

Jurisdictional Scan of Assessment Processes in **Yukon**



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 impact assessments (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 the 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, IAs for major projects are 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 Yukon was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the Yukon Environmental and Socio-Economic Assessment ("Assessment") 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 assessment 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 assessment 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 assessment processes.

Crown assessment 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 assessment and consultation processes. An absence of existing guidance does not preclude First Nation engagement on a given aspect of the assessment process. Where guidance exists, there may be flexibility in how it is applied. First Nations may request engagement on specific aspects of an assessment 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 assessments.

The information in this Jurisdictional Scan is not intended to be prescriptive. It focuses on Crown statutory assessment 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 assessment 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 IA 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 Yukon

Activities	Anthropogenic actions that alter the human or biophysical environment (where those alterations are observable/ measurable/ detectable).
Assessment	An evaluation of a proposed project by a Designated Office, a screening by the Executive Committee or a review by a Panel of the Board.
Baseline Condition	A reference point to analyze the predicted change in condition of a VESEC as a result of the proposed project activities and associated effects.
Consider (as in 'consider a factor')	Means take into account, but does not require a resolution or a determination of this specific fact
Context	The particular environmental and/or socioeconomic setting within which the project occurs.
Contextual Factors	The specific context-based considerations that help situate a likely project effect.
Determine	As in “determine if there are significant adverse effects” — make a finding, decide or resolve.
Decision Body(s)	Decision makers as set out in Section 2 of <i>Yukon Environmental and Socio-economic Assessment Act</i> . They can be federal, territorial and/or First Nation governments.
Decision Document	A published response from a decision body(s) to YESAB's recommendation that accepts, rejects or varies the recommendation(s).
Effects Characterization Criteria (ECC)	Criteria used to document and describe likely adverse project effects.
Project	An activity or interrelated group of activities, for which one of the activities requires an assessment under the <i>Yukon Environmental and Socio-economic Assessment Act</i> .
Project Design Features	Design features that have been highlighted by YESAB as mitigating against likely adverse effects from the project.
Project Effect(s)	A change in the condition of a value or valued environmental and socio-economic component caused either directly or indirectly by a project.
Terms and Conditions	Mitigations proposed by YESAB to eliminate, reduce or control likely significant adverse environmental and/or socio-economic effects resulting from the project.
Valued Environmental and Socio-economic Components (VESECs)	Components of the physical and socio-economic environment that are viewed as important in the setting of a given project (i.e. for environmental, scientific, social, traditional, or cultural reasons) and are predicted to be adversely affected by the proposed project and warrant consideration in an assessment.

Yukon
Environmental
and Socio-
economic
Assessment
Board (YESAB)

YESAB is an independent arms-length body, responsible for the assessment responsibilities of the *Yukon Environmental and Socio-economic Assessment Act* legislation and regulations

Glossary of Yukon Environmental and Socio-economic Assessment Legislation

[Yukon
Environmental
and Socio-
economic
Assessment Act
\(YESAA\)](#)

The *Yukon Environmental and Socio-economic Assessment Act* (YESAA) was given Parliamentary Royal Assent on May 13, 2003. The federal legislation outlines the assessment process for Yukon.

[Assessable
Activities,
Exceptions and
Executive
Committee
Projects
Regulations](#)

Regulations made under the YESAA that defines which proposed activities in Yukon require an assessment, defining which activities are exempt, and identifying which activities are subject to an Executive Committee Screening.

[Decision Body
Time Periods and
Consultation
Regulations](#)

Regulations made under the YESAA that establishes the mandatory timelines for Decisions Body(s) in the assessment process to issue decisions following the review of proposed projects.

[Umbrella Final
Agreement](#) (UFA)

The UFA was signed in 1993 between the Government of Canada, the Government of Yukon, and the Council for Yukon Indians (now Council of Yukon First Nations). Chapter 12 of the UFA mandates for the establishment of an assessment process, realized with the enactment of YESAA, that would apply to all lands within Yukon. Chapter 12 of the UFA also called for the creation of an independent body to be responsible for evaluating proposed projects. This independent body is called YESAB.

[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 Yukon a roadmap to the territorial Impact Assessment (IA) process, which is referred to in Yukon as the Environmental and Socio-Economic Assessment (“Assessment”) process. It summarizes information most relevant in the assessment legislation for First Nations and outlines how to maximize First Nation participation in the assessment 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 Final Agreement Rights in Yukon

In 1993, the [Umbrella Final Agreement](#) (UFA) was reached between the Government of Canada, the Government of Yukon, and the Council for Yukon Indians (now Council of Yukon First Nations). This agreement built the foundation for the future negotiation and of modern treaties and self-government agreements with Yukon First Nations. Since then:

- 11 of the 14 Yukon First Nations concluded their modern treaties that affirm their Aboriginal rights and confirms First Nations’ settlement lands within their traditional territories¹.
- The remaining three First Nations (Liard First Nation, Ross River Dena Council and White River First Nation) have entered into agreements with Canada and Yukon based on the UFA.

Chapter 12 of the UFA called for the establishment by federal legislation of an assessment process that would apply to all lands within Yukon: federal, territorial, First Nation settlement lands, and private lands.

It also requires there to be a public, impartial, and independent assessment body responsible for reviewing projects in the province. With this, the [Yukon Environmental Socio-Economic Assessment Board](#) (YESAB) was created to administer the assessment process and make recommendations about whether activities should proceed or not and under what conditions.

2. The Yukon Assessment Process

2.1 Key Assessment Legislation in Yukon

In Yukon, an assessment may be required for a proposed project under the following legislation:

1. The [Yukon Environmental and Socio-economic Assessment Act](#) (YESAA) and its related regulations:

¹ These First Nations include: Carcross/Tagish First Nation, Champagne and Aishihik First Nations, First Nations of Na-cho Nyak Dun, Kluane First Nation, Kwanlin Dūn First Nation, Little Salmon Carmacks First Nation, Selkirk First Nation, Ta’an Kwäch’ān Council, Teslin Tlingit Council, Tr’ondëk Hwëch’in First Nation, and Vuntut Gwitchin First Nation.

- a. [Assessable Activities, Exceptions and Executive Committee Projects Regulations](#) (Assessable Activities Regulation); and
- b. [Decision Body Time Periods and Consultation Regulations](#).

In Yukon, project assessments are primarily governed through the YESAA rather than the federal [Impact Assessment Act](#) (IAA).

“One Project, One Review”

Canada is currently establishing a ‘one project, one review’ process for assessments 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 Yukon 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 YESAA requires that, before any activity defined in the [Assessable Activities Regulation](#) in Yukon, the environmental and socio-economic effects of the proposed activity are assessed.

The Yukon assessment process is intended, among other objectives², to:

- Protect and maintain environmental quality and heritage resources; and
- Protect and promote the well-being of Yukon First Nations, their societies, Yukon residents, and the interests of other Canadians.

The YESAA establishes three assessment streams that support the review of proposed activities and projects in the Yukon. These are summarized in the table below.

- The [Assessable Activities, Exceptions and Executive Committee Projects Regulations](#) identifies the types of activities proposed in the Yukon that require an assessment, and those that are exempt.
- The Regulations also identifies which assessment a project should be reviewed under.

Assessment Stream	Types of Projects	YESAB Evaluator	Rules for Assessment
Designated Office Evaluation	Smaller-scale projects as set out in Schedule 1 of the Assessable Activities Regulations. <i>(i.e., mining exploration, forestry, land use)</i>	Conducted by one of the YESAB's regional Designated Offices .	Rules for Evaluations Conducted by Designated Offices .
Executive Committee Screenings	For larger-scale projects that are either: • Set out in Schedule 3 of the Assessable Activities Regulations; • Are submitted by proponents directly to the Executive Committee; or • Are referred to the Executive Committee by a Designated Office	Conducted by the YESAB's Executive Committee .	Rules for Screenings Conducted by Executive Committee – Consolidation June 1, 2022 ;

² For the full list of the Act's purpose, refer to section 5 of the [YESAA](#).

			Rules for Screenings Conducted by Executive Committee – 2005 to May 21, 2022³.
YESAB Panel Reviews	For larger-scale projects that: • Have potential significant adverse effects; • Are likely to cause significant public concern; • Involve the use of controversial technology; and/or • Other levels of assessment have been unable to come to a recommendation.	Conducted by a YESAB Panel , which is comprised of Board members and is established by the Executive Committee.	Rules for Reviews Conducted by Panels of the YESAB.

This Yukon Jurisdictional Scan focuses on the Designated Office Evaluation and Executive Committee Screening streams within the Yukon assessment framework.

- For information on the YESAB Panel Review process, please refer to Appendix 1.

Under YESAA, all projects are assessed across the three streams using the same assessment methodology and structure:

1. Information Collection

- Proponent submits information about the proposed project to either the Designated Office or Executive Committee.
- The Designated Office or Executive Committee communicates about the proposed project by posting information on the YESAB Registry.
- The public, including affected First Nations in whose territory the project occurs, can review the project information and provide comments and information about potential project effects.

2. Review Process⁴:

- Either the Designated Office or the Executive Committee must review the information provided about a proposed project and examine the potential environmental and socio-economic effects.
- Based on this review, the Designated Office or Executive Committee must make a recommendation about whether the proposed project should:
 - Proceed;
 - Proceed, with **Terms and Conditions**; or
 - Not Proceed.

3. Decision-Making Process:

- The recommendation is provided to the relevant **Decision Body(s)**, who are then responsible for making the final decision and may:
 - Accept;
 - Reject; or

³ Note that these 2005 Rules only apply to project proposals that submitted before June 1, 2022. All other project proposals submitted after are subject to the 2022 Rules.

⁴ Although the responsible assessor may vary depending on the nature of the project and the level of public concern, all assessments in Yukon follow the same assessment methodology. Refer to YESAB's [Environmental and Socio-economic Assessment Methodology Information Bulletin](#) for more information about this methodology.

- iii. Vary either the Designated Office or Executive Committee's recommendation.
- b. The final decision is issued in a **Decision Document**.

YESAB maintains the [YESAB Registry](#), which includes all documentation related to projects undergoing an assessment. This is where affected First Nations can review all project information and submit comments to the Designated Office or Executive Committee.

Consideration of First Nation Rights

Sections 42(1)(g) and (g.1) of the YESAA requires YESAB to consider the following:

- The need to protect the Final Agreement rights of “Yukon Indian Persons”, as defined in the UFA;
- The special relationship between Yukon Indian Persons and the wilderness environment of Yukon;
- The cultures, traditions, health and lifestyles of Yukon Indian Persons; and
- Yukon First Nations' interests, including impacts on asserted and established Aboriginal rights.

YESAB **does not** directly assess or make recommendations about how a project may affect asserted or established Aboriginal or Final Agreement rights. Instead, YESAB assesses these impacts indirectly by considering a project's effects on **valued environmental and socio-economic components (VESECs)**. This is done by:

- Using asserted or established Aboriginal or Final Agreement rights to help identify which VESECs should be examined; and
- Using asserted or established Aboriginal or Final Agreement rights to provide context for understanding the significance of a project's effects on VESECs.

For more information on how Yukon assessments consider Aboriginal and Final Agreements Rights, refer to YESAB's [Information Bulletin](#).

2.2 Roles and Responsibilities for the Yukon Assessment Process

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

YESAB	Designated Office	Yukon has six assessment districts, each with a Designated Office responsible for carrying out the evaluations of projects and for conducting assessments under the YESAA. The Designated Offices are located in: Dawson City, Haines Junction, Mayo, Teslin, Watson Lake, and Whitehorse. Refer to the YESAB's Assessment District Map to find out which Designated Office(s) services your First Nation.
	Executive Committee	The Executive Committee of YESAB is composed of the Chair and two Board members. It is responsible for conducting screenings for projects that are either designated in the YESAA Regulations or referred by a Designated Office. The Executive Committee is also responsible for establishing the YESAB Panel and supporting the development of assessment processes within the Board.

	YESAB Panel	A Panel of the Board consists of YESAB Board members, appointed under YESAA, and established by the Executive Committee Board to conduct detailed reviews of specific projects.
Decision-Makers	Decision Body(ies)	Under the YESAA, the Decision Body(ies) is the government or authority responsible for issuing a Decision Document following an assessment of a project. Depending on the project's location, the nature of the proposed activity, and the approvals required, Decision Body(ies) may include Yukon First Nations, the territorial minister (on behalf of territorial agencies or governments), federal agencies, or, in certain circumstances, the federal minister. There can also be multiple Decision Bodies for a project, depending on the location of the project and authorizations required. For example, the Kudz Ze Kayah Project had one federal and one territorial Decision Body: Fisheries and Oceans Canada, and Government of Yukon.
First Nations	First Nations are key partners in the assessment process in Yukon, who participate directly in the assessment of proposed projects located within their traditional territory. During the assessment process, First Nations are invited to provide comments through the YESAB registry about any concerns or impacts linked to proposed projects and invited to share any information to help the evaluation of environmental and socio-economic impacts.	
Proponents	Responsible for initiating the assessment process by submitting proposed project information to a Designated Office or to the Executive Committee. Proponents are responsible for responding to any additional information requests from YESAB throughout the process, and to identify measures to avoid and/or minimize significant adverse effects on the environment and socio-economic conditions. For Executive Committee Screenings, proponents are expected to undertake consultation activities with affected First Nations to understand their concerns and perspectives about proposed projects.	

3. Overview of the Yukon Assessment Processes

Designated Office Evaluation Stream

Designated Offices are responsible for carrying out the evaluation of proposed projects, as per the YESAA. Figure 1 outlines the general process of the Designated Office Evaluation stream.

- First Nations are encouraged to review the [Designated Office Evaluation Rules](#) to better understand the key steps and timelines associated with this stream.

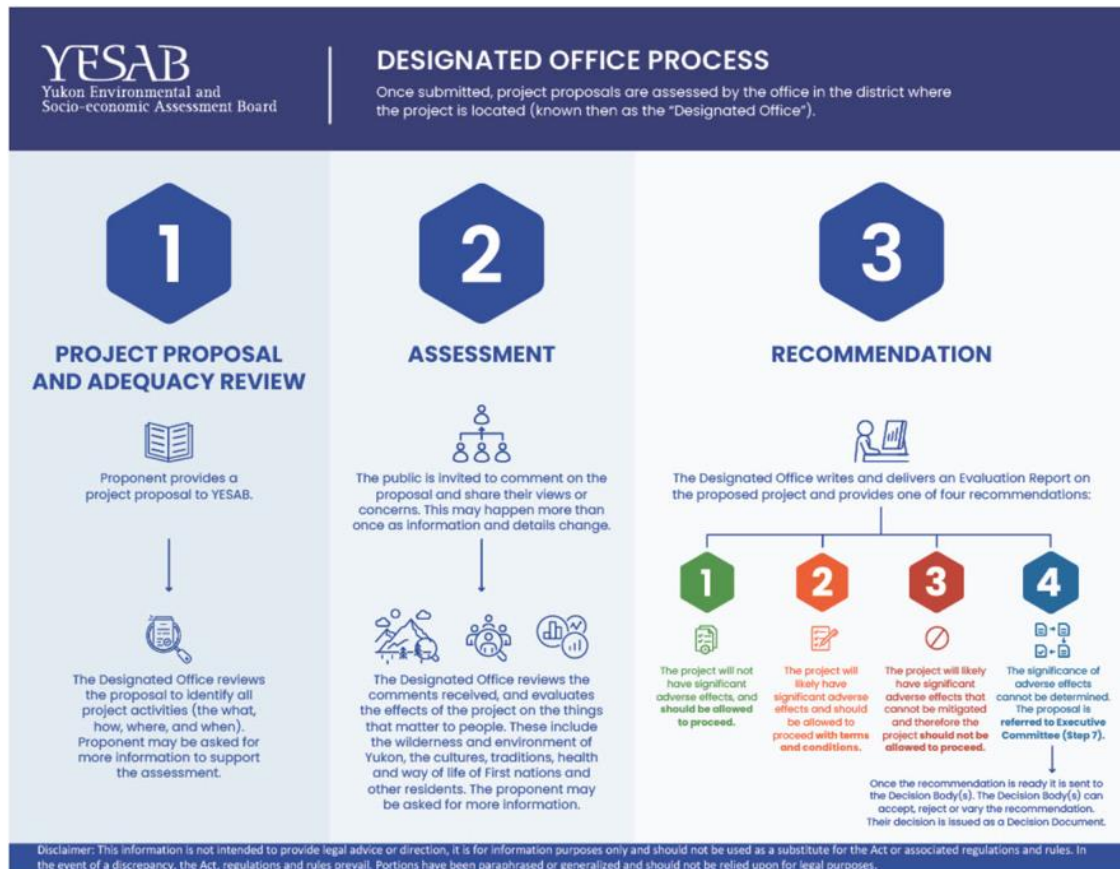


Figure 1: Flowchart of the Designated Office Evaluation Process

Early Engagement Phase

The Designated Office Evaluation process does not include a formal “Early Engagement” phase. However, proponents are encouraged to engage with First Nations before the start of assessment to establish good relationships, if the potentially affected First Nation has the willingness and/or capacity to engage.

- 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	
Proponents	Begin engagement early with First Nations and share clear information about the project and commit to working in good faith.
First Nations	Share interests, concerns, and expectations; identify capacity needs; begin developing community-driven priorities.

Expected Outcomes → Stronger early relationships and shared expectations that support meaningful First Nations participation throughout the assessment process.

Project Proposal and Adequacy Review Phase

Phase 1 begins when proponents submit their **Project Proposal** to the Designated Office either physically or through the YESAB registry. The following then occurs:

- Proponents submit their proposal to the Designated Office for the assessment district where the project is located. The proposal includes information such as the project's location, a description of the project's primary activities, and other details⁵.
- The Designated Office has eight days to review it and determine whether it is adequate:
 - If more information is needed, the Designated Office requests for the proponent to provide the necessary information before proceeding to the next Phase.
- Once the Designated Office determines that the proposal is adequate, it prepares a statement outlining the scope of activities that will be considered in the next Phase.

Roles and Responsibilities	
Designated Office	Reviews the project proposal for adequacy, requests additional information if needed, and drafts the statement outlining the scope of the evaluation.
Proponent	Submits a project proposal and provides additional information, as needed.

Expected Outcomes → Complete project proposal and the Designated Office's statement outlining the scope of project activities to be considered in the evaluation.

Assessment Phase

This Phase starts when the Designated Office notifies the proponent and other parties⁶ of the start of the evaluation and starts the public comment period. The following activities occur:

- The public, including notified parties, provide comments on the proposed project. The duration of the comment period is specified in the project's public notice but generally ranges between 14 to 35 days.
- After the public comment period closes, the Designated Office has three days to decide if they have enough information to continue the evaluation:
 - If the Designated Office decides they need additional information, they will notify the proponent who must provide this information.
 - If the Designated Office decides they need another public comment period because new information from the proponent may change the outcome of the assessment, the Designated Office issues a public notice. This additional public comment period will generally last between 10 to 35 days.
- The Designated Office reviews all public comments and of the proposed project information to identify and assess VESECs. Through the assessment of VESECs, the Designated Office identifies if significant adverse effects are likely to occur and if those significant adverse effects can be effectively mitigated. This review is completed within 14 days.
 - The Designated Office can extend the period for making its recommendation or referral for up to an additional 21 days with notification to the proponent.

⁵ Refer to the YESAB [Proponent's Guide to Project Proposal Submission to a Designated Office](#) for more detail about the specific information that must be included in a proponent's project proposal.

⁶ As per the [Designated Office Evaluation Rules](#), this includes any Yukon First Nations whose territory the project would be located in, or in whose territory the project might have significant environmental or socio-economic effects.

Roles and Responsibilities	
Designated Office	Administers the assessment Phase, including the public comment periods and additional information requests, to support an evaluation of the proposed project.
Proponent	Provides additional information, as needed, to support the evaluation.
First Nations	Review proposed project information to provide comments to the Designated Office about it, including details of potential impacts and mitigation measures ⁷ .

Expected Outcomes → Designated Office determines that they have sufficient information to support the development of their recommendation.

Designated Office Recommendation or Referral Phase

The Designated Office writes an **Evaluation Report**, which identifies either a recommendation to the Decision Body(ies) or a referral to the Executive Committee. The Evaluation Report will state that:

- The project is not likely to have significant adverse effects and should proceed;
- The project may have significant adverse effects but can proceed with specified terms and conditions;
- The project is likely to have significant adverse effects that cannot be mitigated and should not proceed; or
- The significance of adverse effects cannot be determined, and the project should be referred to the Executive Committee (Stage 2⁸).

Roles and Responsibilities	
Designated Office	Prepares and submits the Evaluation Report, which includes a recommendation about the proposed project to Decision Body(ies).

Expected Outcomes → Submission of the Evaluation Report to Decision Body(ies) or referral to the Executive Committee.

Decision Body(s) Decision Phase

Once the Decision Body(ies) receive the Evaluation Report, they issue a Decision Document for the proposed project, with a decision to either:

- Accept the Designated Office's recommendation;
- Reject the Designated Office's recommendation; or
- Vary the Designated Office's recommendation.

The terms of the Decision Document will determine conditions on the authorizations issued for the project.

⁷ Section 121 of YESAA establishes protocols by which First Nations can submit confidential Traditional Knowledge to the YESAB without having this information be publicly disclosed during the assessment process. For more information, refer to the YESAB's [Guidance of the Designation of Confidential Information in YESAA Assessments](#).

⁸ When a proposed project is referred to an Executive Committee Screening, the process starts at the Assessment Phase of the Executive Committee Screening process.

Roles and Responsibilities	
Decision Body(ies)	Review the Evaluation Report and make a final decision to accept, reject, or vary the recommendation provided by the Designated Office.
Designated Office	Post the final decision about the proposed project on the registry for the public.

Expected Outcomes → Issuance of Decision Document for the proposed project.

<u>Proposed Update to the Designated Office Rules</u>
The YESAB is in the process of updating their Designated Office Evaluation Rules to improve the efficiency of assessments. Key proposed changes include: • Inclusion of a compliance check phase before projects enter the Assessment phase; • Development of new categories of evaluation used in in the Assessment phase for different project types; and • Updating timelines for each phase in the Designated Office Evaluation process. First Nations are encouraged to look for updates to the Designated Office Evaluation Rules, which should be in effect on August 1, 2026. • For information about the proposed Rules update, refer to the YESAB's webpage.

Executive Committee Screening Process

The Executive Committee of YESAB is responsible for carrying out the evaluation of proposed projects that are referred to by a Designated Office or are submitted directly to the Executive Committee if the proposed activity is listed under Schedule 3 of the [Assessable Activities Regulations](#). Activities such as construction, decommissioning, or abandonment of a metal mine or a gold mine or construction of a hydroelectric generating station with a production capacity of 5MW or more would go through an Executive Committee Screening. Figure 2 outlines the general process of the Executive Committee Screening stream.

- First Nations are encouraged to review the [Executive Committee Screening Rules](#) to better understand the key steps and timelines associated with this stream.



Figure 2: Flowchart of the Executive Committee Screening Process

Pre-Submission Engagement Phase

For proposed projects being reviewed by the Executive Committee, proponents are to undertake **Pre-Submission Engagement (PSE)**⁹, which is in the next Phase. The Executive Committee notifies **Participants**, which includes affected First Nation communities, about the start of the screening process for the proposed project.

- Proponents must notify the Executive Committee at least 30 days before submitting the Project Description to allow time for this notification.

Proponents are required to consult with affected First Nations in whose traditional territory the project will be located or might have significant environmental or socio-economic effects before submitting their proposal to the Executive Committee¹⁰.

- Proponents must submit a **Consultation Record** in the next Phase to the Executive Committee to support their assessment of if the **Obligation to Consult** has been met.

Roles and Responsibilities	
Proponents	Notifies the Executive Committee of its intention to screen the proposed project and begins consultation activities with affected First Nations.
Executive Committee	Administers the PSE process by notifying participants about the start of the screening process of the proposed project.
First Nations	Participate in consultation activities led by proponents to identify potential impacts and share any concerns or perspectives.

Expected Outcomes → Early identification of issues to help shape the screening process.

Project Description Phase

Proponents prepare and submit a Project Description in accordance with YESAB's [Project Description Requirements](#) to the Executive Committee.

- The Executive Committee completes a compliance check of the Project Description to make sure all the necessary information is included.
 - If information is missing, the Executive Committee provides direction to proponents on how to re-submit it with the required information.
- Once determined to be in compliance, the Executive Committee posts the Project Description on the public registry to start the PSE process.
 - Participants have up to 40 days to review and provide comments about the Project Description and identify any issues or gaps.

Roles and Responsibilities	
Proponents	Prepares and submits a Project Description to the Executive Committee and provides additional information, as needed.
Executive Committee	Reviews the Project Description for compliance, posts it to the registry, and administers the comment period.
First Nations	Review and provide comments on the Project Description during the participant comment period, if they are participants in the screening process.

⁹ Read Part 3 of the [Executive Committee Screening Rules](#) or the [Pre-Submission Engagement User Guide](#) for more detail.

¹⁰ Refer to the [Consultation Guide for Proponents](#) for more information about proponent's engagement and consultation requirements during Stage 2.

Expected Outcomes → Submission of Project Description and completion of the first participant comment period.

Project Proposal Guidelines Phase

The Executive Committee reviews comments and the Project Description to develop draft

Project Proposal Guidelines (PPG) within 60 days.

- Draft PPG is posted on the public registry for a 40-day comment period.
- The Executive Committee finalizes the PPG within 30 days, which is then posted on the public registry. These will guide the rest of the screening process.

Roles and Responsibilities	
Executive Committee	Drafts and then finalizes, based on public comments, the PPG to guide the screening process for the proposed project.
Proponents	Review and provide comments on the PPG.
First Nations	Review and provide comments on the PPG during the participant comment period, if they are participants in the screening process.

Expected Outcomes → Submission of PPG and completion of the second participant comment period.

Proponent Response and Proponent Response Review Phases

Proponents have up to 24 months to prepare their **Project Proposal Guideline Response (PPGR)**, outlining how they will address the PPG's information requirements.

- Proponents must notify the Executive Committee 30 days before submitting the PPGR.

Once the Executive Committee receives the proponent's PPGR, the following occurs:

- The Executive Committee reviews the PPGR to make sure it has sufficient information.
- The PPGR is submitted to the YESAB registry for a proponent and participant comment period, which can last up to 60 days.

Roles and Responsibilities	
Proponents	Prepares and submits the PPGR to the Executive Committee.
Executive Committee	Reviews the PPGR for adequacy and administers the third participant comment period.
First Nations	Review and provide comments on the PPGR during the participant comment period, if they are participants in the screening process.

Expected Outcomes → Submission of PPGR and completion of the third participant comment period.

Project Proposal Report Phase

The Executive Committee has up to 60 days to prepare a **Project Proposal Report (PPR)** that outlines information requirements for the Project Proposal and any outstanding issues raised by participants that are still unaddressed.

Roles and Responsibilities	
Executive Committee	Prepares the PPR identifying required information and outstanding issues to be addressed in the final proposal.

Expected Outcomes → Submission of the PPR to the public registry.

Proposal Submission Phase

Proponents have up to 24 months to prepare and submit their Project Proposal to the Executive Committee. Once the Executive Committee receives it, the following happens:

- The Executive Committee has 60 days to determine if the Project Proposal meets the PPR information requirements.
- A **Notice of Determination** is issued to the proponent and participants within seven days.

Roles and Responsibilities	
Proponents	Prepares and submits a complete Project Proposal that meets all PPR requirements.
Executive Committee	Reviews the Project Proposal for compliance with the PPR and issues a Notice of Determination.

Expected Outcomes → Final Project Proposal.

Assessment Phase¹¹

The Executive Screening prepares a **Preliminary Statement** outlining the scope of the project.

- The Preliminary Statement and a notice of the start of the screening process is posted on the public registry.
- A 30-day public comment period is held for the Project Proposal and the Executive Committee's Preliminary Statement, which affected First Nations may participate in.
- The Executive Committee determines if there is sufficient information to support the rest of the assessment process. If not, the Executive Committee may either:
 - Request additional information from the proponent about the proposed project; or
 - Host an additional public comment period.

Roles and Responsibilities	
Executive Screening	Begins the screening process, drafts a Preliminary Statement, administers the public comment period, and determines information adequacy.
Proponent	Provides additional information, if requested by Executive Committee.
First Nations	Review and provide comments on the Project Proposal and the Preliminary Statement during the public comment period

Expected Outcomes → Executive Committee determining there to be sufficient information to support Phase 8 and completion of first public comment period.

Draft Screening Report Phase

¹¹ When a proposed project is referred to an Executive Committee Screening by a Designated Office, the process starts at this Assessment Phase of the Executive Committee Screening process.

The Executive Committee prepare a draft **Screening Report** within 120 days of determining that they have sufficient information to proceed with the screening process. Then:

- The Executive Committee publishes the draft Screening Report on the online registry to begin a 30-day public comment period on the proposed project.
- If determined to be needed, the Executive Committee may hold public meetings to get more information about the public's perspective of the proposed project.

Roles and Responsibilities	
Executive Screening	Drafts and posts the draft Screening Report on the public registry and administers the second public comment period.
Proponent	Reviews and provide comments on the draft Screening Report. If needed, participates in public comment periods.
First Nations	Review and provide comments on the draft Screening Report during the public comment period.

Expected Outcomes → Draft Screening Report and completion of the second public comment period.

Executive Committee Recommendation Phase

The Executive Committee has 60 days to finalize the Screening Report, considering all participant and public comments submitted, which includes their recommendation. This may be:

- The proposed project should proceed;
- The proposed project should proceed with terms and conditions;
- The proposed project should not proceed; or
- The proposed project is referred to a YESAB Panel Review (Appendix 1).

Roles and Responsibilities	
Executive Committee	Finalizes the Screening Report and issues a recommendation to the Decision Body(ies) for the proposed project or issues a referral to the executive committee.

Expected Outcomes → Final Screening Report submitted to Decision Body(ies).

Decision Body(s) Decision Phase

Once the Decision Body(s) receive the Screening Report, they issue a decision about the proposed project, in the **Decision Document**, to either:

- Accept the Executive Committee's recommendation;
- Reject the Executive Committee's recommendation; or
- Vary the Executive Committee's recommendation.

Roles and Responsibilities	
Decision Body(s)	Review the Evaluation Report and make a final decision to accept, reject, or vary the recommendation provided by the Executive Committee.
Executive Committee	Posting the final decision about the proposed project on the YESAB registry for the public.

Expected Outcomes → Issuance of the Decision Document for the proposed project.

Available Funding for First Nations and Inuit Consultation and Participation

The Northern Participant Funding Program provides funding to First Nations and Inuit communities to participate in EAs for major projects in Yukon.

- For more on how to apply for this funding, First Nations and Inuit communities should review the Government of Canada's [webpage](#).

Although this funding is available, it is expected that the amount will not cover all the costs for a First Nation and Inuit to be engaged in an EA. As such, it is recommended that the First Nation and Inuit communities negotiate additional EA-related funding from proponents when possible.

4. First Nation Consultation in Yukon

Under the YESAA, the YESAB has obligations to meaningfully involve and engage First Nations throughout the assessment process for a project proposed in their traditional territory. This complements the obligations to First Nations established in the UFA but is different from the Crown's **Duty to Consult** because YESAB is distinct from the Crown.

First Nation Engagement and Consultation Policies or Guides in Yukon

Several Yukon First Nations have developed specific engagement policies and guidance documents. Some publicly available sector-specific engagement guidance includes:

1. Vuntut Gwitchin Government's [Policy for Engagement with the Oil and Gas Industry](#); and
2. Tr'ondëk Hwëch'in's [Best Practices for Heritage Resources](#).

In addition, some Final Agreements outline a First Nation's expectation for consultation practices, when they anticipate being consulted by the Crown.

The YESAA includes a definition of **Consultation**, which is used throughout the Act to identify what will occur when one party is required to consult another. This is mostly in the context of the federal, territorial, and First Nations parties coming together to determine members of the Board, the assessment districts, and the budget for Designated Offices. But it also applies to the requirement that proponents consult with First Nations on Executive Committee Level Screenings. Parties consulted will be given:

- Adequate time and notice about the proposed project;
- A reasonable period to review information and prepare views;
- An opportunity to present those views to the party doing the consultation

In each assessment stream there is a dedicated space for Yukon First Nations to present concerns, comments, and perspectives. Section 42(1) of YESAA requires the assessment to include consideration of effects to First Nations and the need to protect rights outlined in the Final Agreements.

- At the Designated Office level, YESAB does not seek comments on their recommendations.
- At the Executive Committee Screening level, Yukon First Nations have an opportunity (along with the general public) to comment on YESAB recommendations in the YESAB Evaluation Report.

Decisions made will consider fully and fairly, any views presented. All parties (Decision Bodies, First Nations, the public) receive access to the Evaluation Reports at the same time – when YESAB uploads it to the registry. Decision Bodies must consult with affected First Nations before they finalize and issue their Decision Document.

Proponent's Role in Consultation Activities for Executive Committee Screenings

For projects reviewed under the Executive Committee Screening stream, proponents are required by YESAA to consult with First Nations that may be affected by the project. This consultation requirement is distinct from the Crown's Duty to Consult.

- The YESAB developed [Proponent Consultation Guidance for Executive Committee Screenings](#) that outlines the scope of consultation activities that must be done by proponents for this assessment stream.

Proponent-led consultation activities must be completed before the proponent submits the project proposal to the Executive Committee. At a minimum, proponents must:

- Provide timely notification of the proposed project to affected First Nations;
- Allow sufficient time for First Nations to review and prepare their views on the proposed project;
- Offer meaningful opportunities for First Nations to present those views to proponents; and
- Ensure that all affected First Nations views and perspectives are fully and fairly considered in the project proposal.

Proponents submit a **Consultation Record** to the Executive Committee while they submit their project proposal for review. The proponents' consultation efforts will be assessed, by the Executive Committee, to determine if the proponent has met their obligation to consult.

- If the Executive Committee determines that the proponent has not met their consultation obligation, the project will not proceed to screening Phase.

5. Emerging Assessment Trends in Yukon

Emerging Trend: Development of Indigenous-led Assessment Processes

The Yukon is also seeing the creation of Indigenous-led Assessment (ILA) processes, such as the Tu Łidlini Assessment Process (TAP) created by the Ross River Dena Council (RRDC). Under the TAP, project proponents must submit applications directly to the RRDC as well as submitting it to the YESAB. Then, the RRDC evaluates potential impacts on land, culture, and wildlife, in a manner that incorporates guidance from Elders and the community's perspective, to determine whether a project should proceed.

While these ILA processes are not formally required as part of the Yukon regulatory assessment framework, there are avenues by which the outcomes of these ILAs can influence the assessment process. For example, the YESAB, as an independent public body, could engage with First Nations undertaking ILA processes and, where appropriate, consider and integrate the outcomes of the ILA into their evaluation and recommendations of the proposed project.

6. Further Support and Guidance

Learning Resources and Tools for Yukon

1. [The YESAB Assessment Process](#);
2. [Overview of the Yukon Environmental and Socio-Economic Assessment Act \(YESAA\)](#);
3. [Impact Assessments in Canada's North](#); and
4. [YESAB Assessment Process Resources](#).

To access French learning resources for Yukon, refer to the YESAB's webpage [here](#).

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Appendix 1: Yukon's YESAB Panel Review Process

The **YESAB Panel Review** is the Yukon's highest level of assessment and is reserved for major projects that:

- Have potential significant adverse effects;
- Are likely to cause significant public concern;
- Involve the use of controversial technology; and/or
- Other levels of assessment have been unable to come to a recommendation.

When the Executive Committee determines (typically at the end of the Executive Committee Screening process) that a proposed project should undergo a YESAB Panel Review, it establishes a Panel composed of Board members to conduct the review.

Spotlight: The Casino Copper-Gold-Molybdenum-Silver project

The Casino Copper-Gold-Molybdenum-Silver (Casino Mine) project is the first project to be referred to a YESAB Panel Review after the Executive Committee determined in their [Decision Document that](#) this project requires a higher level of review.

- For more information about the project, refer to the [Casino Mine Project Plain Language Summary](#).
- For more information about the assessment process for this project, refer to the YESAB's [Casino Mine Panel Review page](#).

To better understand the YESAB Panel Review Process, refer to the [Rules for Reviews Conducted by YESAB Panels](#) or review the Figure provided on the next page.

PANEL OF THE BOARD REVIEW PROCESS – SUMMARY

Part 1 – Executive Committee

1 REVIEW TRIGGERED

- After a review is triggered as per the Act, the Proponent submits a project proposal to the Executive Committee.
- The project may trigger a panel review if the project has potential significant adverse effects; is likely to cause significant public concern; involves the use of controversial technology; or if other levels of assessment have been unable to come to a recommendation.

2 ESE STATEMENT GUIDELINES

- The Executive Committee issues the Environmental and Socio-economic Effects Statement Guidelines (ESE Statement Guidelines) to the proponent after a public comment period on the draft ESE Statement Guidelines.

3 ESE STATEMENT

- Proponent prepares its ESE Statement in accordance with ESE Statement Guidelines and files it with the Executive Committee based on a pre-determined schedule.
- The Executive Committee may issue an information request to the proponent if the ESE statement does not contain sufficient information.

4 DETERMINING PRIMARY LOCATION OF EFFECTS

- The Executive Committee seeks views from specific participants and makes determinations regarding the location of the likely significant adverse environmental or socio-economic effects of the proposed project.

5 TERMS OF REFERENCE

- After the Executive Committee seeks views from specific participants on the draft Terms of Reference, the Executive Committee finalizes the Terms of Reference to be provided to the panel.
- Once selected, the Panel may request the Executive Committee clarify or modify the Terms of Reference.

6 SELECT PANEL MEMBERS AND DESIGNATED CHAIR

- Based on where the location of primary effects is determined to be, the Executive Committee selects the Panel from current YESAB Board Members; a Panel Chair is selected.
- The Executive Committee provides the Panel with the Terms of Reference, the proponent's ESE Statement; and publishes a public notice as required under the rules. The Executive Committee's role is complete and the Panel assumes authority of the panel review.

Part 2 – Panel

7 PANEL REVIEW PREPARATION

Subject to the Terms of Reference or other matters the Panel considers appropriate, the Panel determines:

- a general schedule for the review;
- the information to be provided by the proponent (e.g. ESE Statement); and
- identifies how First Nations, residents of communities, the federal and territorial government and interested persons may participate in the panel review (e.g. via public hearings); and
- If the ESE Statement is ready for technical analysis.

8 TECHNICAL ANALYSIS OF ESE STATEMENT

- The Panel initiates the technical analysis of the ESE Statement to determine if the information is sufficient to move forward to the public hearing phase of the review.
- The Panel and participants may seek additional information from the proponent and views from interested parties. An information request process is used as set out in the rules.
- The panel invites written comments on the ESE Statement from the public.

9 PUBLIC HEARING PREPARATION

Once the Panel determines that the ESE Statement provides sufficient information, the public hearing phase can commence. A hearing schedule is prepared, and individuals can apply to participate in a hearing as per the rules. Preliminary matters to be raised at a hearing can be filed with the Panel.

10 PUBLIC HEARINGS

Public hearings are held based on the Panel's public hearing notices which describe the subject-matter of the hearings, the dates, times and hearing locations.

11 PANEL REPORT AND RECOMMENDATION

Once all public hearings are concluded, the Panel prepares a Panel Report and Recommendation for the decision bodies on whether the project be allowed to proceed or allowed to proceed but subject to specified terms and conditions, or not be allowed to proceed.

12 PANEL DECISION

A Decision Document is issued by the decision bodies, or the recommendation is referred back to the Panel for a new recommendation.

Disclaimer: This information is not intended to provide legal advice or direction, it is for information purposes only and should not be used as a substitute for the Act or associated regulations and rules. In the event of a discrepancy, the Act, regulations and rules prevail. Portions have been paraphrased or generalized and should not be relied upon for legal purposes. The Panel Review Rules with timelines can be found on www.yesab.ca

Office Locations: Head Office is located in Whitehorse.

Appendix 2: 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.

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 Assessment Processes in Yukon

	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)

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

Jurisdictional Scan of Assessment Processes in Yukon

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

Jurisdictional Scan of Assessment Processes in Yukon

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

Jurisdictional Scan of Assessment Processes in Yukon

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

	Assessment Act (2003) ¹²				
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¹² 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.