



## Submission for Flipi Gas-Fired Generation Project Initial Project Description

January 23, 2026

### Introduction

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.

The proposed Project (Flipi Gas-Fired Generation Project) is located within Métis Harvesting Areas D, an area designated for harvesting purposes under Alberta’s Métis Harvesting in Alberta Policy (2018).<sup>1</sup> Kikino Métis Settlement is also located within Métis Harvesting Area D, and many of our members have historically, and continue today, to use the lands around the Project to exercise their constitutionally protected right to harvest for subsistence purposes.

The significance of the harvestable areas found in Métis Harvesting Area D, and in particular of the areas in the western portion, have increased over time. The development of agriculture, oil and gas, forestry, and other sources of anthropogenic disturbance and taking up of lands on and around the Settlement have forced members to travel greater distances to exercise their constitutionally held Indigenous rights. Settlement members are concerned about cumulative infringements to their constitutionally protected Indigenous rights, including potential

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<sup>1</sup> “Métis Harvesting in Alberta Policy [2018] - Open Government,” accessed January 20, 2026, <https://open.alberta.ca/publications/metis-harvesting-in-alberta-policy-2018>.



incremental effects of the proposed Project. Using the Human Footprint Inventory (HFI) data from the Alberta Biodiversity Monitoring Institute (ABMI)<sup>2</sup>, it suggests that the areas around Kikino Métis Settlement and the proposed project are already highly disturbed by industrial activity, including at or beyond the levels of terrestrial disturbance that the British Columbia Supreme Court found excessive to support the exercise of Indigenous rights in *Yahey (Blueberry River First Nations) v. British Columbia (2021)*.<sup>3</sup>

We request that the Impact Assessment Agency of Canada (IAAC) and the Project Proponent engage in meaningful consultation with Kikino Métis Settlement in relation to the potential cumulative and incremental effects of the proposed project to the Indigenous rights, health, and culture of our members.

## Overview

On January 7<sup>th</sup>, 2026, IAAC invited Indigenous Nations and the public to review and submit comments on the Summary of the Initial Project Description of the Flipi Gas-Fired Generation Project (the Project).<sup>4</sup> TransAlta Corporation (the Proponent) is proposing a 460-megawatt (MW) Gas-Fired Generation project approximately 18 kilometers southwest of the Town of Rimbey. This project will integrate with the existing grid via a short (200 meter) transmission line. The design life of the Project is approximately 30 years.

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

<sup>3</sup> *Yahey v British Columbia*, accessed January 20, 2026.

<sup>4</sup> Impact Assessment Agency of Canada, “Flipi Gas-Fired Generation Project,” December 30, 2025, <https://iaac-aeic.gc.ca/050/evaluations/proj/90120>.



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 facility with a production capacity of more than 200 megawatts.<sup>5</sup>

### **Crown Consultation**

Throughout the Initial Project Description, interactions with Indigenous groups are referred to as “engagement”. Kikino Métis Settlement requests that future references to interactions with potentially impacted Indigenous groups be referred to as “Crown consultation” not “engagement”. Our reasoning for this request is that “Crown consultation” refers to the legal obligations and duty to consult with rights-holders (protected under the Canadian constitution) under IAAC, whereas “engagement” refers to a process conducted with stakeholders.

Kikino Métis Settlement request clarification from the IAAC and the Proponent on how the duty to consult will be discharged. Canada has made commitments to meaningful consultation through the ratification of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP)<sup>6</sup> and the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).<sup>7</sup> In the recent *Kebaowek v. Canada (Canadian Nuclear Safety Commission)* (2025) decision, it was made clear that through *UNDA*, the threshold for consultation has increased and proponents and regulators must consider the act in consultation processes.<sup>8</sup>

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<sup>5</sup> 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>.

<sup>6</sup> “United Nations Declaration on the Rights of Indigenous Peoples” (United Nations, 2007).

<sup>7</sup> Department of Justice Government of Canada, “Implementing the United Nations Declaration on the Rights of Indigenous People Act,” April 12, 2021, <https://www.justice.gc.ca/eng/declaration/index.html>.

<sup>8</sup> “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>.



Kikino Métis Settlement is concerned about how Indigenous groups were selected to consult with, and as a result the groups that were excluded from this process. TransAlta, after purchasing the Project, utilized Alberta’s Landscape Analysis Indigenous Relations Tool (LAIRT) to determine which Indigenous communities to consult with. The LAIRT is a part of the Government of Alberta’s Landscape Analysis Tool (LAT), which is a geospatial interface. However, we believe this methodology is flawed. According to the Government of Alberta the report produced by the LAIRT tool is not a pre-consultation tool, and it is not an official list of First Nations and Métis groups to be consulted.<sup>9</sup> Since the Project is within Métis Harvesting Area D, the same harvesting area that Kikino Métis Settlement is located within, we respectfully ask that we are added to the list of Indigenous groups to be consulted with.

### **Cumulative Affects Assessment**

Cumulative effects are of great significance to Kikino Metis Settlement. Our members face extraordinary levels of industrial disturbance, both around our settlements, and in Metis Harvesting Area D, already deeply impacting our members ability to exercise their constitutionally protected Aboriginal rights. The Initial Project Description (IPD) fails to mention cumulative effects in a meaningful way (as applied to the project whole). Instead, mention of cumulative effects is limited to a concern raised at an open house, air pollution, and noise considerations. As the *Yahey* decision made clear, cumulative effects of prior projects need to be considered, including the infrastructure that the Project will tie into. The failure to discuss cumulative effects in a meaningful and substantial way represents a failure to adhere to

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<sup>9</sup> “Proponent-Led Indigenous Consultations | Alberta.Ca,” January 16, 2026, <https://www.alberta.ca/proponent-led-indigenous-consultations>.



governing legislation, as section 22(1)(a)(ii) of the *Impact Assessment Act* states that cumulative effects of a designated project must be taken into account.<sup>10</sup> For these reasons, we request that the whole project, including interfacing existing transmission lines, be assessed for cumulative impacts upon our rights.

The IPD does not appear to be concerned with the cumulative effects of the project. “Cumulative Effects” appears twice in the Initial Project Description when searched for, with one instance coming from a concern raised at an open house, and the other instance being an appendix relating to an air quality assessment. When the search is broadened to all instances of “cumulative” in the IPD, there are 63 results. However, all but 9 of those occur in the appendices, all relating to air quality, noise, or clubroot management. Of the 9 instances in the main body of the IPD, 6 of them relate to noise, and three of them relate to clubroot management. There is no mention of the cumulative effects of the project as a whole, or of previous projects near the site.

The industrial disturbance around Kikino Métis Settlement was calculated. Using the precedent established with the *Yahey v. British Columbia* decision, a 100km radius around Kikino Métis Settlement was used, which is approximately the area of the claim area used by the Blueberry River First Nation. Data from the Human Footprint Inventory (HFI) from the Alberta Biodiversity Monitoring Institute (ABMI) was used to determine the level of disturbance within this territory. The data showed that an astonishing 92.27% of this territory is within 250m of an industrial disturbance, and if the boundary is increased to 500m, the figure jumps to 97.53%. Less than 2.5%

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<sup>10</sup> Legislative Services Branch, “Consolidated Federal Laws of Canada, Impact Assessment Act,” June 2, 2025, <https://laws.justice.gc.ca/eng/acts/i-2.75/FullText.html>.



of lands within a 100km radius of Kikino Métis Settlement is further than 500m away from industrial disturbance. These numbers far exceed the level of disturbance found unacceptable in the *Yahey* decision. Similarly, our calculations show that 87.3% and 92.76% of the terrestrial surface of Harvesting Area D are within 250-meters and 500-meters of an industrial disturbance. Again, these figures are in excess of the levels of disturbance the British Columbia Supreme Court found unacceptable (85% and 91%) in the *Yahey* case.

### **Impact to Rights**

Kikino Métis Settlement is concerned about the impact of the project on our Indigenous rights, with special concern to the wildlife in the area, and our harvesting rights. While the Project itself is situated on private land, the impact of its activities will not be relegated to only its footprint. As the IPD highlights, there are concerns over air quality and noise, and the disturbance they pose. There will also be increased traffic during the construction phase, and a greater presence of human activity in the area during both the construction and operation of the Project. The aforementioned anthropogenic factors have the potential to further disturb and land and therefore wildlife activities, furthering harm and impact to our constitutionally protected Indigenous rights.

Adding to our concern to our Indigenous rights is that the Province of Alberta is split into two zones, the Green Area, and the White Area; the White Area is largely the settled portion of the province, where the majority of the land is privately held but where our members can exercise their rights with the permission of private landowners.<sup>11</sup> Most of the province's grasslands and

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<sup>11</sup> Joanna Skrajny, "Public Lands: What's in a Name?," *Alberta Wilderness Association* (blog), March 1, 2018, <https://www.albertawilderness.ca/37155-2/>.



parklands are found in the White Area, which are critical ecosystems for flora and fauna, and critical to species that support Kikino Métis Settlement’s way of life and the exercise of their rights. The proposed Project location is in the White Area<sup>12</sup>, which raises questions not only of cumulative effects, but also of impacts to Indigenous rights. Due to the Project’s proximity to other disturbances such as agriculture and energy infrastructure, we believe that this Project will have real consequences on our rights.

## **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.

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<sup>12</sup> “LAT,” accessed January 23, 2026, <https://geospatial.alberta.ca/LAT/Viewer/?TermsOfUseRequired=true&Viewer=LAT>.