



**Submission for Beacon AI Centers Heartland Project Initial Project Description**  
January 26, 2026

**Introduction**

Kikino Métis Settlement, incorporated under Alberta legislation, is a settlement in northeastern Alberta, approximately 128 kilometers from Cold Lake. We have over 1100 members, holding constitutionally protected Indigenous rights under Section 35 of the 1982 Constitutional Act. Our name, ‘Kikino,’ comes from a Cree name meaning “Our home.”

The proposed Project (Beacon AI Centers Heartland 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 public and private lands in Harvesting Area D to exercise our constitutionally protected right to harvest for subsistence purposes. The significance of the harvestable areas found in Métis Harvesting Area D, moreover, have increased over time. Agricultural development, 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 our constitutionally protected Indigenous rights.

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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>.



## Overview

On January 6<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 Beacon AI Centers Heartland Project (the Project).<sup>2</sup> Heartland Power Generation LP and its general partner Northbridge Power GPC Inc. (Heartland Power) (the Proponent) is proposing a 920 Megawatt-electric (MWe) power generation facility 7 kilometers east of Gibbons, Alberta as a part of a 128.3 hectare data center campus. This project will connect to an existing transmission line owned by AltaLink, 3.5km away from the Project. The design life of the Project is 25 years.

## Concerns of the Proposed Project

**Concern 1: Consultation/Duty to Consult:** The proponent suggests that the Project may not require federal authorization or permits as the project will result in “non-negligible adverse change” within federal jurisdiction. We firmly contend that the Project is subject to a federal impact assessment under the *Impact Assessment Act*, mandated by the *Physical Activities Regulations* due to the development of a new 920-Megawatt-electric power generation facility (MWe), exceeding the 200-Megawatt threshold required under the *Physical Activities Regulations*.<sup>3</sup>

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<sup>2</sup> Impact Assessment Agency of Canada, “Initial Project Description of a Designated Project,” December 14, 2025, <https://iaac-aeic.gc.ca/050/evaluations/document/164501>.

<sup>3</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>.



We expect Crown consultation, consistent with Canada’s 2016 and 2021 commitments to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>4</sup> and the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act)<sup>5</sup> be upheld under the duty to consult and the Crown’s Honour. In the 2025 *Kebaowek* decision, the Federal Court of Canada ruled that regulators and proponents must include UNDRIP in their duty to consult and accommodate and demonstrate how they the Act was incorporated into the consultation process.<sup>6</sup> While the Proponent references UNDRIP and the Truth and Reconciliation Commission’s: Calls to Action, we seek understanding on *how* these principles and calls to action will be incorporated.

Moreover, we respectfully request that all future references to interactions with Kikino Métis Settlement be understood and referred to as “Crown consultation” rather than “engagement.” Engagement is a voluntary process, often used to refer to processes involving the public. Not only is this factually inaccurate in reference to Indigenous participation, but it is also highly disrespectful to rights-holders. The process the Proponent refers to is the Crown’s legal requirement to the duty to consult, as upheld by Canadian courts.

**Concern 2: Cumulative Effects:** Cumulative effects are of great significance to Kikino Métis Settlement. Our members face extraordinary levels of industrial disturbance, both around our settlement and in Métis Harvesting Area D. This deeply impacts our members ability to exercise

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<sup>4</sup> “United Nations Declaration on the Rights of Indigenous Peoples” (United Nations, 2007).

<sup>5</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>6</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>.



our constitutionally protected Aboriginal rights. The Initial Project Description (IPD) fails to meaningfully address cumulative effects and are limited to noise or air quality effects. No consideration is given to existing disturbance.

The areas around Kikino Métis Settlement and the proposed project are already highly impacted by industrial activity, as indicated by the Human Footprint Inventory (HFI) data from the Alberta Biodiversity Monitoring Institute (ABMI).<sup>7</sup> Based on the precedent established with the *Yahey v. British Columbia* decision, we drew a 100km radius around Kikino Métis Settlement, 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, which jumps to 97.53% when a 500-meter buffer is applied. Put another way, less than 2.5% of lands within a 100km radius of Kikino Métis Settlement is further than 500m away from industrial disturbance. 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. Both of these levels of disturbance, around the Settlement and within Métis Harvesting Area D, are in excess of those the British Columbia Supreme Court found unacceptable (85% and 91%) in the *Yahey* case.

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<sup>7</sup> “Human Footprint,” accessed January 20, 2026, <https://abmi.ca/>.



This failure to discuss, consider, and assess cumulative effects in a meaningful and substantial way represents a failure to adhere to section 22(a)(ii) of the *Impact Assessment Act*, the governing legislation, stating that the cumulative effects of a designated project must be taken into account.<sup>8</sup>

Furthermore, while the Project is in a White Area, this is an area that has been highly disturbed with agricultural and industrial activities, and the cumulative effects of the White Area, in addition to cumulative effects within nearby Crown lands, and the Crown lands within Métis Harvesting Area D, have not been adequately discussed or assessed. Kikino Métis Settlement respectfully requests that the Impact Agency of Canada (IAAC) engage in meaningful consultation with us, regarding the incremental and cumulative effects of the proposed Project. We believe there may potentially be cumulative and increments impacts to the Indigenous rights, health, and culture of Settlement members, which require that the duty to consult be discharged in a manner consistent with the rules of the federal courts, including in *Haida Nation v British Columbia (Minister of Forests)* (2004),<sup>9</sup> *Clyde River v. Petroleum Geo-Services Inc* (2017), and *Kebaowek First Nation v. Canadian Nuclear Laboratories*.<sup>10</sup>

**Concern 3: Indigenous Rights Assessment:** Environmental impact assessments are limited in their ability to assess complex intersections of impacts on Indigenous rights. We request a rights-based assessment in accordance with the Impact Assessment Agency of Canada’s (IAAC) policies

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<sup>8</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>.

<sup>9</sup> “*Haida Nation v. British Columbia (Minister of Forests)* - SCC Cases,” accessed January 21, 2026, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/2189/index.do>.

<sup>10</sup> “*Clyde River (Hamlet) v. Petroleum Geo-Services Inc.* - SCC Cases,” accessed January 21, 2026, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/16743/index.do>.



on the potential effects on rights with all impacted rights-holding Indigenous, Métis, and First Nation communities. The British Columbia Supreme Court has upheld the necessity of assessing *rights as rights* in the *Clyde River* (2017) ruling beyond simply environmental proxies.<sup>11</sup>

As addressed broadly by Kikino Métis Settlement and other Indigenous communities, we are duly concerned about the impact of the project on our Indigenous rights, specifically with concern to cascading and incremental effects as described above to wildlife in the region and the impact to harvesting rights. Noise and air pollution, as well as construction traffic of the project, ancillary infrastructure and increased human presence have the potential to impact wildlife and further disrupt our protected rights to subsistence harvesting.

**Concern 4: Multiple Regulatory Jurisdictions:** Kikino Métis Settlement is concerned about the piecemeal regulatory landscape of the Project, and the potential infringement of Aboriginal and treaty rights that might arise due to competing jurisdictions. The project proposal outlines how the Project will interface with natural gas pipelines and power transmission lines, however, the onus of developing, permitting, and construction of these pieces of infrastructure is on industry partners, Nova Gas Transmission Ltd. (NGTL) and AltaLink respectively. The proposed power plant falls under IAAC regulatory jurisdiction, but the remaining ancillary infrastructure from industry partners does not. To date, the Government of Alberta has not consulted with Kikino Métis Settlement with respect to these ancillary components, and we are concerned that the potential impacts to the Indigenous rights of our Citizens.

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<sup>11</sup> “Clyde River (Hamlet) v. Petroleum Geo-Services Inc. - SCC Cases.”



Additionally, Alberta’s current impact assessment processes do not require an assessment of potential impacts to Indigenous rights, in clear violation of the Supreme Court of Canada’s ruling in *Clyde River (Hamlet) v. Petroleum Geo-Services*, where the court ruled that impacts to rights must be assessed as rights, and not simply through the assessment of underlying environmental components.<sup>12</sup> For these reasons, we request that all ancillary infrastructure be integrated into the federal impact assessment, to ensure that the potential impacts to Indigenous rights as properly assessed and mitigated. Regarding the potential of cumulative effects, Kikino Métis Settlement seeks clarity on how the duty to consult will be discharged meaningfully across major and ancillary infrastructure and across regulatory and permitting agencies.

## **Conclusion**

Kikino Métis Settlement would like to express our gratitude for the opportunity to participate in the review of this 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> Ibid.