

**ENCLOSURES:**

**Federal Authority Advice Record: Designation Request under the *Impact Assessment Act*  
Response due by August 10, 2020**

Surrey Langley SkyTrain- South Coast British Columbia Transportation Authority

Department/Agency	Infrastructure Canada
Lead Contact	Laura Sheppard, Senior Program Analyst, Program Operations Branch Davin St. Pierre, Senior Environmental Review and Approvals Officer
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Alternate Departmental Contact	

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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

- The Province of British Columbia submitted the Surrey Langley SkyTrain Project to Infrastructure Canada for federal funding consideration under the Investing in Canada Infrastructure Program. At this time, Infrastructure Canada is working with the Treasury Board Secretariat to secure federal funding. A funding decision is expected in Fall 2020.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

- Yes. Following project approval, Infrastructure Canada will be committed to providing federal funding to the Project, however tied to this funding is the requirement to consult with Indigenous groups. Based on the information provided by the Province of British Columbia, Infrastructure Canada has determined that there is a legal obligation to consult with Indigenous groups under section 35 of the *Constitution Act, 1982* for this Project. Claims cannot be paid on the Project until this requirement is fulfilled.
- Additionally, based on the information provided by the Province of British Columbia, Infrastructure Canada has determined that there are no federal requirements under the *Impact Assessment Act* for this Project.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

- While public consultations are likely to occur as a result of a project of this magnitude, Infrastructure Canada only has a federal duty to legally consult with Indigenous groups. Following project approval, Infrastructure Canada will notify the Province of British Columbia of this requirement and work with the Province on a coordinated consultation approach.
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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

- No. Infrastructure Canada's role in the Project would be limited to administering federal funding.
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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

- Per the Integrated Bilateral Agreement between Canada and British Columbia, all projects are submitted to Infrastructure Canada by the Province and Territories and any questions related to the projects are sent directly to the Province and Territories and not the individual proponents.
  - Infrastructure Canada is working closely with the Province of British Columbia to obtain project information including details on scope of the work, financial breakdowns, and outcomes the Project plans to achieve, in addition to information relating to consultation activities.
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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of the Impact Assessment Act? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

- The Project as described by the Proponent is not subject to the Physical Activities Regulations under the *Impact Assessment Act* and is not located within a Migratory Bird Sanctuary or a National Wildlife Area. Further, the Project is not located on federal lands. Therefore, a federal environmental assessment is not required.
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7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor:

- Use of Linear Induction Motors requires significantly more electrical energy than its alternatives; and
- Additional greenhouse emissions compared to at-grade transit alternatives.

If yes, please specify the program or authority.

- N/A
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8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

- Infrastructure Canada received information from the Proponent related to the Project, as well as planned and ongoing consultation work that the Proponent is undertaking. Using this information and the federal government's Aboriginal and Treaty Rights Information System, Infrastructure Canada's Aboriginal Consultation and Environmental Services Team issued a determination for the file which specified the consultation requirements for the Project.
  - Infrastructure Canada's determination and the Proponent's First Nation Consultation Summary was previously shared with the Impact Assessment Agency but can be re-submitted if required.
9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

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Name of departmental / agency responder

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Title of responder

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Date