treaties* did not include provisions related to the ceding of traditional territories or dismissal of rights.
- All Quebec First Nations' inherent Aboriginal and Treaty Rights are also recognized and affirmed through Section 35 of the *Constitution Act, 1982* – regardless of whether they are signatories to Treaties, agreements, or neither.

¹ For more information, refer to the Government of Canada's 2022 News Release on the new Peace and Friendship Treaties, available [here](#).

2. The Quebec Environmental Assessment Process

2.1 Key Environmental Assessment Legislation in Quebec

In Quebec, the EA regime has unique processes for each of the province's regions. An EA may be required for a proposed project under either or both federal and provincial legislation, depending on the type of project and its potential impacts. Regardless of which legislation applies, the EA process in Quebec is determined by the location of the proposed project, as the south and the north of the province have distinct and separate EA systems. Figure 1 shows a map of this territory division, indicating which geographic areas are subject to which EA legislation.

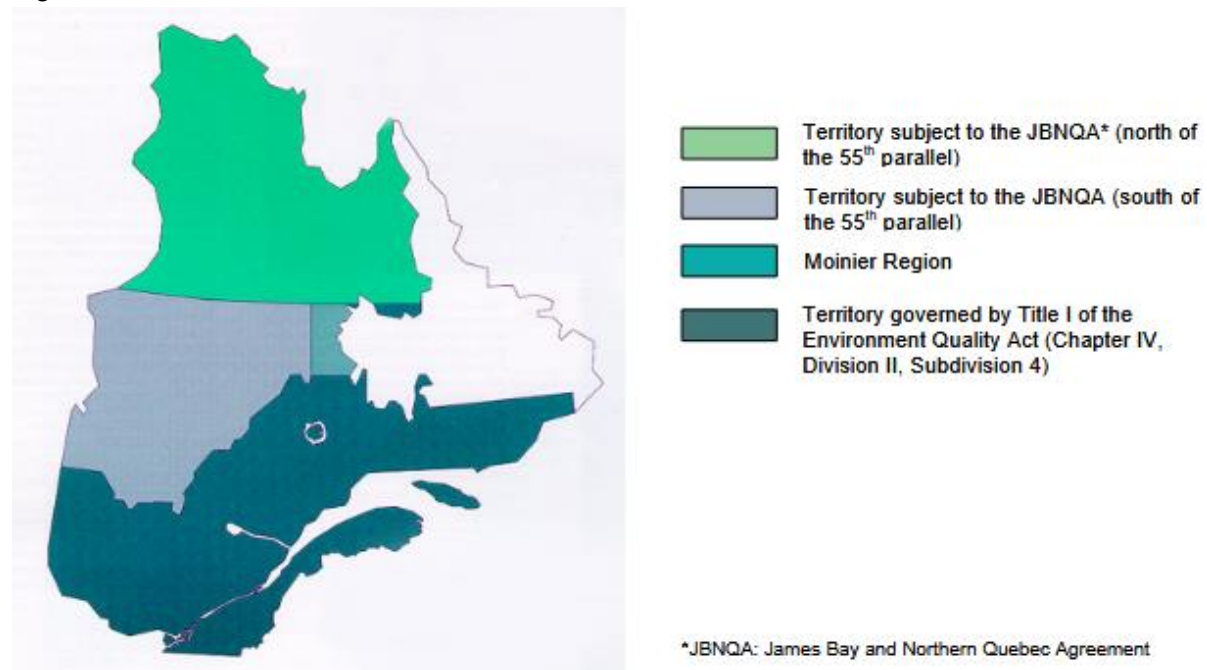


Figure 1. Territory of application of the EIARP (governed by Title 1 of the Environment Quality Act).

Relevant federal and provincial legislation includes:

1. Federal [Impact Assessment Act](#) (refer to the Federal Jurisdictional Scan);
2. The Quebec [Environmental Quality Act](#) (EQA), and related regulations, including:
 - a. [Regulation respecting the environmental impact assessment and review of certain projects](#) (REEIE), which sets out the process for EAs in Quebec;
 - b. [Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact](#) (REAFIE), which classifies activities into four risk levels (low to high) based on their environmental impact to determine if they require an EA or are exempt; and
 - c. [Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec](#), which outlines the Environmental and Social Impact Assessments (ESIA) process for areas in the JBNQA territory.

3. The [James Bay and Northern Quebec Agreement](#) (JBNQA) further distinguishes the distinct provincial and federal ESIA processes for Cree territory (south of the 55th parallel) and for Inuit and Naskapi territory (north of the 55th parallel).

“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 Quebec 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](#).

EA in Southern Quebec

The REAFIE classifies projects into four categories based on their potential to cause environmental impacts, with EA requirements varying depending on this risk level:

High Risk Activities	• Require a public EA, as outlined in the REEIE, to inform the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks’ (the Minister) recommendation on the project; • Require government authorization by the Cabinet, based on the recommendation provided by the Minister; • Require public hearings to be conducted by the BAPE; and • All information about the project and the EA process must be posted on the public registry. A list of projects categorized as high-risk activities (i.e., large mines, dams, energy facilities, highways) can be found in Schedule 1 of the REAFIE.
Moderate Risk Activities	• Require a partial and non-public EA, meaning that the EA process will be internal to the Ministry of the Environment, the Fight against Climate Change, Wildlife and Parks (MELCCFP); • Minister makes a recommendation to Cabinet whether to authorize the project; and • No requirement for information about the project and the EA process to be posted on the public registry. A list of projects categorized as moderate risk activities subject to an internal EA can be found in Schedule 1 of the REAFIE.
Low Risk Activities	• Activities exempt from the full EA process, including Ministerial/Governmental authorization; and • Proponents must submit a ‘Declaration of Conformity’ to be submitted to the Minister 30 days before starting work related to the activity. ○ Declarations of Conformity are public and can be accessed upon

	request from the Minister. A full list of activities eligible for a Declaration of Conformity can be found here. More details about Declarations of Conformity can be found here (French only).
Negligible Risk Activities	- Activities exempt from the full EA process, including Ministerial/Governmental authorization; and - Activities exempt from submitting a Declaration of Conformity.

The MELCCFP publishes all documentation of past and current EAs for projects that were, or are being, reviewed under the EQA on a [public Registry](#) (French only).

EA in Northern Quebec

Projects that are automatically subject to or exempt from ESIAs are identified in the EQA and the JBNQA. A complete list of these projects is available on the '[Environmental Assessment of Northern Projects](#)' webpage. It includes:

- **Projects automatically subject to EAs:** those with higher potential environmental and social impacts, such as mining developments, energy and power infrastructure, quarries, access and forestry roads, and projects affecting an area greater than 65 km².
- **Projects automatically exempt from EAs:** those with low potential environmental and social impacts, such as forestry developments, temporary hunting, fishing, and trapping camps, commercial and residential dwellings, and small fossil-fuel plants.
- **Projects not included in these lists:** those submitted to the responsible Administrator to determine whether they are subject to the ESIA process.

2.2 Roles and Responsibilities for the Quebec Environmental Assessment Process

The following parties are involved in the EA process in southern Quebec:

Party	English Translation	French Name	Role
Government Regulators	Ministry of the Environment, the Fight against Climate Change, Wildlife and Parks (MELCCFP)	Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP)	Oversees the conduct of EAs under the EQA. Provides guidance to proponents, coordinates technical reviews, conducts engagement with First Nations, and provides recommendations to the decision-maker.
Specialized Committees	Bureau of Public Hearings on the Environment (BAPE)	Bureau d'audiences publiques sur l'environnement (BAPE)	An independent organization that informs, consults, investigations, and then provides a recommendation to the Minister to inform their decision-making about a project. <i>Note: While the BAPE primarily operates in French, it offers accommodations for English and Indigenous language speakers, upon request.</i>

Jurisdictional Scan of Environmental Assessment Processes in Quebec

Decision - Makers	Minister of the Environment, the Fight against Climate Change, Wildlife and Parks (Minister)	Ministre de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs	Reviews the BAPE report, if relevant, and EA reports to make a recommendation about the proposed project for the Cabinet to consider when making their authorization on the project. Responsible for consulting with First Nations throughout the EA Process
	Executive Council of Quebec (the Cabinet)	Conseil Exécutif du Québec	Primary decision-maker responsible for authorizing projects undergoing an EA process, acting on the recommendations provided by the Minister.
Other Parties	First Nations	Peuples Autochtones	Submits public comments during key phases of the EA process and is consulted during the EA process by the MELCCFP and proponents.
	Proponents	Promoteur / Promotrice	Responsible for registering the undertaking and initiating the EA process, preparing the required documentation, engaging with the MELCCFP throughout the EA process, and consulting with First Nations.

The following parties are involved in the EA process in northern Quebec:

Parties in EA Processes South of 55th Parallel (Cree Territory)	James Bay Advisory Committee on the Environment (JBACE)	Advisory committee composed of Indigenous, provincial, and federal representatives that is responsible for the application of Section 22 of the JBNQA by providing administrative support to the committees involved in the ESIA process.
	Comité d'examen des Répercussions sur l'Environnement et le Milieu Social (COMEX)	Independent bipartite Quebec/Cree committee responsible for conducting and reviewing ESIA's for projects proposed in Cree territory (south the 55th parallel).
	Comité d'évaluation des répercussions sur l'environnement et le milieu social (COMEV)	Independent tripartite Quebec/Canada/Cree committee responsible for reviewing preliminary information provided by proponents for projects proposed in Cree territory to evaluate whether they should be subject to an ESIA process.
Parties in EA Processes North of 55th Parallel (Inuit and Naskapi Territory)	Kativik Environmental Advisory Committee (KEAC)	Advisory committee composed of Indigenous, provincial, and federal representatives responsible for overseeing the ESIA process, as outlined in Section 23 of the JBNQA.
	Commission de la Qualité de l'Environnement Kativik (CQEK)	Independent committee, composed of Quebec and Inuit representatives, responsible for evaluation of projects proposed in Inuit and Naskapi Territory (north the 55th parallel) and for their subsequent assessment and review.

Parties in Both EA Processes	Responsible Administrator	The Administrator is the decision-maker for ESIAAs in northern Quebec. According to the nature of the proposed project, the responsible Administrator changes: • Provincial projects: Minister. • Federal projects: Chair of the Federal Environmental Assessment Review Office. • Projects on Category 1 lands: appropriate Cree Band Council administrator.
	Proponents	Responsible for starting the ESIA process, providing information to responsible committees, preparing the Impact Study, and engaging and consulting with First Nations, as needed.
	First Nations	Are consulted by proponents and responsible committees, as needed, throughout the ESIA process.

Learning Resources and Tools for Quebec

The following resources provides more information about the southern Quebec EA process:

1. [Reference Guide for the Regulation Respecting the Environmental Impact Assessment and Review of Certain Projects](#) (French only);
2. [Understanding RAEFIE](#) (English and French);
3. [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](#) (French only);
4. [Environmental Assessment in Southern Quebec - Overview \(Ministry of Environment, climate change, wildlife and parks\)](#)<https://www.environnement.gouv.qc.ca/evaluations/procedure.htm> (English only);
5. [Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents of a Project Subject to the EA procedure \(English only\)](#);
6. [Directive pour la réalisation d'une étude d'impact sur l'environnement](#) (French only).

The following resources provides more information about the northern Quebec EA process:

1. [Environmental Assessment of Northern Projects](#) (English and French);
2. [Environmental and Social Impact Assessment and Review Procedure James Bay and Northern Quebec Agreement Section 22](#) (English only); and
3. [Guide for proponents under Section 23 of the James Bay and Northern Quebec Agreement \(English only\)](#).

3. Overview of the Quebec Environmental Assessment Process

3.1 Overview of the 6-Phase EA Process in Southern Quebec

This Section provides overview of the phases and engagement opportunities for the EA process that high-risk activities in Southern Quebec are subject to by the MELCCFP. For a more detailed explanation of the EA process, refer to the [MELCCFP's webpage](#) (French only).

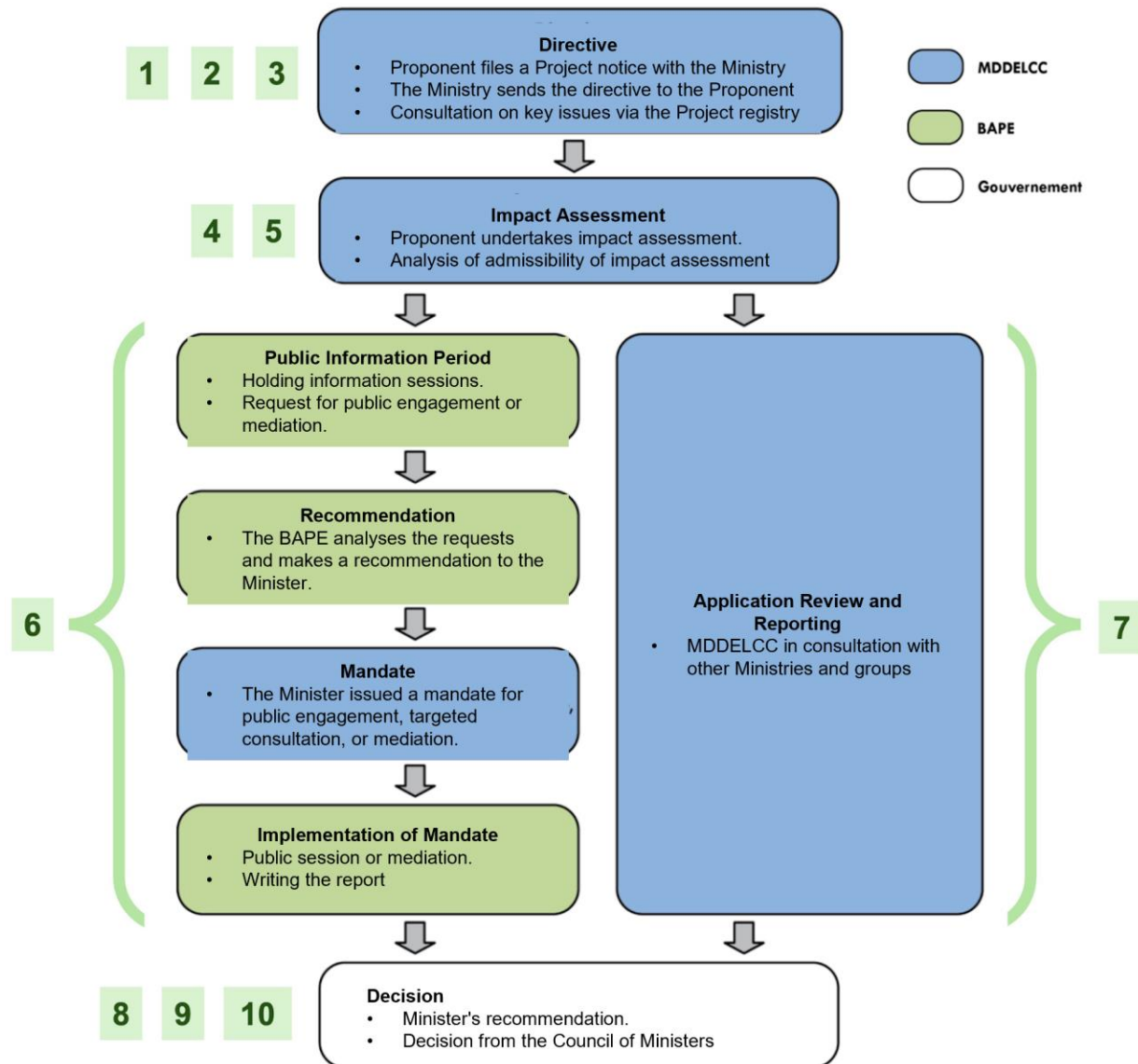


Figure 3. Key Steps in Southern Quebec IA. (Adapted and translated from the [BAPE](#))

Phase 0: Early Engagement

The southern Quebec IA process does not include a formal “Early Engagement” phase. Still, the MELCCFP encourages proponents to do so before starting with Phase 1 to establish good relationships with potentially affected First Nations.

- 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.’](#)

Phase 1: Notice of Project and Directive (Avis de Projet et Directive)

Phase 1, which lasts 1 to 3 months, includes Stages 1 to 3 outlined in Figure 3. The main activities of Phase 1 include submitting a project notice, starting consultation activities, and issuing the Minister’s Directive.

Stage 1: Notice of Project from Proponent

The EA process starts when proponents inform the MELCCFP of a project that may require an EA2 by submitting a **Notice of Project** ([Formulaire d’Avis de Projet \(French only\)](#)) which has:

- Preliminary information about the project, such as its location, purpose, and schedule for operation; and
- A preliminary identification of likely effects attributed to the project.

Mandatory engagement with impacted First Nations starts in Phase 2; however, the MELCCFP advises proponents to open communications with affected First Nations, including, if possible, a community visit, before filing the Notice of Project.

- When consultation begins, the next steps would include presenting the project to the community, coordinating a contact person or office for the community, collecting feedback, and co-developing a **draft information and consultation plan**. This initial feedback, the consultation description, and how the feedback has been considered in the project design can also be included in the Notice of Project.

Stage 2: Minister’s Directive

Once the MELCCFP receives the Notice of Project, Stage 2 begins and lasts 15 days. The Minister of the MELCCFP reviews the information provided by proponents and the draft of the **Minister’s Directive**. This outlines the information requirements for the proponents to include in the EA, such as the state of the environment, a description and analysis of impacts, proposed mitigation and compensation, draft emergency measures, and preliminary monitoring programs.

- The Minister’s Directive, once completed, is uploaded to the Registry by MELCCFP.

Stage 3: Public Consultation for the Project

Stage 3 starts at the same time as Stage 2 and continues for 65 days. During this Stage, the MELCCP directs proponents to post a notice on the Registry to start the public consultation process for the project.

A 30-day public review and comment period begin for the Notice of Project and the Minister’s Directive. After this comment period, the MELCCFP collects and publishes all comments on the Registry.

² Note that the Ministry uses the phrases Impact Assessment, Environmental Impact Assessment, and Environmental Assessment interchangeably. In this section we use EA for consistency.

- If public comments indicate significant public concern about a component of the project, the MELCCFP can direct proponents to conduct additional studies or analyses in the EA based on this feedback (20 days max).

The MELCCFP will determine if the project has the potential to impact First Nations. If so, the MELCCFP contacts the Nations and communities to initiate specific Crown consultation. This includes:

- First Nations providing the contact information for consultation to the MELCCFP;
- First Nations provide feedback on project-related concerns to the MELCCFP, including requesting a meeting with the MELCCFP to discuss the project.
- The MELCCFP directs consultation procedures and sends feedback received from First Nations to the proponent.

Roles and Responsibilities in Phase 1	
Proponents	Inform the MELCCFP of the project, are encouraged to start early engagement with First Nations, and submit the Notice of Project to the MELCCFP.
First Nations	Engages with the proponent and start consultation with the MELCCFP by sharing community contact information, reviewing project documents, and providing feedback on potential impacts and concerns.
MELCCFP	Provides guidance to the proponent to complete the Notice of Project. Determines if First Nations engagement is required, and if so, establishes communication with those Nations. Responsible for posting information on the public registry and collecting public and First Nations feedback on project documents and the Directive.
Minister	Reviews proponent's Notice of Project and drafts the Minister's Directive that guides the development of the EA.

Expected Outcomes of Phase 1: Submission and public review of the Notice of Project and the Minister's Directive as well as the start of engagement between the proponent and First Nations, and the MELCCFP and First Nations.

Phase 2: Impact Assessment and Consultation on Issues (Étude d'impact et consultation sur les enjeux)

Phase 2, which lasts between 18 and 42 months, includes Stages 4 and 5 in Figure 3. The main activities of Phase 2 revolve around the development of the EA by proponents and its review by the EA by the MELCCFP.

Stage 4: IA Report by Proponent

Once the Minister's Directive is finalized, the proponent begins to conduct the necessary studies and prepare the **IA Report**. Proponents have 15 to 20 months to develop the IA Report and submit it to the MELCCFP.

The proponent is required to conduct iterative and collaborative consultation with impacted First Nations through a mandatory **information and consultation plan**, which must also be included in the IA Report. During this, the proponent will meet with impacted First Nations to gather feedback on the methodology and confidentiality agreements. The proponent must:

- Consult with impacted First Nations on methodology and confidentiality requirements for how to consider **Indigenous Knowledge** and land use data in the environment being assessed;
- Consider how First Nations can actively participate in carrying out parts of the EA that interest them;
- Ensure that concerns and feedback from the First Nations are considered in the EA Report;
- Assess the severity of potential impacts to values of importance to the First Nations, considering cultural, economic, social, scientific, historical, archaeological, and aesthetic values;
- Collaboratively determine measures to mitigate or avoid impacts;
- Share IA Report findings with the First Nations; and,
- Include information on how First Nations concerns and recommendations were considered in project plans, and reasons for when recommendations were not considered.

The MELCCFP recommends that proponents be thorough, collaborative, and proactive in engaging with First Nations to address concerns early and avoid issues later in the EA process. Measures to avoid or mitigate impacts should aim to maintain or improve quality of life, maximize positive outcomes for the First Nations and the environment, and advance reconciliation of land use in the territory. Formal agreements for communication, economic benefits, or investment into the First Nation are also encouraged.³

Once finalized, the MELCCFP files the proponent's IA Report in the Registry.

Stage 5: Adequacy Review of EA Statement by Ministry

Stage 5 begins once the IA Report is posted on the Registry and may last 3 to 12 months. The MELCCFP reviews the IA Report to ensure that all requirements set in the Minister's Directive have been met.

- Reviewers may ask the proponent clarifying questions or request that the proponent submit additional information when required; and
- First Nations are encouraged to review the IA Report and provide feedback to the MELCCFP on which rights will potentially be impacted by the project, any additional concerns or questions, and recommendations for accommodation.

Once all requirements set out in the Minister's Directive are satisfied, the MELCCFP considers the IA Report as complete.

³ For more information about this, please review Section 2.2.4 of the MELCCFP's [Consultation Guide](#).

Roles and Responsibilities in Phase 2	
Proponents	Post notice in the Registry that an EA has started and prepares and submits the IA Report to the MELCCFP. Consults with impacted First Nations when developing the IA Report. Complies with information requests from the MELCCFP and submits additional information, as required.
First Nations	Engages with the proponent on the information and consultation plan, methodology, and land use studies. Engages with the MELCCFP on potential impacts to rights, concerns, and recommended accommodations.
MELCCFP	Consults with First Nations on concerns and impacts from the project. Review the IA report for completeness, request additional information if needed, and provide feedback to proponents.

Expected Outcomes of Phase 2: Completion of the proponent's IA Report.

Phase 3-a: Mandate of the BAPE (Mandat du BAPE)

Phase 3-a, which lasts 1 to 5.5 months, focuses on Stage 6, as presented in Figure 3. This phase is directed by the **Bureau of Public Hearings on the Environment (BAPE)**.

The MELCCFP directs the proponent to post that the 30-day public information period has started in the region of the project, and the BAPE also posts a press release to announce it.

- The BAPE usually hosts an information session for the public, and First Nations can request to the BAPE that one also be held in their community.

During Phase 3-a, any person, group, organization, municipality, or First Nation can submit a written request to the MELCCFP to recommend the type of consultation or hearing to be conducted. Once the public comment period is over, the BAPE decides what level of consultation will be required, of which there are three options:

1. **Full Public Hearings**, which lasts for 4 months;
2. **Targeted Consultation**, which lasts for 3 months; or,
3. **Mediation**, which lasts for 2 months.

The MELCCFP can also proactively direct the BAPE to hold a hearing without a public request when there is enough public concern or significant impacts to make hearings unavoidable. During this consultation period, First Nations have the option to send a written submission to the MELCCFP. The proponent is expected to attend these consultation sessions, to respond to questions, and provide clarity.

Once consultation is complete, the BAPE develops a report summarizing the findings and analysis and provides it to the MELCCFP, who publishes it within 15 days.

Roles and Responsibilities in Phase 3-a

Proponents	Participate in BAPE sessions, receive and consider feedback from the public and First Nations in project plans.
First Nations	Option to request level of consultation conducted by the BAPE, option to participate in BAPE hearings, option to submit written feedback to the MELCCFP.
MELCCFP	Receive recommendations on level of consultation from the BAPE, option to direct level of consultation, receive written submissions from First Nations, receive final report on public consultation from the BAPE.
BAPE	Announces and conducts public engagement, determines the level of consultation needed, writes a report summarizing consultation and recommendations from the public.

Expected Outcomes of Phase 3-a: Completed public consultation through the BAPE and the BAPE drafts a report summarizing consultation activities and provides it to the MELCCFP.

Phase 3-b: Departmental Environmental Analysis (Analyse environnementale du Ministère)

Phase 3-b occurs in parallel with Phase 3-a and continues following the completion of the BAPE consultations. This Phase corresponds to Stage 7 in Figure 3 and lasts for 6 to 12 months.

MELCCFP experts review the IA documents and provide feedback through the **Environmental Analysis Report** to the Minister on the accuracy of predicted impacts, proposed mitigation and compensation measures, viability of the proposed project, and potential conditions for project approval.

Consultation activities between First Nations and the MELCCFP includes determining if concerns from the communities have been adequately addressed and finalizing accommodation measures.

- This is included in the package sent to the Minister for a final decision on the project.

Consultation activities between First Nations and the proponent includes establishing communication and information plans, identifying mitigation measures, establishing monitoring committees, and negotiating participation in monitoring activities.

Roles and Responsibilities in Phase 3-b	
Proponents	Consult with First Nations on the EA documents and next steps based on concerns from the First Nations.
First Nations	Consult with the proponent on the EA documents and next steps based on concerns and the desire to be involved in monitoring activities related to the project.
MELCCFP	Receive the Environmental Analysis Report, consult with First Nations on adequacy of consultation throughout the EA process and potential accommodation measures.

Expected Outcomes of Phase 3-b: Completed Environmental Analysis Report.

Phase 4: Recommendation and Decision (Recommandation et décision)

Phase 4, which lasts between 15 and 30 months, includes Stages 8, 9 and 10 from Figure 3. Phase 4 primarily focuses on the Minister's review of the project and the final decision on whether to authorize it.

Stage 8: Recommendation of the Minister

Based on the BAPE report from Phase 3-a and the Environmental Analysis Report from Phase 3-b, the Minister provides a recommendation to the Cabinet.

- The Minister's recommendation may be favorable, with or without conditions, or unfavorable to the project.

Stage 9: Government Decision

The Cabinet provides authorization for the project, with or without conditions, or denies it. The Environmental Analysis Report, consultation summary, and government authorization are sent to the First Nations who were consulted, who have the option to review and provide feedback to the MELCCFP.

Stage 10: Ministerial Authorizations

Once the **Government Authorization Decree** is issued and the project is authorized to proceed, the relevant ministers must issue the required permits.

Roles and Responsibilities in Phase 4	
First Nations	Option to review and provide feedback on final project documents and decision to the MELCCFP.
Minister	Makes recommendation on the final decision for the project based on the BAPE Report, Environmental Analysis Report, and results of First Nations consultation.
Government	Makes final decision on the project and if approved, provides authorization and conditions.

Expected Outcomes of Phase 4: Final decision on the project, including conditions for approval if applicable.

Phase 5: Monitoring, Tracking, and Control (Surveillance, suivi et contrôle)

If the project has been approved, the proponent is now responsible for carrying it out in accordance with all relevant governmental mandates, including conditions, licenses, permits, and authorizations.

- Proponents are encouraged to maintain communication and relationships with impacted First Nations and collaborate on project monitoring; and

- The MELCCFP is responsible for monitoring the project throughout its lifespan and will receive monitoring and follow-up reports, as required.

Roles and Responsibilities in Phase 5	
Proponents	Carry out the project as described and authorized by the Government, maintain a follow-up and monitoring program, and maintain relationships with First Nations on monitoring activities.
First Nations	Maintain communication with the proponent for the monitoring program, conduct monitoring activities as outlined in project plans and conditions.
MELCCFP	Monitor the project through construction, operation, and closure for compliance with regulations and authorizations.

Expected Outcomes of Phase 5: Ongoing project monitoring in collaboration with the proponent, First Nations, and the MELCCFP.

3.2 Description of the 5-Phase ESIA Process in Northern Quebec

This Section provides a high-level overview of the 5-phase ESIA process. The procedures, however, differ depending on the project's location. Explore these resources for more detail:

- For the ESIA process in Cree territory, refer to the [Steps in the Procedure for COMEV](#) and to the [Steps in the Procedure for COMEX](#); and
- For the ESIA process in Inuit and Naspaki territory, refer to the [Steps in the Procedure for CQEK](#).

Figure 4 provides a generalized flowchart of the 5-phase ESIA process in northern Quebec for ESIAs conducted in Cree Territory and in Inuit and Naspaki Territory.

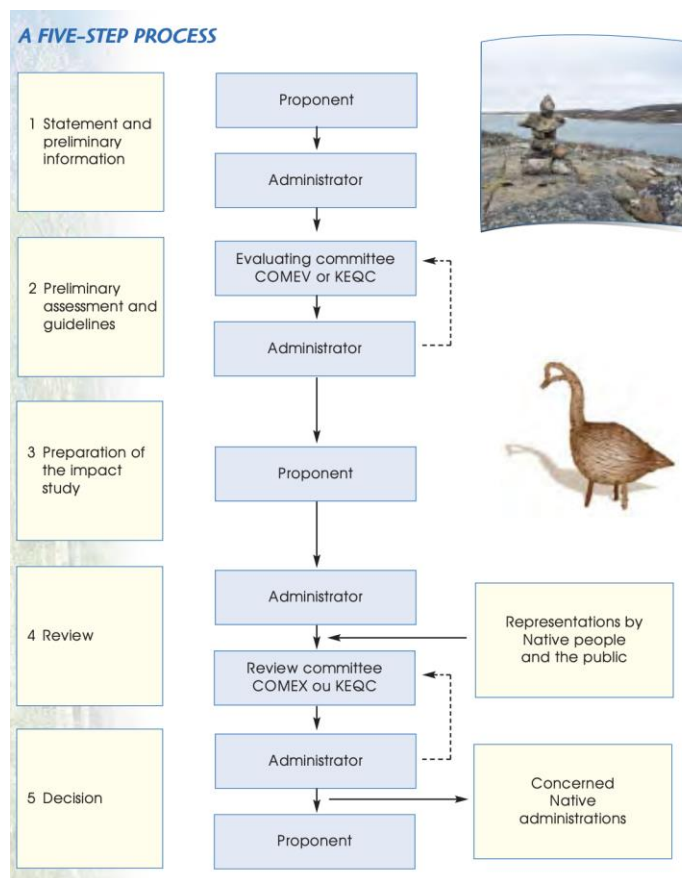


Figure 4. Steps for EA in northern Quebec, from "Environmental Assessment of Northern Projects".

Phase 0: Early Engagement

The northern Quebec ESIA process does not formally include an “Early Engagement” phase. Ideally, Phase 0 should begin when proponents start considering a project within a First Nation’s traditional territory. Phase 0 continues until Phase 1 begins and allows everyone to prepare for the ESIA process through early relationship building.

- For more information about the importance of 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 ESIA 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 ESIA process.

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

Phase 1: Proponent's Preliminary Information

Phase 1 begins when proponents are considering a project in northern Quebec. They submit a **Notice of Intent**, along with preliminary information, to the **responsible Administrator**⁴, which includes:

- Information about the objectives, nature, and scope of the project;
- Information about the various sites being considered for the project; and
- Identification of any possible alternatives to, and alternatives for, the project.

Roles and Responsibilities in Phase 1	
Proponents	Prepare and submit the Notice of Intent alongside preliminary project information to the Administrator.

Expected Outcomes of Phase 1 → Proponents submit a **Notice of Intent** and preliminary project information to the Administrator.

Phase 2: Assessment

Phase 2 begins when the Administrator shares the Notice of Intent and project information with the **responsible Evaluation Committee** (either COMEV or CQEK). The following occurs:

- Either the COMEV (Cree territory) or the CQEK (Inuit and Naskapi territory) develop **Impact Study Guidelines** for the project.
 - These committees may, at their discretion, hold consultations in affected communities to inform the development of the Impact Study Guidelines.
- Impact Study Guidelines are submitted to the Administrator, who may make changes before submitting them to proponents.
 - Generally, the ESIA will cover the elements identified in the [Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec](#).

Roles and Responsibilities in Phase 2	
COMEV or CQEK	Reviews the proponent's project information to develop the Impact Study Guidelines that are submitted to the Administrator. They may hold consultations with First Nations to gather information.
Responsible Administrator	Reviews the Impact Statement Guidelines before submitting them to proponents.
First Nations	May be consulted by the COMEV or the CQEK to support the development of the Impact Study Guidelines.

Expected Outcomes of Phase 2 → Administrator shares final Impact Study Guidelines with proponents.

⁴ The Administrator is the decision-maker for ESIA's in northern Quebec, and changes based on location. Minister for Provincial projects, Chair of the Federal Environmental Assessment Review Office for Federal projects, and the appropriate Cree Band Council administrator for Projects on Category 1 lands.

Phase 3: Impact Study

Proponents prepare the **Impact Study** based on the Guidelines developed in Phase 2, as well as any other requirements outlined in the JBNQA, to include the following:

- A description of the project and the biophysical and social environments affected;
- An assessment of the project's potential impacts on the biophysical and social environments; and
- A description and assessment of mitigation measures.

Proponents may engage First Nations to support the development of the Impact Study.

Roles and Responsibilities in Phase 3	
Proponents	Develops the Impact Study and may engage with First Nations during that process.
First Nations	May be engaged by proponents.

Expected Outcomes of Phase 3 → Proponents submit their Impact Study to the Administrator.

Phase 4: Review

Phase 4 begins when the Administrator submits the Impact Study to the **responsible Review Committee** (either COMEX or CQEK) for an adequacy review, based on the Impact Study Guidelines.

- To inform this review process, the responsible committee may hold public hearings or organize other types of public consultation with First Nations.

The outcomes of the review of the Impact Study differ:

- The COMEX recommends to the Administrator whether to approve or reject the project and specifies under what conditions; and
- The CQEK decides whether to approve or reject the project and specifies under which conditions.

Roles and Responsibilities in Phase 4	
COMEX or CQEK	Reviews the Impact Study and may consult with First Nations to make a recommendation or decision on the project.
First Nations	May be consulted by the COMEX or the CQEK to inform their review.

Expected Outcomes of Phase 4 → The responsible Review Committee (COMEX or CQEK) either makes a recommendation or a decision about the project.

Phase 5: Decision

Taking into account the COMEX's recommendation or the CQEK's decision, the Administrator grants or refuses authorization for the project. Proponents and affected First Nations are notified about the final decision.

Roles and Responsibilities in Phase 5
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Responsible Administrator	Makes the decision whether to grant or refuse authorization for a project.
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Expected Outcomes of Phase 5 → Project granted or refused authorization.

Available Funding for First Nations Consultation and Participation

Quebec offers the [Indigenous Initiatives Fund IV \(IIF IV\)](#) for First Nations, administered by the Secrétariat aux relations avec les Premières Nations et les Inuit. While this funding is not specific to First Nations' participation in EAs or ESIA, the funding may be used by First Nations to support consultations led by the Government of Quebec.

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

1. Download and fill out the application form for the relevant assessment on the [Federal IA Registry](#).
2. Submit the completed application form and supporting documents to fp-paf@iaac-aeic.gc.ca before the application deadline.

Although funding is available for First Nations, the amount typically does not cover all costs for a First Nation to be engaged in an EA or ESIA process. It is recommended that the First Nation negotiate additional EA-related funding with proponents, when possible.

4. First Nation Consultation in Quebec

Quebec, as the Crown, has the legal **Duty to Consult** with First Nations when it is contemplating a decision and/or action that has the potential to impact asserted or established Aboriginal or Treaty Rights.

First Nation Consultation and Accommodation Agreements in Quebec

First Nations in Quebec increasingly work with the province to develop their own Consultation **and Accommodation Agreements**, which set out key parameters governing the Duty to Consult, based on their expectations, policies, and practices.

Some publicly available examples include:

- [The Quebec-Mi'gmaq Agreement on the Process Governing Consultation and Accommodation in Respect to Hydrocarbon Activities](#);
- [Agreement on Consultation and Accommodation between Abitibiwinini First Nation and the Government of Quebec](#); and
- [Agreement on Consultation and Accommodation between the Abenaki and the Government of Quebec](#).

First Nation Consultation in Southern Quebec

The obligation to consult with First Nations rests with the Minister of the MELCCFP, who acts on behalf of the government. Proponents may be delegated some responsibilities for leading consultation activities during the EA process by the province, based on the [Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents of a Project Subject to the EA procedure](#) (available in [English](#) and [French](#)).

- Even though this Guide was developed for proponents, it provides First Nations with a comprehensive manual that explains consultation activities in the southern Quebec EA process step-by-step.

For specific types of projects, the MELCCFP has also created additional guidance documents to support proponents' consultation with First Nations:

1. [Aboriginal Community Consultation Policy Specific to the Mining Sector](#) (English only);
2. [Information for Developers and General Information Regarding Relations with Aboriginal Communities in Natural Resource Development Projects](#) (English only); and
3. [Guide for Project Proponents on Public Participation before the Bureau d'audiences publiques sur l'environnement](#) (French only).

First Nation Consultation in Northern Quebec

Consultations guidance for ESIA's in northern Quebec is provided below:

1. [Consultations Conducted by the Proponent: Expectations of the Review Committee](#) (specific to Cree Territory); and
2. [Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik](#) (specific to Inuit and Naskapi Territory).

Public consultations may be held in affected First Nation communities by proponents or the Responsible Committee at any point during the ESIA process to gather additional information to support the assessment of the project. The phases where First Nations can expect to be consulted include:

- **Phase 2:** COMEV or CQEK consultations to support the development of the Impact Study Guidelines.
- **Phase 4:** COMEX or CQEK consultations to support their review of the Impact Study.

For projects determined not to be subject to the ESIA, based on information provided in Phase 1, the responsible Evaluating Committee may still consult with First Nations prior to the Administrator providing proponents with an **Attestation of Exemption**.

5. Emerging EA Trends in Quebec

Ongoing Concern: Streamlining of the EA process in southern Quebec

On December 2025, the Government of Quebec introduced Bill 5, [An Act to accelerate the granting of the authorizations required to carry out priority national-scale projects](#). Bill 5 would

allow the Quebec government to designate certain projects in the industrial, mining, energy, and transportation sectors as 'priority' and of 'national importance.' This would simplify their authorization process by cutting southern Quebec EA timelines from 13 – 18 months to about 9 months. When making these designations, the province may consider factors such as the project's feasibility, the potential for the project to provide economic benefits, and whether the project are determined to be in the collective interest of the province, including the interests of Indigenous communities. This process has not yet been implemented as of March 2026.

To support this reduced timeline, the regulation would facilitate affected First Nation(s) involvement in reviews earlier in the EA process. In terms of First Nation engagement and consultation, Bill 5 maintains the requirement for projects go through the BAPE, however, Bill 5 drastically reduces the BAPE's scope. For example, consultation would be limited to public hearings only, as the information gathering phase would be skipped.

The measures outlined in Bill 5 **do not** apply to the areas of northern Quebec subject to the James Bay and Northern Quebec Agreement, and its amendments, as well as the Northeastern Quebec Agreement. These agreements have been implemented under Title II of the EQA, which establishes the ESIA process for Cree territory and for Inuit and Naspaki territory.

- In other words, projects in northern Quebec are not subject to the provisions outlined in Bill 5.

The passing of Bill 5 in Quebec has raised some concern among industry and First Nations since the acceleration of the EA processes for priority projects, including mining and energy projects, could reduce the level of scrutiny for the potential impacts linked to these projects. First Nations have also raised the concern about the streamlining of the consultation activities undertaken for EAs in southern Quebec.

Public statements reflecting both industry and First Nations perspectives on the implications of the passage of Bill 5 in Quebec are included below:

- [Réflexion Politique Déposée par l'Innu Takuaikan Uashat Mak Mani-Utenam \(ITUM\) quant au Projet du Loi no. 5](#) (French only);
- [Eau Secours, la Coalition Québec meilleure mine \(QMM\), et de Sept-Îles Sans Uranium \(SISUR\) Mémoire du Projet Loi no. 5](#) (French only); and
- [Mohawk Council of Kahnawake's perspective on the passing of Bill 5 and implications for future consultation activities](#) (English only).

6. Further Support and Guidance

Support and Guidance Material for Further Learning

The MELCCFP maintains a repertoire of [Forms, Directives, Guides, and Various Documents](#) that provide guidance material for the southern Quebec EA process. Other resources to support further learning of the EA process in southern Quebec include:

1. [Environmental Assessment in Southern Quebec](#) (English and French);

2. [Accelerated Environmental Assessment and Review Process in southern Quebec](#) (French only);
3. [Directory of Tools, Guides, and Useful Websites for Guidance when Carrying out an Impact Assessment](#) (French only);

For the EA process in northern Quebec, the following resources:

1. [Environmental Assessment of Northern Projects](#) (English and French).

References

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Government of Quebec. “Règlement sur l’encadrement d’activités en Fonction de leur impact sur l’environnement, Guide de référence”. 2026.

<https://www.environnement.gouv.qc.ca/lqe/autorisations/reafie/guide-reference-reafie.pdf> (French only)

Impact Assessment Agency of Canada. “Guide for proponents under Section 23 of the James Bay and Northern Quebec Agreement (JBNQA)”. 2022.

<https://www.canada.ca/content/dam/iaac-acei/documents/jbnqa/section-23/guide-proponents-section-23-jbnqa.pdf>

Kativik Environmental Advisory Committee. “Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik”. 2019. <https://keac-ccek.org/wp-content/uploads/2019/08/KEAC-ESIA-2019-e.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 impact assessment processes in various Crown jurisdictions in Canada. The table also summarizes key challenges and concerns First Nations may have with impact assessment 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 impact assessment. First Nations participating in impact assessment 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 impact assessment process in Canada. Concerns that may be relevant in most or all jurisdictions in Canada include, but are not limited to, the following:

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

Jurisdictional Scan of Environmental Assessment Processes in Quebec

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

Jurisdictional Scan of Environmental Assessment Processes in Quebec

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

Jurisdictional Scan of Environmental Assessment Processes in Quebec

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

Jurisdictional Scan of Environmental Assessment Processes in Quebec

	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) ⁵				
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⁵ 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.