



Submission for the Mihta Askiy Data Center Project Initial Project Description January 22, 2026

Kikino Métis Settlement

Kikino Métis Settlement is in northeastern Alberta, approximately 128 kilometers west of Cold Lake. It is one of eight Métis settlements incorporated under Alberta legislation. Over 1,100 members live on Settlement today. The name Kikino comes from a Cree name meaning “Our home.” Kikino Métis Settlement holds recognized and constitutionally protected Indigenous rights, including the right to harvest animals and plants for subsistence purposes.

Métis families have been present in the area around what is now Kikino Metis Settlement since the late 1700s. Their emergence was inextricably tied to the fur trade. As explorers and fur traders pushed west, they relied upon local Indigenous people who knew the land, could speak the languages, and act as guides. By the late 1700s, traders and voyageurs who moved west on temporary contracts entered into unions with local Indigenous women, both solidifying their success in the region and fostering an ethnogenesis of Indigenous and European cultures, ultimately becoming the ‘progenitors’ of the first generation of Métis.

The North West Company (NWC) was the first trading company in the region of Lac La Biche. In 1798, surveyor and employee of the NWC David Thompson established Red Deers Lake House on shores of Lac La Biche. This strategic post circumvented the Hudson’s Bay Company (HBC) fur monopoly over all lands draining into Hudson’s Bay, as Lac La Biche and the La Biche River flowed north to the Mackenzie River system. The HBC was quick to follow their competitors in securing the strategic location which provided access into the fur rich Athabasca Region. In 1799, Peter Fidler, using the same route as Thompson, travelled up the Beaver River to Lac La Biche and established Greenwich House. These posts were located on the south shore of Lac La Biche, at what was known as the Little Divide Portage. Consequently, Lac La Biche became an important distribution center for goods moving to and from the North.⁹





By the 1820s, a significant Métis population flourished around the shores of the lake and extended to the surrounding regions. As many fur trade journals make clear, First Nation and Métis labour and knowledge were essential to traders as they moved throughout the country in search of furs and locations to establish posts. As elsewhere in Western Canada, the extension of the fur trade into new territories brought the arrival and growth of Métis communities at the interstices of the First Nation and Euro-Canadian societies. Though the fur trade began to decline in the 1870s, the Métis presence in central and northern Alberta continued to grow.

Métis villages continued to integrate and grow into dense regional networks connected by river, portage routes, and, later, rail. These networks fostered kinship connections and economic activity across central and northern Alberta. Historical and genealogical analyses of the root Métis families in the region suggest that the historic Métis population developed a high level of mobility within central and northern Alberta,¹⁰ including those who eventually took residence at Kikino Metis Settlement. Historical and contemporary IKU confirms ancestral and contemporary connections between Settlement members and central-western and north-western Alberta, including Rocky Mountain House, Hinton, Grande Cache, Peace River, High Level, Grande Prairie, Dunvegan, and the Saddle Hills. The latter three are within the region of the proposed Project and highlight the long-standing historical connection of Settlement members to that area of northwestern Alberta. Archival research and oral history interviews reveal Kikino ancestors were present in Spirit River and Dunvegan from 1790 to 1830, with families later relocating from Dunvegan to Kikino.¹¹ These historical connections remain to the present day, as Settlement members regularly travel to and exercise their rights on the Crown lands around Grand Prairie, Spirit River, and Peace River.

On September 1, 2019, the Government of Alberta's new Métis Harvesting in Alberta Policy (2018) came into force, replacing the 2010 policy. The 2018 Policy, formed on the basis of the Powley test, was "designed to ensure that Métis people who might be beneficiaries of Aboriginal harvesting rights, as guaranteed by s. 35 of the Constitution Act, 1982, have the ability to hunt, fish and trap for food." The Policy identifies four Métis harvesting areas that cover the majority of the province, excluding southern Alberta. To qualify for the exercise of Powley rights under the 2018 Policy, Métis residents of Alberta must meet three criteria: self-identification, ancestral





connection, and contemporary connection. Métis harvesters can exercise their rights in any of the Métis Harvesting Areas, including in all four areas, so long as they meet the ancestral and contemporary connection criteria.²⁶ Given the strong ancestral connections between Settlement members to other parts of central and northern Alberta, many Settlement members are recognized rights-holders in multiple harvesting areas, including Harvesting Area A.

The proposed Project falls within Métis Harvesting Area A. Decades of cumulative terrestrial disturbance in and around the Settlement have placed mounting pressure on Settlement members to travel greater distances to practice their traditional way of life, and to exercise their constitutionally protected Indigenous rights. As more Settlement members apply for and receive their harvesting cards, these numbers will likely increase. As cumulative terrestrial disturbance continues to increase in and around the Settlement, access to intact Crown lands in west-central and northwestern portions of Alberta will assume greater significance to sustain the traditional way of life and constitutionally protected rights of Settlement members.

The Project

The Impact Assessment Agency of Canada (IAAC) has invited Indigenous communities and members of the general public to review and provide input on the Initial Project Description of the Mihta Askiy Data Center Project (the Project). Cree Ative Datacenter GP (the Proponent) is proposing to construct a 650-megawatt combined cycle power generation facility approximately 40 kilometres northeast of the Town of Peace River. As proposed, the project would utilize an existing brownfield site including approximately 20.6 hectares of Crown land and operate for approximately 30 years. The Project is subject to a federal impact assessment under the *Impact Assessment Act* (IAA), as mandated by the *Physical Activities Regulations* because it involves the construction of a new fossil fuel-fired power generating facility with a production capacity of more than 200 megawatts (section 30).¹

¹ Legislative Services Branch, “Consolidated Federal Laws of Canada, Physical Activities Regulations,” March 27, 2023, <https://laws.justice.gc.ca/eng/regulations/SOR-2019-285/page-2.html#docCont>.





Cumulative Effects Assessment

Settlement members are concerned about cumulative infringements to their constitutionally protected Indigenous rights, including the potential incremental effects of the proposed Project. As such, Kikino Metis Settlement was very disappointed to see no discussion of the potential cumulative disturbances from the proposed Project. In fact, the terms “cumulative effects” and “cumulative” do not appear at any point in the Initial Project Description. This omission is quite shocking, given that section 22(1)(a)(ii) of the *Impact Assessment Act* lists, as factors to be considered in a designed federal project, “...any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out.” We would like for IAAC and the Proponent to explain this absence.

One of the reasons that cumulative effects are of such great significance to Kikino Metis Settlement, and why Métis Harvesting Area A has taken on increasing importance for our members in the exercise of their constitutionally-protected Aboriginal rights, is the extraordinary levels of disturbance our members face, both around our Settlement and in Métis Harvesting Area D, where our Settlement is located. Using data from the Human Footprint Inventory (HFI) data from the Alberta Biodiversity Monitoring Institute (ABMI)², our calculations suggest that the area within a 100km radius of the Settlement, which gives us an area approximately the size of the claim area used by Blueberry River First Nation in *Yahey v. British Columbia*, shows that an astonishing 92.27% of this territory is within 250-meters of an industrial disturbance, while 97.53% is within 500 meters. This means that less than 3% of lands within a 100-km radius of Kikino Metis Settlement area are further than 500m away from any of the HFI categories. These figures are well in excess of the levels of disturbance the British Columbia Supreme Court found unacceptable (85% and 91%) in the *Yahey* case.

² “Human Footprint,” accessed January 20, 2026, <https://abmi.ca/>.





Métis Harvesting Area D is not much better. Within that area, 87.3% of lands are within 250-meters of an industrial disturbance, while 92.76 are within 500 meters. Again, both of these numbers are greater than those found to violate the rights of the Blueberry River First Nation in the *Yahey* case. Métis Harvesting Area A is somewhat better, but remains highly disturbed, with 77.2% of the territory within 250-meters of an industrial disturbance, while 89.04% was within 500 meters. What is more, as the southern portions of Métis Harvesting Area A become increasingly disturbed by industry and anthropogenic disturbance, the northern portions of the Harvesting Area take on an even greater significance.

Crown Consultation and Indigenous Rights

Kikino Metis Settlement was disappointed not to be included on the list of Indigenous communities to be consulted, given that we have previously provided significant evidence of long-term harvesting Métis Harvesting Area A, north of Grande Prairie, in multiple Canada Energy Regulator (CER) hearings, as well as the fact that we are presently participating in the federal impact assessment of the proposed Peace River Nuclear Power Plant Project.

Given our demonstrated interest in the areas in the vicinity of the Project, we respectfully request that IAAC and the Proponent add Kikino Metis Settlement to the list of Indigenous communities to be consulted as part of the duty to consult.

In addition, Kikino Metis Settlement would like a clarification from IAAC and the Proponent for how Kikino Métis Settlement seeks clarity from the IAAC and the proponent on how the duty to consult will be discharged with respect to commitments made by Canada through its ratification of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) in 2021. As the recent *Kebaowek* (2025) decision makes clear, UNDA is now domestic law and the threshold for the duty to consult has increased. *Kebaowek* likewise makes clear that regulators and proponents must





consider the Act when discharging the duty to consult and accommodate and demonstrate how they the Act was incorporated into the consultation process.³

With respect to the duty to consult, Kikino Metis Settlement strenuously objects to the Proponent’s characterization of its duty to consult as “Indigenous groups engagement.” One would expect better from an Indigenous proponent. As the Proponent and IAAC are aware, the duty to consult is a legal requirement under Canadian and international law, as well as under the rulings of the Supreme Court of Canada, including in the recent *Kebaowek* decision. The discharge of the duty to consult, which is often delegated to proponents in many of its procedural aspects, is not the same thing as ‘engagement’, which is voluntaristic and lacks comparable legal protections and responsibilities of the duty to consult. As such, Kikino Metis Settlement respectfully requests that IAAC and the Proponent cease to use the term ‘engagement’ in relation to their discharge of the duty to consult with respect to potential adverse effects to Indigenous rights.

Kikino Metis Settlement is likewise disappointed that the Proponents Initial Project Description mentions potential impacts to Indigenous rights in a very cursory and dismissive manner, noting almost in passing that “the Project is not expected to result in any non-negligible adverse impacts to Indigenous peoples, including the infringement of Aboriginal and Treaty rights.” This statement seems to put the cart before the horse, given that the Proponent has presumably not gathered adequate information during the planning phase with respect to the exercise of Indigenous rights in and around the Project. We can only hope that the Proponent will work in good faith with Kikino Metis Settlement to determine whether this statement is in fact true.

Multiple Jurisdictions

Kikino Metis Settlement is concerned about the regulatory fragmentation for the proposed Project and its potential to undermine a fulsome assessment of the Project to Indigenous rights. While the power plant itself is under federal jurisdiction, other components of the Project, including

³ “*Kebaowek First Nation v. Canadian Nuclear Laboratories - Federal Court*,” accessed January 20, 2026, <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/527544/index.do>.





secondary infrastructure such as pipelines and transmissions lines, are governed by multiple Alberta regulators. Kikino is concerned that this regulatory fragmentation will serve to impede the full assessment of the potential Project impacts, given that different components will be assessed by different regulators, and the absence of an existing mechanism to integrate federal and provincial impacts assessments and regulatory processes in Alberta.

These concerns are bolstered by the fact that Alberta's current regulatory regime is inconsistent with Supreme Court rulings on the assessment of cumulative effects and impacts to Indigenous rights. For example, in *Clyde River v. Petroleum Geo-Services Inc.*, the Supreme Court of Canada ruled that regulators must consider and assess potential project impacts to rights *as rights*, and not simply assess impacts to underlying environmental resources. Because Alberta does not presently require proponents to assess potential project impacts to Indigenous rights, we request that IAAC assess the potential impacts of all Project components, including ancillary infrastructure.

Conclusion

Kikino Métis Settlement would like to express its thanks to IAAC for the opportunity to participate in the review of this draft Initial Project Description. We look forward to working with IAAC and the Proponent to assess potential impacts of the proposed Project to the constitutionally-protected rights of our members and to discharge the duty to consult and accommodate in a manner that upholds the honour of the Crown.

