



October 19, 2016

Andy Esarte  
Manager of Engineering  
Town of Canmore  
902 7<sup>th</sup> Avenue  
Canmore, AB T1W 3K1  
[aesarte@canmore.ca](mailto:aesarte@canmore.ca)

[Sent by email]

**Subject:** Town of Canmore Cougar Creek Flood Mitigation Project – The *Canadian Environmental Assessment Act, 2012* and the Duty to Consult with Aboriginal Peoples

Dear Mr. Esarte,

In consideration of the provision of financial support to the Town of Canmore Cougar Creek Flood Mitigation Project (the Project) under the Provincial-Territorial Infrastructure Component – National and Regional Project (PTIC-NRP) of the New Building Canada Fund (NBCF), Infrastructure Canada (INFC) has reviewed the Project information to assess whether any requirements under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) exist for this Project. In addition, INFC has reviewed the Project information to determine whether there is a duty to consult with Aboriginal peoples.

### ***Canadian Environmental Assessment Act, 2012 Requirements***

Based on the information provided in the Business Case titled New Building Canada: Town of Canmore – Cougar Creek Flood Mitigation (April, 2016) and the completed Environmental, Aboriginal Consultation and Project Location Questionnaire (April, 2016), INFC is of the opinion that there are no requirements under CEAA 2012.

### **Aboriginal Consultation Obligations**

Following INFC's review of the information provided by the Government of Alberta to date, and as indicated in the Ministerial approval-in-principle letter dated September 7<sup>th</sup>, 2016, INFC has concluded that consultation with Aboriginal peoples is required in the context of the Project.

INFC's intent is to work with Project proponents to engage and consult with Aboriginal groups that may have a potential interest in the Project. Our understanding is that consultation activities with Aboriginal groups have been undertaken by the Town of Canmore and may be undertaken by Alberta Environment and Parks during the review of the Environmental Impact Assessment for this Project and our intent is to rely on this consultation process as much as possible. Further discussion will be required with the Town of Canmore and the Government of Alberta to better

understand the consultation activities that have been undertaken for this Project. These discussions should also determine if additional consultation activities and accommodation measures should be included in the consultation process.

We would like to take this opportunity to remind you that work may not proceed with construction until INFC can confirm that Canada's obligations for Aboriginal consultation have been met.

As well, should the Town of Canmore consider future changes to the nature, scope, design or location of the Project that differ from that which is described in the documentation noted above, we would appreciate receiving an immediate notification from the Town of Canmore as INFC may have to reassess the Project in accordance with the requirements under CEAA 2012 and determine whether the change to the Project triggers a new duty to consult.

We thank you again for the information provided to date and we look forward to working with the Town of Canmore and the Government of Alberta to ensure that the consultation activities conducted allow us to meet our Aboriginal consultation obligations.

Should you have any comments or questions, please contact Erin Stratton by email at [erin.stratton@canada.ca](mailto:erin.stratton@canada.ca) or at 613-614-8316.

Sincerely,

  
Erin Stratton  
Senior Environmental Review and Approvals Officer  
Aboriginal Consultation and Environmental Services

cc: Alison Roberts ([alison.roberts@gov.ab.ca](mailto:alison.roberts@gov.ab.ca)), Alberta Environment and Parks  
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