



## Consultation Department

January 22<sup>nd</sup>, 2026

Impact Assessment Agency of Canada

**RE: Comment on the Summary of an Initial Project Description for the Mihta Askiy Data Center Project**

Project Title/Name: *Mihta Askiy Data Center Project*  
Proponent: Cree Ative Datacenter Corp GP  
Due: January 22<sup>nd</sup>, 2026

### Summary

The Mihta Askiy Data Centre Project is planned to occur in an area known to be of significant importance for Métis traditional land uses, and any disturbance with impacts on Crown land, wildlife, water bodies, and habitat are a concern for the Otipemisiwak Métis Government. Direct impacts from the main project footprint appear to be limited, given that it is on a partially constructed brownfield site. However, we have concerns that construction activities as well as operation of the proposed project may be disruptive to previously documented hunting and trapping activities in the area. Additionally, many ancillary infrastructure works – some of which may have direct impacts on the Peace River, Crown land and wildlife – are not detailed in the Initial Project Document and thus difficult to assess. We must also note our continued exclusion by the Government of Alberta on consultation for this project, which is likely to continue if IAAC's involvement in assessing the impacts of the project ends.

### Background on the Otipemisiwak Métis Government

The Métis Nation within Alberta, as governed by the Otipemisiwak Métis Government, is an Indigenous nation comprising more than 73,000 registered Citizens. Having begun organizing to advance Métis self-determination and self-government in 1928, the Otipemisiwak Métis Government is the oldest continuous Métis government, and the Métis Nation within Alberta is the largest federally recognized Indigenous Nation in Canada. In 2022, the Métis Nation within Alberta voted to ratify and adopt its Constitution. This established the current Otipemisiwak Métis Government governance structures and further authorized the Otipemisiwak Métis Government to assert and advance collectively held Métis rights, claims, and interests in negotiating and arriving at agreements that advance, recognize, and respect Métis Aboriginal rights as recognized and protected under s.35 of the Canadian Constitution Act, 1982.

In 2023, the Otipemisiwak Métis Government and the Government of Canada signed an updated Métis Nation within Alberta Self-Government Recognition and Implementation Agreement which recognizes the Otipemisiwak Métis Government's jurisdiction over its internal and core governance matters, including Citizenship, elections, and administration. It also formalizes the Otipemisiwak Métis Government as an Indigenous governing body recognized by Canada and charts a path forward to establishing an enduring nation-to-nation, government-to-government relationship with Canada through a modern-day treaty.



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Per the Métis Nation within Alberta Constitution, the Métis Nation within Alberta comprises five Territories covering the entire province. These Territories are subdivided into 22 Districts to allow for more effective and localized representation. Each District has its own Citizens' Representative on the provincial Métis Citizens' Council and may have its own District Captain and Council. District Councils are empowered in the Métis Nation within Alberta Constitution to, among other things, conduct environmental monitoring, implement local programming, and oversee Crown Consultation within their District on behalf of the Métis Citizens within that District.

The Consultation Department supports the Otipemisiwak Métis Government's role in Crown consultation processes as requested by, and in collaboration with, District Councils. The Consultation Department is mandated to protect and advance the collectively held rights, claims, and interests asserted by the Otipemisiwak Métis Government as the representative and governing body of the Métis within Alberta, in accordance with the Otipemisiwak Métis Government – Canada Consultation Agreement, the Métis Nation within Alberta Constitution, and relevant domestic and international legislation, regulation, and case law.

### Concerns

Based on the Summary of the Initial Project Description, the Otipemisiwak Métis Government has concerns related to this Project. The project area for the Mihta Askiy Data Center ("the Project") is located within our Peace River Territory, and specifically the Peace River Métis District 14, as well as falling within Métis Harvesting Area "A" and Métis Harvesting Area "C", as defined by the Government of Alberta's Métis Harvesting Policy. The Project location is also upstream from Fort Vermillion Métis District 15 and Fort Chipewyan Métis District 16, and approximately 32 km from the border of the Lesser Slave Lake Métis District. These are critical areas for Métis Citizens with many records of historical families as well as historic and contemporary cultural activity and rights exercise, including plant harvesting, hunting, trapping, and fishing.

### Overarching Concerns

#### 1. Plans for the Project's ancillary infrastructure are not included.

The Project plans rely upon an existing brownfield site and associated generation and electrical infrastructure that was previously permitted, approved and partially constructed for the Shell Carmon Creek Project. Primary impact pathways from the main site are likely to include noise, light, traffic, and air quality. Additionally, ancillary infrastructure (e.g. the water draw from the Peace River, water and gas pipelines, electricity transmission lines) will involve new land disturbances and related potential impacts to surface and ground water, aquatic and land habitat, fish, and wildlife. These are only partially addressed in the Initial Project Description document. Instead, the Project Description repeatedly claims minimal adverse impacts to valued components, but this is only based on an assessment of the Project site and Power Plant itself. New infrastructure is a concern to the Otipemisiwak Métis Government, particularly when it affects Crown land, and without further information it is not possible to determine what the potential impacts may be.



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### **2. Impacts on the Peace River (including water quality and quantity, cumulative impacts) are difficult to assess given the lack of details on the water draw and related infrastructure.**

According to the Initial Project Description (IPD), the Project will require initial daily water usage of up to 5,000 cubic metres, which we understand will be drawn from the Peace River. It is not clear if a new *Water Act* licence will be required for the Project or if a previously approved Shell or Kinetikor licence or licence(s) are to be used. It is also not clear if the water draw itself on the Peace River still needs to be approved and completed, along with the water pipeline from the river to the project site. Furthermore, the IPD states that water usage requirements will vary based on the final design of the data center. Without this information it is not possible to determine what the potential impacts on water quality, usage and aquatic habitat may be. For example, will water draws vary based on changing conditions and/or water levels on the Peace River, throughout the lifespan of the Project?

Given this uncertainty in project design, the Otipemisiwak Métis Government is concerned about the need for continued federal oversight on this Project. For example, the January 9, 2026 submission of a Federal Authority Advice Record to the Canadian Impact Assessment Registry made by the Department of Fisheries and Oceans (DFO) states: “Based on the information provided, it is our understanding that there will be no in-water works related to this project. As such, it is not likely that Fisheries and Oceans Canada (DFO) would be required to exercise a power or perform a duty of function to allow this project to proceed.” Without further details as to what the DFO considered in their decision, the Otipemisiwak Métis Government is concerned about this decision being made so early in the Project review, when there is still so much uncertainty in the Project details.

Furthermore, the Otipemisiwak Métis Government is concerned about the potential of an old *Water Act* license (potentially from 10+ years ago when one was first issued to Shell) being issued or transferred by the Province for this Project. Conditions in the Peace River have changed over the course of a decade, and these changes must be taken into consideration alongside the limited number of water licenses available to Proponents operating in the province. Recent changes to the Alberta *Water Act* further strengthens our view that clear federal oversight and protection of aquatic habitat is required.

Other industrial developments are currently proposed in the area (the Peace River Nuclear Power Project, for example, plans to draw water from the river in the same area). **Cumulative impacts** of this project and others on the Peace River and the entire Peace-Athabasca Delta are therefore a priority for the Otipemisiwak Métis Government, and more time and resources are needed to study these potential impacts to our citizens’ rights and interests.

### **3. The Otipemisiwak Métis Government has not been involved in any engagements or consultation on the Project other than the IAAC process.**

As was the case with the previously approved Shell Carmon Creek Project, no part of the Otipemisiwak Métis Government, including the Districts without our Peace River Territory, were consulted in the development of this project. We were not included in any engagements or consultations until late



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December 2025, when the Impact Assessment Agency of Canada (IAAC) began the planning phase of its assessment process.

The exclusion of the Otipemisiwak Métis Government from provincial consultation processes is an ongoing violation of our Section 35 rights and the Crown's duty to consult. Our exclusion is likely to continue if the IAAC process has completed, which would result in no clear mechanism through which concerns about impacts to the rights of our Citizens could be addressed. This is made clear in the following statement found on page 24 of the Initial Project Description: *"All Indigenous feedback provided for previous projects will be reviewed and in addition, all Indigenous communities with potential interests in the area identified in collaboration with the ACO will continue to actively be consulted with for this Project."* The Alberta Consultation Office (ACO) directs proponents to consult with Indigenous peoples on provincially-regulated projects —through processes that continue to exclude the Otipemisiwak Métis Government.

The need for expanded and inclusive consultation on this Project is exemplified in Table 6 "Summary of potential environmental effects, effects pathways, and mitigation measures" of the Initial Project Description (IPD) which identifies the change in land use which will be brought about by the ancillary infrastructure: *"Changes to access influencing current land use activities, particularly related to Indigenous traditional use and recreational use."* The high-level mitigation measures outlined by the proponent references *"All Indigenous communities identified by the ACO have been and will continue to be consulted with as part of the overall project permitting and development stage,"* which, as we have pointed out, has not to date included the Otipemisiwak Métis Government.

The Otipemisiwak Métis Government underlines that the ongoing refusal of the Government of Alberta to consult with the recognized, rights-bearing Métis Nation within Alberta comprising more than 73,000 registered Citizens is a violation of our constitutionally protected Section 35 rights and a failure to uphold the Crown's Duty to Consult. In this context, the federal impact assessment process is the only mechanism currently available to the Otipemisiwak Métis Government to be meaningfully consulted on this project. Therefore, unless the Government of Alberta agrees to meaningfully consult us as part of their regulatory processes, we call for a full federal impact assessment through the Impact Assessment Agency of Canada in order to ensure that the honour of the Crown is upheld. By deciding that a federal impact assessment is not required, and consequently leaving the responsibility to assess rights-based impacts of the project to the Government of Alberta, IAAC is making a decision to violate the Section 35 rights the Citizens of the Métis Nation within Alberta.

4. The Initial Project Description states that *"No health, social or economic concerns regarding the proposed Project have been identified during engagement to date"* (pg. 16). **As the Otipemisiwak Métis Government has not been consulted on the Project thus far, we have not had the opportunity to assess or identify potential health, social or economic impacts to our citizens.**



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We understand that the Project is majority-owned by the Woodland Cree First Nation, and there is a commitment that a portion of the computational capacity of the Data Centre will be dedicated to the preservation of Indigenous language and heritage resources for northern Indigenous groups broadly. We see this as a positive opportunity for Indigenous Peoples, and would like to know how Métis citizens, knowledge holders and business-owners can participate in this Project in the future.

### Rights Concerns

1. The Otipemisiwak Métis Government asserts our Métis harvesters' rights under *R v Powley*, 2003 SCC 43 within this proposed development area. Additionally, the project occurs within Harvesting Area "A" and Harvesting Area "C" of the Alberta Métis Harvesting Policy, which is actively used by thousands of Métis Citizens (who reside not only within the Peace River Territory but across the Province, and who travel to exercise their harvesting rights in the areas for harvesting activities they have demonstrated historic ancestral connection to).
2. The project area is within historical and contemporary traditional use areas which sustain our Métis citizens way of life and where collectively held rights under Section 35 are being exercised. This includes hunting and fishing areas, medicine harvesting areas, and other land-use areas as confirmed through our records from Elders, knowledge holders, and other citizens of the Otipemisiwak Métis Government.
3. The Peace River itself is a key cultural and subsistence resource for several Districts of the Otipemisiwak Métis Governments, and all impacts to the river are of significant importance.
4. The continued failure of the Government of Alberta to meaningfully consult the Otipemisiwak Métis Government on decisions impacting our rights, claims and interests is a violation of Section 35 of the *Constitution Act* and the Crown's Duty to Consult.

### Closing

While the purpose of the Project is to provide grid-connected power generation for private and cultural computing services by way of a data center, it is essential to address the above-raised concerns. Most importantly, the Otipemisiwak Métis Government flags the failure of the proponent to consult with us, and the Government of Alberta's failure to direct that consultation, resulting in a situation where the only meaningful mechanism for us to identify and mitigate potential rights impacts is through the federal impact assessment process.

While we are deeply concerned about the position this places us in, we do recognize the potential benefits of the Project which, as stated in the Initial Project Description, relate to its alignment of economic growth with meaningful community engagement and sustainable development. As the Project



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is Indigenous-led, the Project will generally benefit Indigenous communities involved as the Project owners continue to acknowledge and prioritize the importance of avoiding or minimizing potential impacts to Indigenous communities and engaging with Indigenous groups as the Project progresses. The Otipemisiwak Métis Government appreciates the proponents focus on Indigenous community engagement and wishes to reiterate the duty of proponents and regulators to consult with the Otipemisiwak Métis Government early and effectively.

The Otipemisiwak Métis Government trusts that going forward IAAC and Cree Ative will strive to fulfill best practices in its engagements and consultations with our government, working with us collaboratively to address current and any emerging concerns.