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VIA EMAIL:

Beacon-Indus@iaac-aeic.ga.ca

Beacon AI Centers Indus Project
Impact Assessment Agency of Canada
1145-9700 Jasper Avenue
Edmonton, Alberta T5J 4C3

Dear Impact Assessment Agency of Canada:

Re: Blood Tribe/Kainai Comments on the Summary of the Initial Project Description: Beacon AI Centers Indus Project

I write as Consultation Coordinator for Blood Tribe/Kainai (“**Kainai**”) to provide comment on the Initial Project Description (“**IPD**”) submitted by Beacon AI Centers (the “**Proponent**”) regarding its proposed Indus Project (the “**Project**”).

1.0 EXECUTIVE SUMMARY

A federal impact assessment is required for this Project.

- (a) This Project introduces new, novel, and significant adverse risks to Blackfoot traditional territory. These issues will go unaddressed under Alberta’s regulatory process if the Impact Assessment Agency (“**IAAC**”) does not order an impact assessment. Beyond the impact to human health and access to water, we also have concerns about Alberta’s ability to address cumulative impacts of industrial development.
- (b) The Project will introduce significant greenhouse gas emissions into the environment and is a serious obstacle to Canada achieving its key greenhouse gas (“**GHG**”) emission targets.
- (c) There is an important role for the IAAC in this process both to fill the gaps in Alberta’s regulatory regime as it relates to Indigenous peoples and Aboriginal and Treaty rights and to ensure impacts on areas of federal jurisdiction are properly assessed.
- (d) The existing impacts in Blackfoot traditional territory mean a close look must be given to ensure this Project does not infringe our Aboriginal and Treaty rights. The governments of Alberta and

Canada have made decisions that place the Crown's commitments under the Blackfoot Treaty in jeopardy by authorizing land uses that significantly diminish its Aboriginal and Treaty rights protected by section 35 of the *Constitution Act, 1982* and the *Constitution Act, 1930*. All new authorizations that adversely impact Kainai's Aboriginal and Treaty rights will contribute to the cumulative infringement of its Treaty rights. For these reasons, the assessment of impacts on Aboriginal and Treaty rights is critical.

The Project, as scoped in the IPD, does not accurately describe the full scope and extent of the activities proposed by the Proponent. The components of the larger project, which include a power generation station, data centers, a natural gas pipeline, and transmission lines, are improperly scoped in the IPD. It should encompass all components as a single project, not just the power generation station.

The overall project, coupled with Canada's obligations to First Nations and commitments to reducing greenhouse gas emissions, necessitate a comprehensive federal impact assessment under the *Impact Assessment Act* ("IAA"). Alberta's regulatory process is not sufficient. It evaluates the project components separately, fails to provide any decision maker with necessary information regarding the potential impacts, and refuses necessary consultation with First Nations. Alberta's approach disregards cumulative effects and impacts to Aboriginal and Treaty rights.

2.0 INTRODUCTION

2.1 About Blood Tribe/Kainai

Kainai is a member of the Siksikastipaii (Blackfoot Confederacy). Kainai is the successor to one of the Niitsitapi (Blackfoot) Nations that entered into Blackfoot Treaty in 1877. A key inducement to enter the Blackfoot Treaty was the Crown's assurance that Kainai and its descendants could continue to hunt, fish, trap, and harvest in their traditional territory, as they have always done, free from interference.

The Crown has not lived up to its obligations under the Blackfoot Treaty, including its honourable and fiduciary obligations. Since Treaty, first the federal Crown and later the provincial Crown have engaged in a pattern of conduct that has significantly diminished the Nation's rights to hunt, fish, trap, and harvest as part of its way of life.

For some time, Kainai has been reporting the diminishment of their ability to practice these rights and the related cumulative impacts in their territory from various activities including: forestry, agricultural development, expansion of municipalities, transfer of lands to private landholders, conservation areas, tourism and recreation, mining, and other industrial activities. Despite these reports, neither Crown has taken action.

Kainai's position is that current land use practices and Crown authorizations render much of Kainai's traditional territory incompatible with the practice of Aboriginal and Treaty rights, meaning Kainai can no longer meaningfully exercise those rights.

The BC Supreme Court in *Yahey v British Columbia*, 2021 BCSC 1287 concluded that authorization processes that do not adequately consider treaty rights or cumulative effects can contribute to the

meaningful diminishment of a First Nation's treaty right to hunt, fish and trap.¹ Similar circumstances have produced similar results in Blackfoot traditional territory.

2.2 Project Overview

Federal assessment is required. The Project is at a scale with little comparison in Canada. Not only does it propose immense power generation and the ensuing greenhouse gas emissions but it brings new, novel, and yet to be understood impacts that require immense rigour and increased scrutiny in any assessment.

The Project is a power generation facility with a capacity of 1,494 MWe, designed to supply a minimum of 1,200 MWe of continuous electricity to four on-site data centers. Located on the outskirts of Calgary approximately two km northwest of the hamlet of Indus, Alberta, the Project is located in Blackfoot traditional territory.

The Project will directly impact lands used by Kainai harvesters, exacerbate major cumulative effects concerns, and increase potential risk to the lands and waterways on which Kainai harvesters rely for the practice of Aboriginal and Treaty rights.

The IPD describes a project that includes a power generating station, four on-site data centers, natural gas pipeline, transmission lines, and transmission lines and a connection to an existing transmission lines yet the IPD only includes the power generation station for potential review. This artificially minimizes the scale, complexity, and potential impacts of the Project. This approach is akin to prohibited project splitting and goes against what Kainai have been advocating for – holistic and cumulative assessment of the activities undertaken on our lands. At a practical level, this approach creates regulatory gaps that will leave key elements of the Project unevaluated and unaddressed. Most concerningly, the draft IPD scopes out the four data centers, which means that the substantial water use will not be assessed as part of this Project. Scoping this out of the assessment is particularly egregious given that the Project is located in a water scarce region and First Nations, including members of the Blackfoot Confederacy, struggle to get access to clean, reliable, and safe drinking water.

2.3 Engagement with Proponent

The Alberta Aboriginal Consultation Office (“ACO”) declined to order consultation on this Project. Kainai has only been notified of the Project – no consultation has occurred. The rationale given for this oversight is the Project's location on private land and the absence of identified traditional use. Of course, no Proponent can make this claim without conducting rigorous consultation and engagement and, as will be explained below, this is not in line with the jurisprudence on the duty to consult. Alberta's misinterpretation and weak consultation regime prevent the assessment of impacts to Aboriginal and Treaty rights. Without federal assessment, it is unclear how the Crown's constitutional obligations will be discharged.

3.0 KAINAI'S INITIAL CONCERNS

The ineffectiveness of Alberta's consultation regime, the inability for the provincial government to assessment cumulative impacts, the scope of the Project (once properly scoped to included all project

¹ *Yahey v British Columbia*, 2021 BCSC 1287 at 1751.

components and incidental activities), and the impacts on areas of federal jurisdiction demonstrate the need for federal involvement and an assessment by the IAAC. We highlight and expand on these concerns below.

The following are initial concerns only. Kainai has not yet had the time or resources to thoroughly examine the Project's implications. It is likely that additional rights and interests will be impacted, requiring further detailed analysis, which is why a federal impact assessment is so critical.

3.1 All of the activities described by the Proponent should be scoped into the IPD

The Project is not just a power generation station. It is a major project that includes a power generation station, four data centers, a natural gas pipeline, new transmission lines, and connection to an existing transmission line (together, the “**Consolidated Project**”). These components are inextricably linked meaning that this is a single project made up of four-plus components that should be considered together as part of a single assessment. All activities incidental to the Project should be scoped into the IPD. The harm by permitting this project splitting is that when projects that are interconnected and inextricably linked are split, impacts are not properly assessed, and the potential impacts of the individual components are studied independently and ultimately get minimized or viewed in a vacuum. This often results in a project approval, or a decision not to conduct a review, without the full scope of impacts on the environment and Treaty rights ever being presented to decision-makers.

For example, the Project’s overall water use must be calculated based on the consumption of the power generation station, four data centers, a natural gas pipeline, new transmission lines, and connection to an existing transmission line – without doing so, we are not looking at the full picture and not assessing all impacts together.

A designated project includes one or more physical activities that are listed in the *Physical Activities Regulations*, as well as any physical activity incidental to those listed physical activities. In determining what is “incidental”, the *Guide to Preparing an Initial Project Description and a Detailed Project Description* (the “**Guide**”) sets out the criteria that shall be taken into account:

- (a) the nature of the proposed activities and whether they are subordinate or complementary to the designated project;
- (b) whether the activity is within the care and control of the proponent;
- (c) if the activity is to be undertaken by a third party, the nature of the relationship between the proponent and the third party and whether the proponent has the ability to “direct or influence” the carrying out of the activity;
- (d) whether the activity is solely for the benefit of the proponent or is available for other proponents as well; and
- (e) the federal and/or provincial regulatory requirements for the activity.²

² Guide to Preparing an Initial Project Description and a Detailed Project Description ([link](#)).

“Incidental” has been defined in Canadian courts as “occurring or liable to occur in fortuitous or subordinate conjunction with something else”. Incidental requires “a certain level of proximity as well as possibly a causal connection between the activities and the designated project.”³

There is an immediate physical proximity and a clear causal connection between the power generation station, four data centers, natural gas pipeline, new transmission lines, and connection to an existing transmission line. Each of the Guide’s criteria and the common definition of “incidental” are met in this case when identifying all of the activities proposed by the Proponent, namely: to develop a power generation station, four data centers, construct a natural gas pipeline and new transmission lines, and connect the new sites to an existing transmission line. This is particularly true of the power generation station and the four data centers. For example, per the IPD, the power generation station will be located on land zoned for “Data Center Campus.” The data centers will be controlled by the Proponent, are for the benefit of the Proponent, and are located within the footprint. The components are not only complementary of each other – they are completely interdependent: the data centers could not or would not operate without the power generation station and vice versa.

These components are causally connected. The Consolidated Project is therefore a designated project and requires impact assessment under the IAA.

3.2 Alberta Not Equipped to Assess Full Project Scope

Alberta’s regulatory regime is not equipped to assess the full impacts of the Consolidated Project.

The Alberta regulatory process addresses the components of the Consolidated Project individually and does not look at them as a single project. For example, there will be an Alberta Utilities Commission proceeding that excludes analysis of the data centers. There will be other applications under provincial legislation, but no decision maker will consider all components together. Without looking at the components together, no decision maker can properly assess or respond to the impacts.

In Kainai’s view, Alberta is not even equipped to address the impacts of the power generation station on its own.

E.g. Alberta has not ordered consultation with First Nations and impacted Indigenous groups in relation to the power generation station. First Nation involvement has already been prejudiced by Alberta’s narrow understanding on the duty to consult. A full and proper assessment of impact on Indigenous peoples will not occur unless done so through the federal process.

Allowing Alberta’s assessment of impacts to Indigenous peoples, cumulative impacts, and areas of federal jurisdiction to prevail, despite clear weaknesses, is not keeping with the honour of the Crown and the federal government’s constitutional obligations.

E.g. As detailed below, the Consolidated Project proposes to use substantial volumes of water. The IPD highlights that the Proponent has reached an agreement with a water supplier to alleviate concerns about excessive water use. However, this does not address the concern and cannot be relied on in the long term. Kainai needs detailed information about where the water is coming

³ *Canada (Canadian Environmental Assessment Agency) v Taseko Mines Limited*, 2018 BCSC 1034.

from, the extent of the water use, long term impacts of such use, and how this aligns with water scarcity management throughout Alberta. Additional information on the water quality and quantity in the South Saskatchewan River watershed over the next several decades must be provided. The South Saskatchewan River watershed, specifically within the Middle Bow River sub-watershed, is in a region facing water shortages already.

These concerns are not being addressed or even considered. Navigable waters, drinking water on reserve lands, and the health of Indigenous peoples are areas of federal jurisdiction requiring federal involvement.

3.3 Federal Assessment Needed for Areas of Federal Jurisdiction

Alberta's approach that facilitates project splitting will leave several areas of concern understudied and unaddressed. A federal assessment is required to ensure assessment of areas of federal jurisdiction, including:

(a) GHG Emissions

The Project would generate roughly 4.8 megatons ("Mt") of GHG emissions per year. Large oil sands projects in Alberta often range 4–6 Mt CO₂e/year, meaning that this Project represents a significant addition to cumulative effects of climate change and air quality degradation in the region. This Project presents a serious obstacle to Canada achieving its key GHG commitments include reducing emissions by 40-45% by 2030 and achieving net-zero by 2050. The IPD does not appear to take these commitments seriously, providing no real plan for how the Project will achieve net zero emissions by 2050 beyond mentioning carbon capture and offsets. The volume of GHG emissions requires federal review of the Consolidated Project.

(b) Air Quality

The significant scale of emissions produced by this Project raises concern about air quality. Recent reports about flaring issues at LNG Canada facilities in British Columbia have highlighted concerns about unintended air and noise pollution that could impact human health and increase greenhouse gas emissions from production facilities.

Given the prevailing winds running west to east in this area, we do not know the extent and breadth of impacts on air quality.

(c) Water

Kainai is particularly concerned about potential adverse effects on water quantity and quality. Kainai experiences a high degree of water uncertainty and relies heavily on bottled water. The Project's large water withdrawal in the South Saskatchewan River watershed, specifically within the Middle Bow River sub-watershed, is concerning in a region facing water shortages already. The Proponent has an agreement with Langdon Waterworks Ltd. to receive 1,500 cubic meters (1.5 million liters) per day of potable water, but no other information about the source of this water or the terms of this agreement have been provided. Comprehensive details on water usage is needed, including: (a) identification of all water sources intended for the Project; (b) anticipated volumes, timing, and variability of water use throughout the Project's duration; (c) evaluation of long-term effects on regional water availability, aquatic ecosystems,

and downstream users; and (d) analysis of alignment with Alberta's water scarcity management frameworks and allocation priorities.

Additionally, there is a real need for information about how this project fits with water planning for the South Saskatchewan River, including climate resilience assumptions, hydrological modelling inputs, and contingency plans for drought and low-flow conditions. Any changes in flows, quality, or reliability directly affect the health, rights, and interests of Indigenous people and the integrity of Indigenous lands.

(d) Noise

The Consolidated Project will create significant noise, and sound often travels farther on the prairies. This will have indirect impacts on birds and wildlife, as well as human avoidance of the area.

(e) Aquatic Environments

Sixty-nine wetlands and 46 ephemeral water bodies were identified within the Project area, with 29.5 ha of wetlands and 7.7 ha of ephemeral waterbodies in the Project Area. Direct impacts to wetlands are expected. Wetlands are critical aquatic ecosystems. Several aquatic species that are listed as at risk or sensitive will be impacted by the Project.

(f) Species at Risk and Migratory Birds

The Project is expected to have some effects on Species at Risk and migratory birds, mainly through habitat loss and disturbance during construction. There are several at risk and sensitive species whose habitat will be disturbed by the Project. Kainai is also concerned about how the light and noise from the Consolidated Project will impact migratory birds and aquatic species.

(g) Potential Effects on Indigenous Health, Social, and Economic Conditions

There is no clear answer to the scope and breadth of impacts to Indigenous health, social, and economic conditions. The impacts on air quality, localized pollution, potential for enhancing water scarcity and reducing quantity of water flowing onto reserve lands for human consumption are potentially severe, long-lasting, and challenging to mitigate/address/avoid. The Proponent recognizes that the effects on air quality, noise, and human health might extend beyond the Project's boundaries. However, they assert that these impacts will remain within regulatory limits once mitigation strategies are implemented. This perspective overlooks the cumulative nature of impacts, which must be evaluated in the broader context they contribute to. Furthermore, the Proponent claims that socio-economic impacts will reach beyond the Project area, anticipating positive outcomes due to economic gains. Yet, economic benefits do not automatically translate to advantages for Kainai. In fact, it is unlikely that the Kainai will gain any benefits from the Project.

A precautionary approach is required here.

3.4 Duty to Consult Will Not Be Met Without Federal Involvement

As previously noted, the ACO has taken the flawed position that since the Project site is privately owned and lacks (according to the Proponent) traditional land use activities, the province's duty to consult is not activated, and no consultation is required.

Alberta's criteria for triggering the Crown's duty to consult are narrowly defined to include only "site-specific" impacts on the right to hunt, fish, or trap on unoccupied Crown land. However, a project of this magnitude will have effects beyond the Project site, impacting air quality, fish-bearing waters, and migratory birds. These, in turn, affect Kainai's Aboriginal and Treaty rights. Alberta's consultation framework does not account for these impacts. Consequently, the federal government cannot depend on Alberta's regulatory process, which fails to provide a platform for addressing Kainai's concerns.

3.5 Kainai's Aboriginal and Treaty Rights Need Full Assessment

Kainai has significant concerns regarding the potential negative effects of the Project on our Aboriginal and Treaty rights. The Project is expected to, among other impacts:

- (a) affect lands in ways that conflict with Aboriginal and Treaty rights, such as generating constant noise and impacting air quality;
- (b) lead to avoidance of land and resource use by Kainai members, diminishing trust in the quality of traditional foods and altering land use patterns;
- (c) affect wetlands and waters that may support fish; and
- (d) disrupt wildlife and their habitats, causing animals to avoid the area. Collectively, these impacts could severely hinder the practice of Aboriginal and Treaty rights, particularly in harvesting plants and wildlife.

Kainai members experience a high degree of water uncertainty and are heavily reliant on bottled water (including educational facilities and gathering venues) with dozens of residential homes advised not to drink the water due to groundwater quality concerns. Today the Oldman River basin, in which Kainai communities are situated, is heavily diverted for irrigation, habitat enhancement, flood control and flow regulation, and domestic water suffers from supply issues, nutrient and chemical contamination, and aesthetic issues related to appearance and odour. Multi-source impacts to watersheds in Blackfoot territory have further impacts to species at risk, including westslope cutthroat trout and bull trout in the Oldman River Watershed.

Kainai is concerned about the potential impact of this Project on water in southern Alberta, primarily regarding impacts to water quantity, quality, and fish habitat. The significant amounts of water used by the Project may cause additional adverse effects on water quality, fish health, and subsequent impacts to Treaty rights.

Kainai members characterize fishing as declining with reduced quality and quantity of fish in many areas, and a reduction in the freedom to fish the preferred species in the preferred locations is negatively impacting Kainai's baseline fish harvest.

In addition, Kainai members have reported facing barriers to actioning their traditional land use knowledge and exercising Aboriginal and Treaty rights to safely hunt a reliable, healthy source of food. Community members are experiencing increasing industrial activity and impacts including chemical use and contamination, raising concerns over the health and safety of consuming wild meat and plants. The increase in private land ownership is preventing the free movement of people throughout *Kitaowahsinnoon*, limiting the land base on which they can harvest.

The increasing privatization of land is limiting access to productive hunting areas and the ability to exercise their rights to use and occupy the land. Industrial developments like oil and gas and agriculture, and private landownership have changed the ability of Kainai members to freely access the land. Fences and gates are now common, blocking access to traditional lands and harvesting areas.

From the perspective and lived experience of Kainai, these changes result in an ever-shrinking land base with fewer opportunities for members to meaningfully exercise their Treaty rights, practice and pass on their culture, and maintain their way of life.

The Alberta regulatory process, which will consider none of these concerns, is inadequate for identifying and assessing the risks of the Project as those risks relate to matters within federal jurisdiction, particularly impacts to Aboriginal and Treaty rights.

3.6 Cumulative Effects Placing Kainai Aboriginal and Treaty Rights in Peril

Cumulative effects studies have demonstrated that Kainai's Aboriginal and Treaty rights are in peril. Over the last few years, Integral Ecology Group ("IEG") and Kainai produced a cumulative impacts assessment report. This work relies on Indigenous Knowledge and landscape modelling to examine how development has impacted Kainai members' opportunities to hunt, fish, and practice other traditional activities in their lands. The study area covers the Alberta portion of the Blackfoot traditional territory.

The results showed that before colonization, the land would have been intact and accessible to Blackfoot peoples with an abundance of resources. Over the past 120 years, agriculture, settlement, forestry, oil and gas, mining, and other forms of development have fragmented the land. Today, development footprint covers more than half the region, and only 10% of the study area still exists as intact land cover. 80% of the traditional territory is inaccessible for Kainai's land use due to private land, protected areas, hunting regulations, and competing land uses. The combined effects of fragmentation and barriers to access have effectively limited the accessible intact land cover to just 4% of the study area. The small and fragmented intact land base is precisely why Kainai is so concerned about this harvesting plan.

The results also show that development has altered the habitat of several key species that support Indigenous land uses such as hunting and gathering. Compared to the precolonial baseline, suitable habitat has declined by 49% for moose, 25% for elk, 19% for mule deer, and 27% for fisher.

Opportunity for Indigenous land use is impacted by both the health of the ecosystem and the ability for members to access the land. Much of the remaining suitable habitat for these species is in areas that are inaccessible for Indigenous land use, such as protected areas or, for mule deer and elk, farmland. When impacts to ecosystems and restricted access are considered together, the opportunities for Indigenous harvesting have declined by 86% for moose and elk, 88% for mule deer, and 68% for fisher. Risk to the fish community has also increased over the past century. This is mainly from increases in linear disturbances (roads, cutlines, etc.), stream fragmentation, and human population density. The influence of linear disturbance and human population demonstrates the pressures of recreational fishing.

Activities such as hunting, trapping, and plant harvesting are at risk from increased human and industrial activities in this key area. The influx of industrial development, cut-blocks, roads, industrial and other traffic that accompanies timber harvesting creates a significant barrier to the use of the area for the practice of Kainai's Treaty rights. Through increased industrial activity in the area, Kainai harvesters face reduced access to core harvesting grounds and are subject to increased interaction with fish and wildlife officers,

industrial workers, and traffic, creating additional opportunity for conflict and increased incentive to avoid the area.⁴

Considering these findings, Kainai is extremely concerned about the potential impacts of the Project.

3.7 Alberta's Process Does Not Adequately Account for Cumulative Effects

The ACO considers cumulative effects outside scope of consultation under its Policy and Guidelines. The ACO only considers "site-specific" impacts, and because the Project site is privately owned, and no traditional land use occurs on the site, has determined that no consultation is necessary.

However, impacts from a project of this size and type will not be limited to the project site. The Project is occurring in an area of high existing cumulative effects and will exacerbate such effects further. Therefore, the Crown's duty to consult is engaged. Since Alberta refuses to engage, the federal government cannot rely on the province's process.

In addition, all four components of the Consolidated Project must be assessed in determining the cumulative effects. In *Chippewas of the Thames First Nation v Enbridge Pipelines*, 2017 SCC 41, the Supreme Court of Canada stated that it may be impossible to understand the severity of a particular project's impact on Aboriginal rights without considering the cumulative impact of the project and other developments. A project must be considered in a historical and cumulative context in order to account for impacts that have already affected the First Nation.⁵ This includes projects that are reasonably foreseeable.

Any project that increases the cumulative risk to the viability of our Aboriginal and Treaty rights practice, and our traditional economy, must be properly mitigated to ensure no net decrease in viable land occurs and, where possible, there is a net gain in available land.

As it currently stands, cumulative effects (existing and projected from the Project) will go unexamined and unaddressed without federal involvement. Only a federal impact assessment can address the regulatory gaps in the Alberta regulatory system.

3.8 Application of the *United Nations Declaration on the Rights of Indigenous Peoples*

Canada has committed to upholding this right through its affirmation of the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") and its adoption into Canadian law. There are numerous UNDRIP articles applicable to this Project, including but not limited to the right to decision-making in matters which would affect their rights; the right to their traditional territories, including the protection of such lands; and the right to free, prior and informed consent with regards to projects on their lands.

Consent from First Nations is the bare minimum on which the Project should proceed. Impacted First Nations, the proponent, and the various federal and provincial agencies must co-develop a process to obtain the free, prior, and informed consent of First Nations on whose lands the Project will operate. Federal assessment is required for Canada to uphold its UNDRIP commitments.

⁴ IEG Cumulative Effects Report.

⁵ *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247 at para 83 and 117, leave to appeal denied 2012 CanLII 8361 (SCC).

3.9 Additional Funding Required

Kainai will apply for and accept the funding provided by IAAC for the planning phase. This funding is insufficient for Kainai's full participation in this stage, and we expect additional funding at each stage of the regulatory process.

Please note: Accepting this funding does not limit Kainai's right to address funding concerns in the future.

4.0 CONCLUSION

The IPD demonstrates that a federal assessment is required. Without a federal assessment, there will be little to no examination of:

- a. impacts on First Nations' Aboriginal and Treaty rights;
- b. impacts on areas of federal jurisdiction, such as GHG emissions and water use; and
- c. cumulative effects on Aboriginal and Treaty rights.

Furthermore, the federal Crown cannot depend on provincial processes to fulfill the duty to consult or to address federal jurisdictional concerns.

In addition, the IPD raises concerns about the project scoping. We recommend requesting the Proponent re-issue an IPD that includes activities incidental to the Project.

Thank you for your consideration of these comments.

Sincerely,



Mike Oka

Consultation Coordinator for Blood Tribe/Kainai

cc: Annabel Crop Eared Wolf (annabelcew@bloodtribe.org)
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