**Supplementary Material 1:**

**Summary of current impact assessment processes for proposed mining and quarry projects across jurisdictions in Canada**

Supplement to:

Westwood et al. Unearthing trends in environmental impact assessments for mines and quarries across Canada. *FACETS*.

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# Federal

* **Legislative scheme:** Impact Assessment Act, 2019 + Physical Activity Regulations, 2019
* **Information summarized from the Impact Assessment Agency of Canada:** https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/impact-assessment-process-overview.html
* **How it works:**
  + Under the *IAA,* 2019, proponents with projects described on the project list of the *Physical Activities Regulations*[[1]](#footnote-2) are to provide the Impact Assessment Agency of Canada with an initial description of the project that includes all prescribed information (s. 10). This 180-day initial planning phase must also involve Indigenous and public consultation to help shape the proposed assessment. The Agency will then decide whether an impact assessment is ultimately required, based on of factors like the presence of adverse effects within federal jurisdiction as well as any comments received during the public consultation (s. 16(1) and 16(2)). The impact assessment will consider the factors prescribed by the Agency in the **Tailored Impact Statement Guidelines**, including the potential environmental, health, social and economic impacts of the proposed project. The **Impact Statement** generated by the proponent, in conjunction with Crown consultation processes, will inform the Agency’s recommendations, submitted to the Minister in the **Impact Assessment Report**. The Minister’s (or, the Governor in Council if the power is referred to it by the Minster) decision to approve the project or not, or, if the project’s adverse effects are in the public interest, to establish proponent conditions. Compliance with the **Decision Statement** will be monitored and Indigenous and community participation in follow-up will be prioritized.
* **Mining project thresholds:**
  + Section 18 of the *Regulations* specifies that new coal, diamond and metal mines or mills with a production capacity of 5000 t/day or more will be subject to the impact assessment process. The same is true for new rare earth element mines with a capacity of at least 2500 t/day or new stone quarry or sand or gravel pits with a production capacity of at least 3 500 000 t/year. Sections 19 through 25 set out additional thresholds for existing mines and speak more specifically to the process set out for uranium mines.

# British Columbia

* **Legislative scheme:** Environmental Assessment Act, 2018 + Reviewable Projects Regulation, 2019
* **Information summarized from the British Columbia Environmental Assessment Office:** https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/environmental-assessment-process
* **How it works:** 
  + Projects subject to BC’s *Environmental Assessment Act,* 2018 will go through an **early engagement phase,** where all participants, including interested First Nations, will have the opportunity to establish a foundation for the whole of the environmental assessment process, including the **readiness to decision** (i.e., the decision to proceed with an environmental assessment). Building off of the early engagement phase and readiness decision, the **process planning** stage formalizes how the environmental assessment and its associated public engagement is to be carried out. The proponent will then develop their **application for an environmental assessment certificate**, which will be reviewed by participating Indigenous nations, the Technical Advisory Committee, and the Community Advisory Committee. Where necessary, revisions will be provided. The chief executive assessment officer will then develop a **draft Assessment Report** and **draft environmental assessment certificate** (with conditions). The public will have the opportunity to comment. The environmental assessment body’s **finalized referral package** will then be submitted to the minister responsible for a specified reviewable project (as designated by the Lieutenant Governor in Council to decide whether to issue a certificate or not, based on the finalized Assessment Report, the recommendations received, the sustainability and reconciliation purposes of the EAO and other matters considered relevant to the public interest. Where environmental assessment certificates are issued, **post-certificate activities** will be undertaken by the compliance and enforcement branch of the EAO.
* **Mining project thresholds:** 
  + Projects will be subject to BC’s environmental assessment process if they meet the criteria set out in the *Reviewable Projects Regulation,* are specifically designated by the Minister of the Environment and Parks, or when otherwise subject to assessment by the chief executive assessment officer at the request of the project proponent. The following mining projects are subject to provincial EA:
    - New or existing coal mines with a production capacity of at least 250 000 t/year
    - New or existing mineral mines with a production capacity of at least 75 000 t/year
    - New or existing sand and gravel pits with a production capacity of at least 500 000 t/year, or, over a period of operation lasting less than 4 years, 1 000 000 tonnes
    - New or existing placer mineral mines with a production capacity of at least 250 000 t/year
    - New or existing construction stone and industrial mineral quarries that involves the removal of construction stone or industrial minerals or both, is regulated as a mine under the *Mines Act,* and has a production capacity of at least 250 000 t/year
    - New offshore mines or the modification of such existing mines where the chief executive assessment officer has determined that the modification has the potential to result in a significant adverse environmental, economic, social, cultural, or health effect

# Alberta

* **Legislative scheme:** Environmental Protection and Enhancement Act, 2000 + Environmental Assessment (Mandatory and Exempted Activities) Regulation, 1993
* **Information summarized from the Government of Alberta:** https://open.alberta.ca/dataset/25654f70-8686-407b-b683-0a0521ba50d7/resource/2b4f7770-fd7a-499c-a81d-f0ac2fdee8c3/download/environmentalassessmentprocess-dec2015.pdf
* **How it works:**
  + Proponents of projects subject to Alberta’s environmental assessment process will first submit a **Project Summary Table** and a map to the Director. Oftentimes, this summary will be sufficient for the Director to decide whether an environmental assessment report will be necessary. Should more information be required, the Director can call for the preparation of a **Screening Report,** which the Director will consider alongside public comment. Where Environmental Impact Assessment reports are deemed necessary, the proponent will then need to prepare **proposed Terms of Reference** and a **First Nations Consultation Plan.** The Director will consider these documents alongside public comments in then issuing the **final Terms of Reference** (which will delineate the scope of the Environmental Impact Assessment report to be prepared). The completed **Environmental Impact Assessment report** will next be submitted to the Environmental Assessment Director for technical review. The Director will refer the report to the applicable Board or to the Minister to become part of the **public interest decision** once they are satisfied that the report is complete and that the terms of reference have been met. Absent a finding from the Minister that the project is *not* in the public interest, the project will then be subject to the **regulatory approvals process.**
* **Mining project thresholds:**
  + The *Environmental Assessment (Mandatory and Exempted Activities) Regulation* holds that all quarries producing over 45 000 t/year, surface coal mines producing over 45 000 t/year and oil sands mines will be subject to provincial environmental assessment. In addition, the Director designated by the Minister under the *Environmental Protection and Enhancement Act* maintains the discretion to determine whether all projects not listed in the regulations will be subject to environmental assessment. Similarly, the Minister may also mandate the preparation of an Environmental Assessment Report for projects which would otherwise be exempt from environmental assessment under the Regulations.

# Saskatchewan

* **Legislative scheme:** Environmental Assessment Act, 1980
* **Information summarized from the Saskatchewan Environmental Assessment and Stewardship Branch:** https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/environmental-assessment-process
* **How it works:**
  + Proponents of projects subject to Manitoban environmental assessment are to submit an **application for Ministerial Determination** with a **technical proposal** to the EA Breach for review, alongside an online application. The EA branch will then **screen the proposal**, which may include forwarding the application to the ministry’s Technical Resources Branch, or the Saskatchewan Environmental Assessment Review Panel. The EA Commissioner will then make a determination on whether an **Environmental Impact Assessment** is required before the proponent can proceed with the project. Where this is the case, proponents will need to prepare a **Terms of Reference** document for their project, identifying key impacts to be studies as part of the EIA. The TOR will be reviewed by the EA Branch before the proponent will undertake the EIA and prepare the **Environmental Impact Statement**. Once completed, the proponent will forward the EIS to the EA Branch for review, who may be asked to produce additional information to address any deficiencies. Once satisfied with the EIS, the EA Branch will compile the **final Technical Review Comments** to assist the public in reviewing the proponent’s EIS and the government decision-makers in reaching a **final determination to approve, reject, or impose conditions on the project**. The Minister maintains the right to investigate or otherwise inspect the project throughout its lifecycle to ensure that **the approval terms and conditions are being met.**
* **Mining project thresholds:**
  + All developments within Manitoba’s jurisdiction will be subject to provincial environmental assessment. The *Environmental Assessment Act* defines “development” as being any project, operation or activity or any alteration or expansion thereof likely to, among other things, have an effect on any unique, rare, or endangered feature of the environment or otherwise have a significant impact on the environment.

# Manitoba

* **Legislative scheme:** Environment Act, 1988 + Classes of Development Regulations, 1988
* **Information summarized from Manitoba Conservation and Climate Environmental Approvals Branch:** https://www.manitoba.ca/mti/wms/lmblsmoutlets/images/eai\_flowchart.jpg
* **How it works:**
  + Proponents of developments subject to the Manitoba environmental assessment process are required to submit an **Environment Act Proposal.** The proposal documents will then be distributed to the **Technical Advisory Committee** and posted on the public registry, where comments from the public will be solicited. The EAB Contact will then review the comments generated. At this point, if no additional information is required, nor a public hearing warranted, the EAB contact will prepare a **summary report of the comments** and will **draft the licence** in a manner that addresses environmental effects and mitigation strategies. The **EAB Director will then make a licensing decision**, either refusing or approving the development.[[2]](#footnote-3)
* **Mining project thresholds:**
  + According to the *Classes of Development Regulations,* all mines other than pits and quarries are class 2 developments. Potash mines and milling facilities are class 3 developments. Sections 11 and 12 of the *Environment Act,* respectively, require that these developments obtain a valid licence from the minister through the environmental assessment process before being constructed or otherwise brought into operation.

# Ontario

* **Legislative scheme:** Environmental Assessment Act, 1990
* **Information summarized from the Ontario Ministry of the Environment, Conservation and Parks:** <https://www.ontario.ca/page/preparing-environmental-assessments>; <https://www.ontario.ca/document/preparing-reviewing-and-using-class-environmental-assessments-ontario-0/part-preparing>; <https://www.ontario.ca/document/preparing-reviewing-and-using-class-environmental-assessments-ontario-0/using-class#section-2>
* **How it works:** 
  + Ontario’s environmental assessment process does not generally apply to private sector proponents, significantly reducing the number of mines subject to this regime.[[3]](#footnote-4) Where the *Environmental Assessment Act* does apply, two possible types of assessments emerge: individual environmental assessments (for large-scale, complex projects having the potential for significant environmental effects requiring approval from the Ministry of the Environment, Conservation and Parks), or streamlined environmental assessments (for routine projects with predictable and manageable environmental effects, where a self-assessment and decision-making process is appropriate).
    - **Individual environmental assessment:** The process for complex projects begins with the proponent developing and submitting a **Terms of Reference,** engaging in public consultation and outlining basic project information and the plan for preparing and evaluating the environmental assessment. The Ministry will then coordinate a **technical review** of the Terms of Reference document, making a recommendation to the Minister as to whether or not to approve the Terms of Reference. Next, the proponent will prepare and submit the **environmental assessment document**, which will include, among other things, a record of consultation, a monitoring framework, and a list of environmental effects that may be caused. The Director of the Environmental Assessment Branch will then review the assessment and publish its **Ministry Review,** which will be subject to a 5 week period of public comment. After this, the Ministry of the Environment, Conservation and Parks will make a **final decision** to approve the project, impose conditions, or refuse it. Proponent reporting on compliance with commitments and conditions in the environmental assessment will be required.
    - **Streamlined environmental assessment:** Projects with predictable impacts can follow a streamlined self-assessment process to fulfill the requirements of the *Environmental Assessment Act* without submitting an individualized environmental assessment to the ministry. There are 11 different class environmental assessments, each for a different governmental body and accounting for approximately 90% of public projects carried out in Ontario. Under this streamlined framework, after having an approved **Terms of Reference,** the proponent will prepare a **class environmental assessment** and submit it for approval. Once approved, the standardized class assessment framework will replace the project-specific approval required from the Minister under individual environmental assessment and the proponent can proceed in its project planning activities.

# Quebec

* **Legislative scheme:** Environmental Quality Act (Loi sur la qualité de l'environnement), 1972 + Règlement relatif à l’évalutation et l’examen des impacts sur l’environnement de certain projets, 2018 (southern region), James Bay and Northern Québec Agreement, Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec (northern region)
* **Information summarized from the Québec Ministère de l’Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs:** <https://www.environnement.gouv.qc.ca/evaluations/procedure.htm>; <https://www.environnement.gouv.qc.ca/evaluations/mil-nordique/index-en.htm>
* **How it works :**
  + **Southern region:** Title I of the *Environmental Quality Act* applies in the southern region of Québec. Here, project proponents will submit a **formulaire d’Avis de projet** to the Minister of Environment, Climate Change, of Fauna and Parks, who will specify which elements must appear in the impact study. The proponent will then undertake to **complete the impact study**, notifying the public of the environmental assessment on the public registry and considering any comments received. The Bureau d’audiences publiques sur l’environnement (BAPE) will consider the information forwarded to it by the project proponent and make recommendation to the Minister as to whether or not to approve the project. The ministry will complete its own analysis and based off of this, in combination with the BAPE’s recommendation, the **Minister will make the final decision**. Once approved, the proponent will continue to be responsible for project supervision, follow up, and compliance activities
  + **Northern region:** Title II of the *Environmental Quality Act* contains provisions specific to environmental assessments in northern Québec to reflect the active participation of Cree, Inuit and Naskapi communities. The *James Bay and Northern Québec Agreement* provides for the creation of two environmental advisory committees to supervise the administration of its environmental protection regimes: one north of the 55th parallel, and one south. The Administrator (either being the Minister of Sustainable Development, Environment and Parks, the chairman of the Federal Environmental Assessment Review Office, of the Administrator of the appropriate Cree Band Council, depending on the nature of the project) is to make a final approval decision based on the recommendation of the applicable advisory committees. The same five-step process applies regardless of the specific procedure followed. First, the proponent will send a **notice of intent** and **preliminary information** regarding the project to the Administrator. The applicable committee will then make a **recommendation** to the Administrator as to whether the development should be subject to an impact study, formulating guidelines outlining the proposed study in accordance with the *Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec*. The Administrator’s decision regarding the nature and scope of the study will be transmitted to the proponent, who will **prepare the impact study** accordingly. The proponent will then **submit the impact study** to the Administrator, who will then send it to the applicable review committee and hold public hearings as needed. South of the 55th parallel, the Review Committee (COMEX) will make an approval recommendation to the Administrator and north of the 55th parallel, the Kativik Environmental Quality Commission (KEQC) will decide whether or not to approve the project. The **Administrator maintains the final say** for all projects, consulting with the COMEX of KEQC if they cannot accept the recommendation or decision made.
* **Mining project thresholds:**
  + Schedule 1 of the *Environmental Quality Act* specifies the projects subject to the Title I (southern) environmental assessment process. This includes:
    - Extractive metallurgy plants with maximum annual capacity being at least 40 000 metric tons
    - Extractive metallurgy plants or mines for the production of rare earth or rare earth compounds or for radioactive elements or compounds or uranium refining
    - Mines with a maximum daily capacity of at least 2000 metric tons of any metal ore or 500 metric tons of any other ore
    - Mines within an urbanization permitter identified in or within 1000 m the development scheme of an Indian reserve, regardless of the ore mined and the extraction capacity
  + Title II (northern) environmental assessment processes apply to effectively all mines and mine expansions

# New Brunswick

* **Legislative scheme:** Clean Environment Act, 1973 + Environmental Impact Assessment Regulation, 1987
* **Information summarized from the New Brunswick Department of Environment and Local Government:** https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/EIA-EIE/GuideEnvironmentalImpactAssessment.pdf
* **How it works:** 
  + All proponents of undertakings listed in Schedule A of the *Environmental Impact Assessment Regulation* are required to submit a **registration document** containing details of the project and the results of the proponent-led EIA study to the Department of Environment and Local Government. Next, to determine whether a **Certificate of Determination** (i.e., project approval, often subject to terms and conditions) can be issued or if a **comprehensive EIA** (i.e., prescribe further study) will be required, the project will be subject to a **determination review** to identify and evaluate associated environmental impacts. Alternatively, the Minister might decide that the project should not proceed. In making this decision, additional information from the proponent will often be required, and public involvement will be required throughout (that is, that stakeholders will have been given the opportunity to review and comment on the proposed undertaking). This review will be coordinated by a project manager from the EIA Branch with the support of a Technical Review Committee made up of governmental experts and specialists. Section 6(3) of the *Regulation* provides that the Minister must inform the proponent of their decision within 30 days after having received all of the necessary information and documentation. The Minister may also mandate that a **monitoring committee** be formed to track the progress of an undertaking and monitor its environmental impacts.
* **Mining project thresholds:** 
  + The EIA process only applies to projects that are included in Schedule A of the *Regulation,* which includes among others: (a) all commercial extraction or processing of a mineral as defined in the *Mining Act* and (f) all commercial extraction or processing of combustible energy-yielding materials, except fuelwood. Any significant modification, extension or abandonment of an existing undertaking must also be registered.

# Nova Scotia

* **Legislative scheme:** Environment Act, 1994–95 + Environmental Assessment Regulations, 1994–95
* **Information summarized from the Department of Environment and Environmental Assessment Branch of Nova Scotia:** <https://novascotia.ca/nse/ea/docs/Proponent_s_Guide_Dec2018.pdf>; <https://novascotia.ca/nse/ea/docs/citizen-guide-to-environmental-assessment.pdf>
* **How it works:** 
  + Class 1 environmental assessments require the proponent to first submit a **registration document** containing basic project information to the Administrator. This document will be disseminated to various interest groups and governmental agencies and will be published online for public review. The **public review period** will last 30 days, and all comments received will be posted online and reviewed by the EA branch in its preparation of a **report and recommendation to the Minister.** Based on this recommendation, the **Minister’s Decision** will determine whether additional information is required, the undertaking is approved (with or without specific terms and conditions), rejected (i.e., likely to cause unacceptable adverse effects or significant environmental effects), a focus report is required (meaning more information on a specific and unresolved aspect of the project is required), or an environmental assessment report is required (more information on *several* aspects is required). Where an **environmental assessment report is required,** the Administrator will conduct a public review to determine what information needs to be included in the EA Report, engaging the public before providing the proponent with a **final terms of reference.** The proponent, using these terms of reference, will then prepare and submit the **environmental assessment report.** In addition to determining whether the EA report meets the terms of reference, the Minister has the option to refer it to the **Environmental Assessment Review Panel** for further review. If this option is taken, the report and recommendation of the Panel will be considered by the Minister is making a final decision as to whether to approve the undertaking or not.
* **Mining project thresholds:**
  + The *Environmental Assessment Regulations* provide a list of developments required to undergo environmental assessment. Mining projects are categorized as Class 1 developments, meaning that they are projects considered by the province as tending to be smaller in scare and that may or may not cause significant environmental impacts or be of sufficient concern to the public. This includes any facility that extracts or processes metallic or non-metallic minerals, coal, peat, peat moss, gypsum, limestone, bituminous shale, or oil shale, as well as any applicable pit or quarry that is larger than 4 ha in area and extracts stone, sand, gravel, or soil.

# Newfoundland and Labrador

* **Legislative scheme:** Environmental Protection Act, 1980 + Environmental Assessment Regulations, 2003
* **Information summarized from Environment and Climate Change Newfoundland and Labrador:** https://www.gov.nl.ca/ecc/files/GUIDE-TO-THE-PROCESS\_January-2025-1.pdf
* **How it works:**
  + Proponents of undertaking subject to environmental assessment as per the *Environmental Protection Act* must **register** that undertaking with the Department for examination, describing the proposed project and its bio-physical and socio-economic impacts. The registration document will be made available for a **public consultation** period of 35 days, where the Minister will receive comments. The EA Division will also prepare recommendations to the **Minister**, who will **decide** whether to approve the undertaking (i.e., “release it”), require an Environmental Preview Report (EPR: where additional information is needed), an Environmental Impact Statement (EIS: where there are significant potential negative environmental effects or significant public concern), or that the undertaking may not proceed (i.e., where there is an unacceptable environmental effect, the undertaking is not in the public interest, or is otherwise inconsistent with law or government policy). Where an EPR or EIS is required, the Minister will appoint an Assessment Committee, comprised of technical governmental experts and chaired by a member of the Environmental Assessment Division to recommend EPR and EIS guidelines. The **proponent** will then **prepare the EPR or EIS** accordingly. These documents will then undergo additional public review and comments and another EA Committee recommendation before the Minister makes a **final decision.**
* **Mining project thresholds:**
  + The *Environmental Protection Act* defines environmental assessment as being the process by which the environmental effect of an undertaking is predicted and evaluated before the undertaking has begun or occurred (s. 45(d)). Undertakings are defined as being “an enterprise, activity, project, structure, work or proposal and a modification, abandonment, demolition, decommissioning, rehabilitation and an extension of them that may, in the opinion of the minister, have a significant environmental effect” (s. 2(mm)). Section 33 of the *Environmental Assessment Regulations* further holds that the mining of bituminous coal, anthracite and lignite, any mineral as defined in the *Mineral Act* or of a quarry material as defined in the *Quarry Materials Act* where that quarrying operation covers an area that is more than 10 hectares will be subject to environmental assessment.

# Prince Edward Island

* **Legislative scheme:** Environmental Protection Act, 1988
* **Information summarized from the Government of Prince Edward Island:** https://www.princeedwardisland.ca/en/information/environment-energy-and-climate-action/environmental-impact-assessment-eia-review
* **How it works:**
  + Proponents of projects subject to environmental assessment must submit an **application for environmental impact assessment,** which will be reviewed by a technical committee composed of experts and other governmental representatives. Once all necessary information has been received, the department will make the proposal available online for public review and require that at least one public meeting be held. This **consultation process** may result in the need for additional study before the Minister of Environment, Water and Climate Change **decides whether to approve** the project or not.
* **Mining project thresholds:** 
  + Section 9 of the *Environmental Protection Act* provides that “No person shall initiate any undertaking unless that person first file a written proposal with the Department and obtains from the Minister written approval to proceed with the proposed undertaking (emphasis added). As defined in the Act, an undertaking includes any construction, industry, operation or other project or modification thereof which may cause the emission or discharge of contaminants, have a significant effect on the environment or on otherwise unique, rare, or endangered features of the environment, or causes related public concern. Private communications with a representative from the provincial Environment Regulatory Division, however, have confirmed that pit quarries and mines in PEI are “very small and do not trigger an EA review” and are instead permitted under the *Excavation Pit Regulations.*

# Northwest Territories (1 of 2)

**Mackenzie Valley Impact Review Board**

* **Legislative scheme:** Mackenzie Valley Resource Management Act, 1998
* **Information summarized from the Mackenzie Valley Review Board:** <https://reviewboard.ca/process_information>; <https://reviewboard.ca/process_information/guidance_documentation/guidelines>
* **How it works:**
  + Projects requiring permit authorization must go through a **preliminary screening** to determine if the development is likely to have significant adverse impacts on the environment, or might cause public concern. If so, the application is referred to **environmental assessment**, run by the Mackenzie Valley Environmental Impact Review Board**.[[4]](#footnote-5)** After having completed this study, the Review Board may forward a recommendation to the Minster as to whether the project can proceed to regulatory permitting as is, if conditions should be applied or if it should be rejected. Alternatively, the Board may **order and environmental impact review** for a more detailed review by an independent Review Panel consisting of Review Board and non-Review Board members. Based on the findings of the Environmental Impact Review, the **Review Panel will make a recommendation to the Minster** to approve, approve with conditions, or reject the project. The Minister maintains the discretion to depart from these recommendations, but must provide reasons for rejecting the recommendation and consult with the Review Board to modify the Panel’s recommendation or ask the Review Panel to further consider the recommendation.
* **Mining project thresholds:**
  + All development proposals must go through preliminary screening unless they are exempt, meaning that they are either listed in the *Exemptions List Regulations* or the project pertains to national security or is a response to an emergency. Mining projects are notably not exempt from the screening or environmental assessment process in the Mackenzie Valley region.

# Northwest Territories (2 of 2)

**Inuvialuit Settlement Region**

* **Legislative scheme:** Inuvialuit Final Agreement, 1984
* **Information summarized from the Inuvialuit Settlement Region Environmental Impact Screening Committee and the Inuvialuit Environmental Impact Review Board:** <https://www.screeningcommittee.ca/pdf/eisc_guidelines.pdf>; <https://eirb.ca/process/>
* **How it works:**
  + All proponents must first complete an **online questionnaire to register the project** on the Screening Committee Public Registry. Based on the information provided, the pre-screening committee will determine if the development should continue on to screening or if it is otherwise exempt from this process. The **environmental impact screening process** involves examining the potential impacts of the proposed development and gauging public concern. The screening committee, based on its determination of the risk of the project having significant negative environmental effects, will refer the project to an **environmental impact review process** for further assessment and review. The EIRB will then contact the developer, begin communicating with the public, where necessary, consult with other jurisdictions, and draft a schedule and workplan. Most importantly, the EIRB will be responsible for **scoping the review** and **drafting the terms of reference**, which will be made public and shared with all interested parties. Community consultation will also be undertaken to assist the **proponent in completing the environmental impact statement.** The EIRB will then review the statement, hold public hearings, and then make the **final recommendation to government authorities** as to whether or not the development should proceed.
* **Mining project thresholds:**
  + S. 11(2)(c) of the *Inuvialuit Final Agreement* permits the Screening Committee to develop an Exclusion List—the list of proposed developments that are not deemed to have potential to cause significant negative environmental impact, or significant impact on wildlife harvesting by Inuvialuit. Relevant to this research, this list includes the renewal or amendment of any existing authorizations that the Screening Committee does not feel would result in significant negative environmental impact and most prospecting activities. Beyond these exclusions, however, it appears that all mining developments would be subject to at least the screening process outlined above.

# Yukon

* **Legislative scheme:** Yukon Environmental and Socio-economic Assessment Act, 2003 + Assessable Activities, Exceptions and Executive Committee Projects Regulations, 2005
* **Information summarized from the Yukon Environmental and Socio-economic Assessment Board:** https://yesab.ca/wp-content/uploads/2021/01/YESAB-Information-Bulletin\_Assessment-Methodology-1-11-2021.pdf
* **How it works:**
  + Proponents are first advised to **discuss the scope of their proposed projects** with the YESAB to determine the valued environmental and socio-economic components—the components the environment that are predicted to be adversely affected by the proposed project. Surveys and government monitoring programs, in combination with traditional knowledge and input from interested parties will help YESAB determine the **baseline for the components identified**. YESAB will then **identify and characterize likely project effects** for each VESEC that they conclude will be affected by the project. Based on this, YESAB will make a recommendation to the relevant Decision Body (the applicable federal, territorial, or First Nation government(s)). Projects that are deemed not to have any significant adverse effects will be **recommended to proceed**. Projects with likely significant adverse effects may be recommended to proceed with **terms and conditions.** Projects with significant adverse effects that cannot be mitigated may not be recommended to proceed. Alternatively, YESAB may recommend that a project be referred to a higher level of assessment to the Executive Committee or to the Panel of the Board. The **applicable Decision Body(s)** will ultimately decide whether to accept reject, or vary YESAB’s recommendation and will issue their decision in a **decision document.** Enforcement responsibilities will fall to the acting Decision Body(s).
* **Mining project thresholds:**
  + All project activities listed as requiring assessment under the *Assessable Activities, Exceptions and Executive Committee Projects Regulations* or which are otherwise subject to a declaration under s. 48 of the Act will undergo assessment. Subject to specific exceptions appearing in the regulations, listed mining projects include: all quartz mining operations (other than projects on an Indian reserve), all placer mining (other than an Indian reserve), all coal mining (other than on an Indian reserve), and irrespective of place, all mining activity related to exploration for minerals other than oil, natural gas, or specified substances.

# Nunavut

* **Legislative scheme:** Nunavut Planning and Project Assessment Act,2013 + Nunavut Land Claims Agreement, 1993
* **Information summarized from the Nunavut Impact Review Board:** <https://www.nirb.ca/nirb-processes>; <https://www.nirb.ca/content/projects-requiring-assessment>
* **How it works:** 
  + All proponent projects must submit a **proposal** to Nunavut Planning Commission (NPC) to determine whether the project is exempt from NIRB screening. If not, the NIRB, established by the Nunavut Land Claims Agreement, in the **screening** assessment, will gather project information from the proponent, Indigenous and non-Indigenous governments, and the public. Based on this process, including a public comment period, the NIRB will have 45 days to **recommend to the responsible minister** either that the project be approved, approved with terms and conditions, that additional review is required, to send the proposal back to the proponent for clarification, or to modify or abandon the project. The responsible Minister, however, will be responsible for making the final decision, and may reject the NIRB’s determination. Where the Minister agrees that further review is required, typically for major development projects or projects that may cause significant public concern, the proponent will be required to develop an **Impact Statement**, and a public hearing will be scheduled. Projects that are approved following this process will be issued a **Project Certificate** and may be monitored by the NIRB.
* **Mining project thresholds:**
  + Projects with low impacts of within municipalities will generally be exempt from NIRB review and will only be referred to the NIRB for assessment if the NPC has concerns regarding cumulative effects. According to schedule 12-1 of the Nunavut Agreement, projects involving prospecting, skating or locating a mineral claim will be exempt from NIRB screening. All other mining projects will be subject to the screening process outlined above.

1. Or, if the proponent’s project has been designated by the Minster [↑](#footnote-ref-2)
2. Note that Class 3 projects (i.e., potash mines) will be subject to a Ministerial licensing decision instead [↑](#footnote-ref-3)
3. The *Environmental Assessment Act* can also be made to apply to private sector proponents through a designation regulation, or proponents can elect to complete individual EAs (https://www.ontario.ca/document/preparing-reviewing-and-using-class-environmental-assessments-ontario-0/part-preparing) [↑](#footnote-ref-4)
4. In practice, this applies to only around 5% of proposed projects. [↑](#footnote-ref-5)