

**WHITEFISH (GOODFISH) LAKE FIRST NATION #128 COMMENTS ON THE SUMMARY OF THE INITIAL PROJECT DESCRIPTION: BEACON AI CENTERS HEARTLAND PROJECT**

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## **1.0 EXECUTIVE SUMMARY**

This submission by Whitefish (Goodfish) Lake First Nation #128 (“WLFN #128”) comments on in an Initial Project Description (“IPD”) submitted by Beacon AI Centers (the “Proponent”) regarding its Heartland Project (the “Project”).

We understand that the “Project” – as scoped in the IDP – is limited to the power generation facility. However, the activities proposed include a power generation station, multiple data centers, a natural gas pipeline, and transmission lines. The Project, and ultimately the IPD, should encompass all components as a single project, not just the power generation station. This will allow for a more accurate description of the “Project” and its impacts. In our view, the IPD inappropriately splits the project into its constituent parts frustrating a proper assessment of its impacts, and should be revised.

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 evaluates the project components separately, failing to provide any decision maker with the complete and necessary information regarding the potential impacts, and refusing consultation with First Nations. In our experience, Alberta’s approach completely disregards cumulative effects and impacts to Aboriginal and Treaty rights. A federal assessment is crucial to ensure thorough evaluation, a comprehensive assessment of areas of federal jurisdiction, and fulfilment of the Crown’s obligations, duties, and honour.

WLFN #128 has major and substantive concerns about how this Project may impact the practice of their Aboriginal and Treaty rights in the area and the adverse impacts on the local and regional ecosystem/ environment. WLFN #128 has a rich history in the Heartland area and despite the substantial and tragic taking up of lands in a manner incompatible with Cree ways of being, values, and customs, it remains an important area for WLFN #128 culture and connection to their ancestors.

WLFN #128 looks forward to a regulatory process that provides significant engagement opportunities and builds out a process to obtain free, prior, and informed consent from impacted First Nations.

## **2.0 INTRODUCTION**

### **2.1 About Whitefish (Goodfish) Lake First Nation #128**

WLFN #128 entered into Treaty 6 in 1876. WLFN #128’s reserve lands are located roughly 220 km northeast of Edmonton. The total population of WLFN #128 is approximately 2,378 with around 1,778 members living on reserve. WLFN #128’s reserve lands are located about 80km northeast of the Project.

As a signatory to Treaty 6, WLFN #128 holds Treaty rights to hunt, fish, trap, and maintain its traditional way of life “as before the Treaty” in the Project area and throughout Alberta. Through

Treaty 6 the Crown solemnly promised that WLFN #128 could maintain their way of life and would be free to hunt, trap, fish, and harvest throughout their traditional territory as they had done before entering the Treaty. The Crown also promised that descendants of WLFN #128 would be entitled to access lands and waters to exercise their Treaty rights to hunt, trap, and fish throughout their traditional territory. In addition to these rights, WLFN #128 also has rights to carry out activities incidental to the exercise of express Treaty 6 rights, such as the right to access areas for harvesting and the right to use camping areas and so on.

The Crown, in right of Alberta and Canada, must ensure that potential effects on WLFN #128's Treaty rights are properly assessed and accommodated before proceeding with activities that could have an impact on WLFN #128's Aboriginal and Treaty rights.

## **2.2 Project Overview**

The Project is proposed approximately 7 km east of Gibbons, Alberta. The Project is a power generation facility with a capacity of 920 Mwe, providing 800 MWe of continuous, dispatchable electricity to the four on-site data centres. The IPD describes the four on-site data centers as "co-located" with the Project, along with related infrastructure including a natural gas pipeline, new transmission lines, and a transmission and connection to an existing transmission line. These four components are all interdependent, but the IPD only includes the power generation station. Whitefish #128 is very concerned that this limited review artificially scopes out the total impacts of the four components together. The lack of assessment of the four components together is leaving a large regulatory gap where impacts will go unexamined and unaddressed.

The Project will directly impact lands used by WLFN #128 harvesters, exacerbate major cumulative effects concerns, and increase potential risk to the lands and waterways on which WLFN #128 harvesters rely for the practice of Aboriginal and Treaty rights and for drinking water to their primary reserve lands. In particular, the IPD hints at a major potential concern: substantial use of water for data centers while many impacted First Nations struggle to get access to clean, reliable, and safe drinking water.

The IPD describes a project with little comparison in Canada in terms of scale. Data centre projects are new and understudied. New projects with new and novel impacts require rigour and scrutiny from all levels of government, including First Nations. We must be precautionary in how we assess these Projects and evaluate how they may impact different jurisdictions. Indigenous groups, including WLFN #128, must play a substantial role in project regulation and development to realize the positive impacts of the Project and reduce the negative impacts and potential risks.

The Project must proceed with the highest level of environmental protection, diligence, and scrutiny. It must involve First Nations at every step of the way. To meet this standard requires a federal process to ensure all regulatory gaps are filled.

### 2.3 Engagement to Date

WLFN #128 has only been notified of the Project. No meetings have taken place with the Proponent, nor has the Proponent offered any capacity funding.

Concerningly, the IPD states that the Alberta Aboriginal Consultation Office (“ACO”) has confirmed no consultation with Indigenous Nations is required due to the Project’s location on private land and absence of identified traditional use. As will be explained below, this reflects an impoverished understanding of what the Project’s impacts will be and is not in line with the jurisprudence on the duty to consult.

### 2.4 Application of the *United Nations Declaration on the Rights of Indigenous Peoples*

Federal assessment is required for Canada to uphold its UNDRIP commitments.

Canada has affirmed the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”) and it has been adopted into Canadian law. There are numerous UNDRIP articles applicable to this Project, including but not limited to:

<b>Article 18</b>	Indigenous peoples have the right to participate in decision-making in matters which would affect their rights.
<b>Article 26</b>	Indigenous peoples have the right to their traditional territories, including the protection of such lands.
<b>Article 29</b>	Indigenous peoples have the right to the protection of their lands.
<b>Article 32</b>	Indigenous peoples have 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.

### 3.0 PRELIMINARY CONCERNS

Please note the below are preliminary concerns only. Whitefish #128 has not had sufficient time or resources to do an in-depth review of concerns related to the Project but expects there are many other rights and interests that will be affected by the Project. More work is required to identify such concerns.

#### 3.1 The IPD is not scoped properly and Alberta’s regulatory regime is insufficient

The power generation station, four data centers, a natural gas pipeline, new transmission lines, and connection to an existing transmission line (together, the “Consolidated Project”) are inextricably linked. This is a single project made up of four components that should be

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considered together as part of a single assessment. When projects that are interconnected and inextricably linked are split, impacts are not properly assessed and the potential impacts of the individual components are siloed and downplayed. This could lead to project approval 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.

Under the IAA, 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 following criteria, as directed by the *Guide to Preparing an Initial Project Description and a Detailed Project Description* (the “Guide”), are considered:

<ul style="list-style-type: none"><li>• the nature of the proposed activities and whether they are subordinate or complementary to the designated project;</li></ul>
<ul style="list-style-type: none"><li>• whether the activity is within the care and control of the proponent;</li></ul>
<ul style="list-style-type: none"><li>• 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;</li></ul>
<ul style="list-style-type: none"><li>• whether the activity is solely for the benefit of the proponent or is available for other proponents as well; and</li></ul>
<ul style="list-style-type: none"><li>• the federal and/or provincial regulatory requirements for the activity.<sup>1</sup></li></ul>

Further, “incidental” has been defined in the case law 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.”<sup>2</sup>

There is an immediate 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. Additionally, it is our view that each of the Guide's criteria and the common definition of “incidental” are met in this case when assessing the proponent's full project – to develop a power generation station, four data centers, a natural gas pipeline, new transmission lines, and connection to an existing transmission line together. This is particularly true of the power generation station and the four data centers. For example, the power generation facility and data centers will all be located on a “data center campus”. In addition to

<sup>1</sup> Guide to Preparing an Initial Project Description and a Detailed Project Description ([link](#)).

<sup>2</sup> *Canada (Canadian Environmental Assessment Agency) v Taseko Mines Limited*, 2018 BCSC 1034.

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the power generation facility, the data centers will be controlled by the Proponent and are for the benefit of the Proponent. The components are not only complementary of each other – they are entirely interdependent: the data centers could not operate without the power generation station and there is no reason for the power generation station without the data centers. There is no purpose for each without the other.

It is inaccurate to suggest these components are not causally connected and that they represent different projects. The Consolidated Project is therefore a designated project and requires impact assessment under the IAA.

Without a federal assessment, there will be no forum where the impacts of the Consolidated Project or even the Project on its own will be assessed properly.

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 four components together. Without looking at the components together, no decision maker can properly assess or respond to the impacts.

Compounding WLFN #128's concern is the fact that Alberta is not even equipped to address the impacts of the power generation station alone and conduct a proper assessment. For example, Alberta has not ordered consultation with First Nations and impacted Indigenous groups in relation to the power generation station, which shows that a full and proper assessment of impact on Indigenous peoples will not occur unless done so through the federal process. Allowing an impoverished assessment of impacts to Indigenous peoples, cumulative impacts, and areas of federal jurisdiction is not keeping with the honour of the Crown and the federal government's constitutional obligations.

For example, the Consolidated Project proposes to use substantial volumes of water. The IPD highlights that the Proponent has obtained a permit for use of potable drinking water distributor to alleviate concerns about excessive water use. Respectfully, this is not a solution that addresses the concern. WLFN #128 needs detailed information about where the municipality gets its water, 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 Sturgeon County watershed over the next several decades must be provided.

WLFN #128 gets its drinking water from the North Saskatchewan River and is part of the regional water commission. What impacts will these data centers have on water safety, reliability, quality, and quantity? Access to clean, safe, and reliable drinking water on reserve is a human right, a Treaty and Aboriginal right. It also falls squarely within federal jurisdiction. This alone should lead to a federal assessment.

### 3.2 Federal assessment required to address considerable impacts on areas of federal jurisdiction

Alberta's piecemeal approach facilitates project splitting and will leave several areas of concern under-studied and unaddressed. A federal assessment is required to ensure assessment of the following impacts:

<b>Greenhouse Gas ("GHG") Emissions</b>
The project would generate roughly 4.4 megatons ("Mt") of GHG emissions per year. Large oil sands projects in Alberta often range 4–6 Mt CO <sub>2</sub> e/year, meaning this Project is in the same class as one of Canada's largest single industrial GHG sources. The Project could have significant effects on cumulative effects of climate change and air quality in the region. Canada's key GHG commitments include reducing emissions by 40-45% by 2030, and achieving net-zero by 2050. This Project represents several steps backward on the path to meeting these targets, and rather treats them as suggestions. For example, the IPD does not provide a plan for how the Project will achieve net zero emissions by 2050, beyond vague references to carbon capture or offsets. The volume of GHG warrants federal review of the Consolidated Project.
<b>Air Quality</b>
Such a significant source of emissions also 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.
<b>Water</b>
WLFN #128 is particularly concerned about potential adverse effects on water quantity and quality on reserve lands, which fall under federal jurisdiction. Given that Whitefish relies on the North Saskatchewan River for drinking water, any alteration in flows, quality, or reliability has direct implications for the health, rights, and interests of Indigenous people and for the integrity of Indigenous lands. WLFN #128 requires detailed information on water use, including: (a) identification of all municipal water sources proposed to supply the Project; (b) the projected volumes, timing, and variability of water use over the life of the Project; (c) assessment of long-term impacts on regional water availability, aquatic ecosystems, and downstream users; and (d) analysis of consistency with Alberta's water scarcity management frameworks and allocation priorities. In addition, WLFN #128 requires forward-looking information on water quality and quantity trends within the Sturgeon County watershed over the coming decades, including climate-resilience assumptions, hydrological modelling inputs, and contingency measures for drought and low-flow conditions.
<b>Noise</b>

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.

#### **Aquatic Environments**

The Project site includes several wetlands and small waterbodies within its footprint and the terrestrial assessment area, which is defined as a 100-metre buffer around the proposed project footprint. The Project will directly impact wetlands within the project area, resulting in the loss of wetland area. Wetlands are critical aquatic ecosystems.

#### **Migratory Birds**

The Project is expected to have some effects on migratory birds, mainly through habitat loss and disturbance during construction. WLFN #128 requires more information about how the light and noise from the Consolidated Project will impact migratory birds.

#### **Potential Effects on Indigenous Health, Social, and Economic Conditions**

The Proponent acknowledges that impacts on air quality, noise, and human health may extend beyond the Project area, though they are not expected to exceed regulatory standards once appropriate mitigation measures are applied. This reflects an impoverished understanding of how impacts are cumulative and must be considered in the context the impacts will be adding to. Additionally, the Proponent states that socio-economic effects will extend beyond the Project area but are expected to be positive due to the Project's economic benefits. However, just because a project may have economic benefits does not mean that those benefits will be felt by WLFN #128. Indeed, it is highly unlikely that WLFN #128 will benefit from the Project in any way. The Project represents another cut among thousands and will likely be a net loss for the Nation.

### **3.3 Canada cannot rely on Alberta's consultation process**

As mentioned above, the ACO has determined that because the land for the Project site is privately owned and hosts no traditional land use activities, the province's duty to consult is not triggered and no consultation is required.

Alberta's definition of what constitutes a "trigger" for the Crown's duty to consult is limited to a "site-specific" impact to the right to hunt, fish or trap on unoccupied Crown land. However, impacts from a project of this size and type will extend beyond the Project site, including impacts to air quality, fish bearing waters, water on reserve, and migratory birds. All of these will in turn have an impact on WLFN #128's Aboriginal and Treaty rights. Under Alberta's consultation regime, these impacts will go unconsidered. There is no Alberta process to address such adverse effects. The federal government therefore cannot rely on Alberta's regulatory process, which would provide no forum for WLFN #128's concerns to be addressed.

### **3.4 Canada cannot rely on Alberta's regulatory process to address WLFN #128 Aboriginal and Treaty Rights**

WLFN #128 is very concerned about the potential adverse impacts of the Project on WLFN #128 Aboriginal and Treaty rights. The Project will: (1) have impacts on lands that will cause incompatibility with Aboriginal and Treaty rights, such as creating constant noise and affecting air quality; (2) cause WLFN #128 members to avoid the area in and around the Project area as the Project will undermine confidence in the quality of country foods and alter land use patterns; (3) impact wetlands and potential fish bearing waters; and (4) impact wildlife and wildlife habitat and causing wildlife avoidance behaviours for the area. Taken together, these impacts have the potential to dramatically impact the use of the surrounding area for Aboriginal and Treaty rights practice, namely harvesting plants and wildlife.

In addition, this Project has the potential to impact reserve land and related rights. Without assessment of the Project's total water use (including all four components), there is potential risk to the drinking water to our primary reserve lands.

Alberta's regulatory process is inadequate for identifying and assessing the risks of the Project as those risks relate to matters within federal jurisdiction, particularly impacts to reserve lands, Indigenous peoples, and Aboriginal and Treaty rights.

### **3.5 Canada cannot rely on Alberta to assess cumulative impacts**

The Project is being proposed in an area that has borne the brunt of industrial development and has seen substantial adverse impacts on Aboriginal and Treaty rights. WLFN #128 face substantial impacts to their Treaty rights throughout Treaty 6 but most prominently in the Heartland area. The promises made under Treaty 6 are foundational to the relationship between Whitefish Lake #128 and the Crown. However, the Crown continues to break Treaty promises by continuously approving projects that cumulatively hinder Whitefish Lake #128 members' access to lands and resources essential for our cultural practices. The Crown has not made meaningful efforts to preserve the waters, natural resources, and ecosystems necessary for Whitefish Lake #128 to exercise our Treaty rights and traditional way of life.

The cumulative impacts from developments are already significantly curtailing Whitefish Lake #128 members' ability to exercise their rights that are protected under section 35 of the *Constitution Act*, 1982, and Treaty 6. Any further development will only exacerbate these cumulative impacts, which will risk breaching Treaty 6 promises and infringing upon Whitefish Lake #128 rights. As development has increased around Whitefish Lake #128's reserve, members have traveled farther west, including to the Project area. This adds additional barriers and costs to the practice of our rights.

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.<sup>3</sup> 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 gaps in Alberta's regulatory system.

### **3.6 WLFN #128 rich connection to the Heartland area**

This area is of critical importance to WLFN #128. The following details regarding WLFN #128's connection to the Heartland area are drawn from "Whitefish Lake First Nation #128: Historic Use & Occupancy of the Fort Saskatchewan Area" a report prepared by Dermot O'Connor, PhD.<sup>4</sup>

WLFN #128 descended from a Plains Cree hunting band that historically occupied the North Saskatchewan River watershed. Around what is now the City of Fort Saskatchewan, WLFN #128's ancestors hunted, trapped and fished according to their own customs and laws prior to the arrival of Europeans. During the fur trade, WLFN #128's ancestors interacted with Europeans at several important fur trade posts, including Fort Edmonton and Fort Augustus which were originally located at the mouth of the Sturgeon River on the North Saskatchewan River. Several historic sources and more recent manuscripts on the history of the Fort Saskatchewan area reveal strong connections with WLFN #128's history, culture, and way of life. Central to the historic use and occupancy of WLFN #128 in the vicinity of what is now the City of Fort Saskatchewan is the figure of James Seenum or 'Pakan.'

The ancestors of today's WLFN #128 members - Pakan's people – were a Band of the Beaver Hills People known as *amiskwatciwiyiniwak*. "They were the westernmost of the Plains Cree, roaming along the North Saskatchewan to the neighborhood of Edmonton and south to the Battle River."<sup>5</sup> The presence of WLFN#128's ancestors in the Parkland belt of the North Saskatchewan River basin, including what is now Fort Saskatchewan and Strathcona and Sturgeon Counties, predates the arrival of fur traders who established posts at Fort Edmonton and Fort Augustus in

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<sup>3</sup> *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);

<sup>4</sup> Dermot O'Connor, *Whitefish Lake First Nation #128: Historic Use & Occupancy of the Fort Saskatchewan Area* (November 28, 2023).

<sup>5</sup> David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical and Comparative Study* (1979) Regina: Canadian Plains Research Centre at 11.

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the 1790s. According to the plaque located in Lamoureux, across the river from the present City of Fort Saskatchewan:

Attempting to outdistance competition and tap new sources of pelts, Angus Shaw of the North West Company built Fort Augustus on the flats below in the spring of 1795. That fall William Tomison of the Hudson's Bay Company established a rival post, called Edmonton House after the residence of the Company's Deputy Governor, "within a musket shot" of the Nor'Westers. These were at the time the uppermost posts on the Saskatchewan, but by 1801 competition had so depleted the area's resources that both Fort Augustus and Edmonton House were moved upriver to the present site of Edmonton.<sup>6</sup>

The arrival of fur traders on the North Saskatchewan River created new economic incentives for the ancestors of WLFN #128 who traded fish, fur, buffalo meat, and hides at Fort Augustus and Fort Edmonton. According to John Milloy:

The long and gradual transition to a plains way of life had begun some time prior to the building of the Saskatchewan River posts; the introduction of horses played an early part in the process. However, given the entrepreneurial tradition of the Saskatchewan River Cree, the increase in the number of traders along the Saskatchewan, as well as the consequent increase in demand for provisions which made buffalo hunting a useful economic undertaking, may have been more critical. Whatever the exact mix of causes was and however individuals and groups reacted to the causes, the transition from the old to the new way of life, and with it the emergence of a Plains Cree people, was made in the 1790s.<sup>7</sup>

The acquisition of firearms, the use of horses, strategic alliances with fur traders, and entrepreneurial values enabled the Plains Cree to carve out a niche on the northern Plains where they were subject to conflict with the Blackfoot. However, the North Saskatchewan River valley in general and the Beaver Hills specifically remained central to the ancestral territory, way of life and economy of Pakan's People (now known as WLFN #128). As Graham MacDonald writes: "The Cree, having gained access to European goods and technology and having fostered many kin relationships, gradually forced an evacuation of the [Beaver] Hills by the Sarcee and Blackfoot, establishing more firmly their own identify as the "Beaver Hills People ..."<sup>8</sup>

Among those Plains Cree who developed ties with the fur traders was a man named Seenum. Seenum (with variations in spelling) appears in the Edmonton House journals as early as the 1819 season. Seenum was a hunter for the fur trade post who had a wife and five children, including James Seenum who was born in 1842.<sup>9</sup>

Over the course of the nineteenth century, the ancestors of WLFN #128 established relations with various missionary groups, including the Methodist Mission at Victoria Settlement east of what is

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<sup>6</sup> Parks Canada, Fort Augustus and Fort Edmonton National Historic Site of Canada (2023) online: [https://www.pc.gc.ca/apps/dfhd/page\\_nhs\\_eng.aspx?id=24](https://www.pc.gc.ca/apps/dfhd/page_nhs_eng.aspx?id=24).

<sup>7</sup> John S. Milloy, *The Plains Cree: Trade, Diplomacy and War 1790 to 1870* (1988) Winnipeg: University of Manitoba Press at 29.

<sup>8</sup> Graham A. MacDonald, *The Beaver Hills Country: A History of Land and Life* (2009) Edmonton: Athabasca University Press at 31.

<sup>9</sup> Ted Binnema and Gerhard Ens, eds. *Hudson's Bay Company Edmonton House Journals including the Peigan Post 1826-1834*. Calgary: The Historical Society of Alberta.

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now Fort Saskatchewan on the Old Victoria Trail. Chief James Seenum signed Treaty 6 in September of 1876 at Fort Pitt in the presence of Métis interpreter Peter Erasmus, as witnessed by James McKay and Lieutenant Governor Alexander Morris.<sup>10</sup>

The legacy of Chief James Seenum remains at the site of Pakan, previously known as Victoria and now known as Victoria Settlement Provincial Historic Site. According to Peter Erasmus, Victoria Settlement was renamed Pakan after James Seenum in honour of his decision to remain neutral during the 1885 Northwest Rebellion.

After the hostilities were over, James Seenum received the name of Pakannuk meaning 'hazel nut,' because he was fond of the nuts that grew in abundance near his home at Whitefish Lake. John A. Mitchell, who was a great friend of the chief, named the post office 'Pakan', as he was its first postmaster; and the district had changed the name Victoria because the mail got mixed up with Victoria in British Columbia. Thus were the Whitefish Lake Indians honoured for their loyalty by having a place named for their chief.<sup>11</sup>

One of the Methodist missionaries was Henry Bird Steinhauer, who, along with Métis trader, guide and interpreter, Peter Erasmus, was an advisor to Chief James Seenum during the difficult transition from life on the Plains around the Beaver Hills and life on reserve around Whitefish and Goodfish Lakes after the signing of Treaty 6. According to MacDonald:

From his base at Whitefish Lake, Peter Erasmus continued to keep an eye out for the needs of his Indian friends. In 1884 Chief James Seenum (Pakan) asked Erasmus to go to Regina with him to talk with the Governor in an attempt to sort out unresolved details of the lands Seenum felt were owed to his people in the vicinity of Whitefish and Goodfish Lakes. Many of the issues were resolved, more or less satisfactorily, although Seenum grumbled to Erasmus on the way home that 'promises by government people were like the clouds – always changing.' ... Erasmus explained the slowness of government dealings to Seenum as best he could, and tried to convince him that having certain lands closed off from settlement was the most important aspect. James Seenum was of the Christianized Methodist connection at Victoria, and of peaceful disposition and counsel; but the delays and frustrations confronting him were characteristic of wider unresolved conditions, and not all leaders were as patient as Seenum. Treaty 6 had been signed, but by 1885, there was still much to be worked out concerning legal surveys and the refinement of arrangements with Native and Métis peoples.<sup>12</sup>

The ties between WFLN #128 and Fort Saskatchewan are ingrained on the land in the form of the Victoria Trail. In his account of his experiences living at Whitefish Lake in the mid-nineteenth

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<sup>10</sup> Treaty Texts: Treaty No. 6 Copy of Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions. Roger Duhame, F.R.S.C. Queen's Printer and Controller of Stationery. Ottawa, 1964. Cat. No.: R33-0664. IAND Publication No. QS-0574-000-EE-A-1. <https://www.rcaanc-cirnac.gc.ca/eng/1100100028710/1581292569426>

<sup>11</sup> Peter Erasmus, *Buffalo Days and Nights (as told to Henry Thompson)* (1999) Calgary: Glenbow Institute and Fifth House Publishing at 300.

<sup>12</sup> Graham A. MacDonald, *The Beaver Hills Country: A History of Land and Life* (2009) Edmonton: Athabasca University Press at 69-71.

century, Peter Erasmus described travelling from his home at the north end of Whitefish Lake to Victoria and then to Edmonton by way of Fort Saskatchewan in 1885. He was on good terms with the North West Mounted Police and he describes stopping at the Fort on the banks of the North Saskatchewan River to trade and acquire arms and ammunition from the Inspector Chief Constable A. H. Griesbach.<sup>13</sup> Now mostly a gravel road, portions of the Old Trail can still be found in fields along the River valley, although some of the trail cuts through fields or factories.

With the signing of Treaty 6, the establishment of the reserve around Whitefish and Goodfish Lakes, and the influx of homesteaders around Fort Saskatchewan, WLFN #128's ties to its traditional hunting grounds were undermined. The customs of hunting, fishing, trapping, and trading along the Old Victoria Trail and in the North Saskatchewan River Valley were heavily impacted by farming, urban development, and industrialization. Where WLFN #128 ancestors once pitched their tents and tipis for the buffalo hunt, now there are chemical plants, roads, pipelines, and railways. Despite these changes, the North Saskatchewan River Valley, the Beaver Hills and the Fort Saskatchewan area remain central to the culture, way of life and history of WLFN #128.

### **3.7 Increased Funding Required**

WLFN #128 requests funding to engage in the regulatory process in a meaningful way. WLFN #128 will apply for and accept the funding offered by IAAC for the planning phase. However, we accept this funding with the caveat that the funding offered to date is inadequate for the full and complete participation of WLFN #128 in this process and an increase in funding at each stage of the regulatory process is necessary.

Any acceptance of funding offered is without prejudice to WLFN #128's ability to raise concerns about funding levels at a future date.

### **4.0 CLOSING**

The IPD raises many concerns that will go unaddressed by Alberta's regulatory processes. Most notably, there is no forum where the four elements of the Consolidated Project can be assessed together. In addition, without an IAAC assessment, there will be no comprehensive review of (1) impacts to First Nations' Aboriginal and Treaty rights; (2) impacts to other concerns under federal jurisdiction, such as GHG emissions and water use; and (3) cumulative impacts to Aboriginal and Treaty rights.

As noted, Alberta's regulatory and consultation system is not equipped to review this Project and is leaving many concerns unaddressed. The federal Crown cannot rely on provincial processes to carry out the duty to consult or address other concerns within federal jurisdiction. A federal impact assessment is required.

Thank you for your consideration of this submission.

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<sup>13</sup> Peter Erasmus, *Buffalo Days and Nights (as told to Henry Thompson)* (1999) Calgary: Glenbow Institute and Fifth House Publishing at 300.