

**Heartland Power Generation LP
Beacon AI Centers Heartland Project**

**Heartland Power Generation LP (Heartland Power) response to Summary of Issues
for the Beacon AI Centers Heartland Project**

The Summary of Issues outlines the key issues that the Impact Assessment Agency of Canada (**IAAC**) considers relevant for the federal impact assessment process for the Beacon AI Centers Heartland Project (the **Project**). The proponent's response to the Summary of Issues will support decision-making by IAAC on whether an impact assessment is required under section 16 of the Impact Assessment Act. If an impact assessment is required, the key issues outlined below and the proponent's response will inform the scope of the impact assessment, and the development of the Tailored Impact Statement Guidelines and plans, as appropriate.

IAAC was informed by input from federal and provincial authorities, Indigenous groups, and the public received to date on the proponent's Summary of the Initial Project Description. The proponent is encouraged to read all submissions on the Canadian Impact Assessment Registry Internet site for the project (Reference Number [90123](#)).

The proponent is required to describe how it intends to address the key issues identified below as part of the development of its project. A high-level description is sufficient. Where relevant, the proponent is encouraged to identify if the key issues will be addressed through existing legislative and regulatory frameworks (i.e. legislation or regulation), by proponent commitments to best practices, policies or standards, or both.

Key Issues

Indigenous Peoples' Rights

- Clarify the process for assessing the project's impacts on Section 35 rights of Indigenous Peoples.

Response:

Crown's duty to consult for the Project rests exclusively with the Government of Alberta

The duty to consult, which emanates from section 35 of the *Constitution Act, 1982*¹ and the honour of the Crown, "arises when the Crown has knowledge, real or constructive, of the potential existence of... the Aboriginal right or title and contemplates conduct that might adversely affect it."²

Both the federal and provincial government have responsibility for upholding the honour of the Crown, and implementation of the duty to consult varies with the circumstances.³ When a government exercises Crown power, it is burdened by the Crown's obligations to Aboriginal people.⁴

¹ [Schedule B to the Canada Act 1982 \(UK\), 1982, c 11](#).

² *Haida Nation v British Columbia (Minister of Forests)*, [2004 SCC 73](#) at para 35; *Rio Tinto Alcan Inc v Carrier Sekani Tribal Council*, [2010 SCC 43](#) at para 44.

³ *Haida Nation v British Columbia (Minister of Forests)*, [2004 SCC 73](#) at paras 57-59; *Grassy Narrows First Nation v Ontario (Natural Resources)*, [2014 SCC 48](#), para 50; *Chartrand v British Columbia (Forests, Lands and Natural Resource Operations)*, [2015 BCCA 345](#) paras 42-43.

⁴ *Grassy Narrows First Nation v Ontario (Natural Resources)*, [2014 SCC 48](#), para 50.

The federal government is not burdened with the duty to consult for provincial projects for which it does not exercise a Crown power.⁵

While the duty to consult is a legal obligation of the Crown, project proponents may be responsible for assisting the Crown in fulfilling that obligation. In some cases, the Crown may formally delegate procedural aspects of its consultation obligations to project proponents.⁶ When the duty to consult is delegated, the project proponent will be responsible for mitigating concerns of potentially affected Indigenous communities and, if necessary, adapting its project plans to address those concerns. However, the ultimate legal responsibility for fulfilling consultation obligations rests solely with the Crown.⁷

The Project does not require any federal authorizations or permits and will not result in "non-negligible adverse change" within federal jurisdiction. Given that the Project is exclusively within the authority of provincial Crown decision-makers, the Crown's duty to consult rests exclusively with the Government of Alberta.

Alberta has a robust framework to discharge the duty to consult for the Project

There are robust provincial frameworks in Alberta to address Indigenous consultation issues for the Project, and to fully discharge the duty to consult.

Like most provinces, the Government of Alberta established consultation guidelines setting out expectations for consultations with Indigenous groups. In its *Policy on Consultation with First Nations on Land and Natural Resource Management, 2013* (the "**Consultation Policy**"), Government of Alberta outlines procedural requirements for proponent-led Aboriginal consultation in Alberta. The Consultation Policy is the product of extensive consultation with First Nations, industry, municipalities, and other stakeholders, and applies broadly to Crown decisions in relation to land with the potential to adversely impact Treaty rights on provincial Crown lands,⁸ traditional uses on provincial Crown lands and, in some cases, federal Crown lands in the province of Alberta.⁹

Additionally, regulatory tribunals tasked with project approvals have procedures to incorporate the duty to consult in their respective regulatory processes.¹⁰ The Project must obtain facility approval from the Alberta Utilities Commission ("**AUC**"), and the AUC is obligated to uphold the honour of the Crown, and to duly consider effects on Indigenous people when making decisions.¹¹

⁵ *Grassy Narrows First Nation v Ontario (Natural Resources)*, [2014 SCC 48](#), paras 12, 50-52, 54; *Chartrand v British Columbia (Forests, Lands and Natural Resource Operations)*, [2015 BCCA 345](#) paras 4-6, 27-28, 42-43, 47-48.

⁶ Government of Alberta. "The Government of Alberta's proponent guide to First Nations, Metis Settlements and Credibly Asserted Métis Communities consultation procedures." Online: <https://perma.cc/RCB5-PHCA>; Government of Alberta. "Proponent-led Indigenous consultations." Online: <https://perma.cc/23C4-PXYP>.

⁷ *Haida Nation v British Columbia (Minister of Forests)*, [2004 SCC 73](#) at para 53.

⁸ The Crown has a duty to consult in Treaty areas. See *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005 SCC 69](#) at paras 67-69.

⁹ Government of Alberta. "The Government of Alberta's proponent guide to First Nations, Metis Settlements and Credibly Asserted Métis Communities consultation procedures." Online: <https://perma.cc/RCB5-PHCA>.

¹⁰ For example, participant involvement programs (PIP) in Alberta Utilities Commission, Rule 007.

¹¹ *AltaLink Management Ltd v Alberta (Utilities Commission)*, 2021 ABCA 342 at para 106; *Fort McKay First Nation v Prosper Petroleum Ltd*, [2020 ABCA 163](#) at para 39, citing *Clyde River (Hamlet) v Petroleum Geo-Services Inc*, [2017 SCC 40](#) at para 36.

For projects that are regulated by the AUC, proponents are required to comply with AUC Rule 007.¹² Rule 007 contains specific guidelines for consultation with Indigenous groups.¹³ Rule 007 explains that proponents are responsible for: (i) discussing the project with Indigenous groups; (ii) understanding the concerns raised by Indigenous groups; and (iii) exploring accommodation measures where necessary to avoid, minimize, or mitigate adverse impacts on the constitutionally protected rights of Indigenous groups.¹⁴ Rule 007 also acknowledges that the required consultation activities may range from notification only to deep consultation, depending on the strength of the rights claimed and the nature of the project and its impact on those rights.

Rule 007 groups projects into three categories (A, B, and C) for the purposes of Indigenous consultation. Category A projects are those for which the Crown has determined that the duty to consult is engaged, or if there are reserve or settlement lands within the applicable consultation radii. Category B projects are those which are small or administrative in nature or are located on private land with little to no off-site impacts, and do not ordinarily require consultation of Indigenous groups. Category C projects require further review by the AUC to determine whether it is necessary to consult with Indigenous groups in connection with the project.

Although the AUC is empowered to assess the adequacy of Indigenous consultation for a particular project,¹⁵ projects may also require the engagement of Alberta's Aboriginal Consultation Office ("**ACO**"). In this case, the proponent must include any Indigenous groups identified by the ACO in its participant involvement program under Rule 007. If a project is not subject to ACO review, the proponent must explain to the AUC the steps it took to identify and consult with Indigenous groups in connection with the project. In either case, the proponent must satisfy the AUC that it has made a fulsome effort to consult with affected Indigenous groups, ascertain any concerns that they have with the project and, if appropriate, implement accommodations to address these concerns.

Project-Specific Consultation

The Project is being developed by Beacon AI Centers (Beacon) under the project-specific entity Heartland Power.

Heartland Power/Beacon have followed, and will continue to follow, the provincial frameworks for Indigenous consultation for the Project. As described further in the engagement and consultation section below, Heartland Power/Beacon completed the ACO Pre Consultation Assessment Request process with the ACO and, pursuant to the Consultation Policy, the ACO determined that no consultation was required.¹⁶ Notwithstanding the ACO determination and recognizing that the Project is located within Treaty 6 territory, Heartland Power/Beacon provided Project notification and information to various Indigenous communities. Notification with respect to the filing of the AUC Facility Application was also provided.

Heartland Power/Beacon is committed to an engagement process that incorporates input from Indigenous groups to facilitate information sharing, two-way dialogue to understand perceived

¹² AUC Rule 007: Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines (March 28, 2024), online: [link](#) [Rule 007].

¹³ See Rule 007 at Appendix A1-B.

¹⁴ See Rule 007 at Appendix A1-B, section 1.

¹⁵ Designation of Constitutional Decision Makers Regulation, Alta Reg 69/2006, s 2, Schedule 1.

¹⁶ Heartland Power/Beacon understands that this decision was informed by the Consultation Policy which states: "*Crown decisions that Alberta will not assess for potential consultation will include those relating to: Accessing private lands to which First Nations do not have a right of access for exercising their Treaty rights and traditional uses.*"

Project impacts, incorporate mitigation measures, consider Indigenous knowledge, and advance reconciliation. Heartland Power/Beacon welcomes feedback about the Project at any time and is committed to engagement as the Project moves through the regulatory approval process. Indigenous consultation will continue throughout the Project lifecycle.

Indigenous and Stakeholder Engagement and Consultation

- Clarify the process for meaningful engagement and consultation with potentially affected Indigenous Peoples.

Response:

Heartland Power/Beacon used the Government of Alberta Landscape Analysis Tool (**LAT**) to request a report from the Landscape analysis indigenous relations tool (**LAIRT**). The response to the LAIRT query indicated the following:

“No report was generated as there are no consultation areas at the location at this time, however results may change once the Aboriginal Consultation Office assesses the project and will provide further advice at that time.”

Heartland Power/Beacon opted to submit an ACO Pre-consultation assessment (**PCA**) Request, pursuant to the Alberta’s *Proponent Guide to First Nations, Metis Settlements and Credibly Asserted Métis Communities consultation procedures* (the "**GoA Proponent Guidelines**"),¹⁷ for direction on consultation with Indigenous communities.

The PCA Request was submitted on November 24, 2025, in both the electronic disposition system (**EDS**) as per the *Public Lands Act* and ACO digital service (DS) systems for the *Water Act*. The ACO reviewer indicated on November 27, 2025, that the *Public Lands Act* does not apply to the private land and therefore the ACO office could not give an assessment. The EDS system FNC 202501088 was cancelled on November 27, 2025, upon request of the ACO reviewer. The ACO reviewer sent an information request (**IR**) in the ACO DS system for FNC202554497 on November 27, 2025, with specific instructions for changes to the application as well as requiring further detail regarding wetland activity size and description of changes to be made. Heartland Power/Beacon provided a response to the IR on December 8th, 2025. The ACO reviewer provided its decision on Heartland Power/Beacon’s PCA Request on December 8th, 2025, concluding that no consultation was required.

Notwithstanding the ACO determination and in recognition that the Project is located within Treaty 6 territory, Heartland Power/Beacon provided Project notification and information to various Indigenous communities. Twenty-three Indigenous communities ("**Indigenous Communities**")¹⁸ were provided with a Project-Specific Information Package ("**PSIP**") in November 2025, which included a project description, an invitation to attend a public open house, and information on contacting Heartland Power/Beacon. In addition to the PSIP, Heartland Power/Beacon provided

¹⁷ Government of Alberta, "The Government of Alberta's Proponent Guide to First Nations, Metis Settlements, and Credibly Asserted Métis Communities Consultation Procedures," online: <https://open.alberta.ca/dataset/fa89ef60-6c3d-4db3-8a0d-f3094582d568/resource/4a4fc3ef-4709-453c-9aca-a46cfb112b94/download/ir-go-a-proponent-guide-first-nations-metis-settlements-consultation-procedures-2024.pdf>

¹⁸ Alexander First Nation; Alexis Nakota Sioux Nation; Beaver Lake Cree Nation; Cold Lake First Nations; Enoch Cree Nation #440; Ermineskin Cree Nation; Frog Lake First Nation; Heart Lake First Nation; Kehewin Cree Nation; Louis Bull Tribe; Friends of Michel Society (former Michel Indian Band); Montana First Nation; O’Chiese First Nation; Onion Lake Cree Nation; Paul First Nation; Saddle Lake Cree Nation; Samson Cree Nation; Sunchild First Nation; Whitefish Lake Indian Reserve #128 (Whitefish (Goodfish) Lake First Nation); Buffalo Lake Métis Settlement; Kikino Métis Settlement; Lac Ste. Anne Métis Community Association; Métis Nation of Alberta - Otipemisiwak Métis Government.

additional emails to the Indigenous Communities regarding the public open house, which was held on November 18th, 2025, at the Gibbons Community Cultural Centre in Gibbons, Alberta.

Indigenous Communities were also invited to meet with the Heartland Power/Beacon to discuss the Project and to raise any questions, concerns, or interests. Heartland Power/Beacon has held meetings (or has scheduled to meet) with the following Indigenous communities:

- Ermineskin Cree Nation;
- Friends of Michel Society (former Michel Indian Band);
- Louis Bull Tribe;
- Kikino Metis Settlement;
- O'Chiese First Nation;
- Onion Lake Cree Nation; and
- Samson Cree Nation.

In response to the concerns raised, Heartland Power/Beacon provided an update to the Indigenous Communities to provide specific information, including with respect to mitigation measures. This package was sent via email to the Indigenous Communities on December 8th, 2025.

Heartland Power/Beacon also provided email notification to the Indigenous Communities regarding the AUC Facility Application filing on January 12, 2026. The AUC also directly informed the Indigenous Communities with the Notice of Application and file number, via email.

Heartland Power/Beacon welcomes feedback about the Project at any time and is committed to engagement as the Project moves through the regulatory approval process. Indigenous consultation will continue throughout the Project lifecycle.

Indigenous Peoples' Current Use of Lands and Resources for Traditional Purposes

- Clarify how the project's contribution to cumulative effects on Indigenous Peoples' rights and traditional land use will be identified and assessed.

Response:

The Project is located on private lands in the Industrial Heartland Designated Industrial Zone (IH-DIZ), an area zoned for heavy industrial use, and aligned with area land use plans and frameworks, and is not within a Buffer Zone or a Visual Impact Assessment Zone, as defined by the Government of Alberta.

The industrial zoning framework streamlines approvals, supports economic development, and addresses cumulative industrial effects through participatory management. Recognizing that the Indigenous Communities may potentially have concerns about such effects, Heartland Power/Beacon will actively engage in regional participation, to minimize environmental impacts while promoting opportunities for Indigenous communities.

Indigenous Peoples' Social and Economic Conditions

- Clarify the potential effects of the project on the social and economic conditions of Indigenous Peoples, including how it would provide meaningful long-term economic benefits.

Response:

Heartland is committed to building respectful, inclusive, long-term relationships, guided by the Truth and Reconciliation Commission's Call to Action #92. Heartland Power/Beacon aims to create employment, contracts, and economic participation opportunities for Indigenous peoples, actively identifying barriers and procurement options to ensure equitable access. The Indigenous participation program is central to Heartland Power/Beacon's social license within these traditional territories, emphasizing strategic cooperation for sustainable socio-economic outcomes. Where direct project-related benefits may not exist for representative Indigenous peoples, we will look for other socio-economic opportunities that can provide positive indirect benefit to indigenous peoples.

The Project will require a substantial number of construction and permanent workforce over multiple years. This includes:

- Approximately 150 – 300 (at peak) construction jobs are associated with the power plant and approximately 500 – 1,200 (at peak) construction jobs associated with the data center.
- There will be jobs associated with modular construction and off-site equipment fabrication for components of both the power plant and the data center.
- Approximately 15 – 30 permanent jobs are associated with the power plant and approximately 40 – 80 permanent jobs are associated with the data center. It is anticipated that the majority of these roles would be Alberta-based.
- Studies in other jurisdictions indicate that these effects will multiply throughout the supply chain and in the local community.

Heartland Power/Beacon has been approached by four Indigenous community owned business ventures that have all inquired as to the opportunities for procurement of contracts. Heartland Power/Beacon will continue to identify opportunities for procurement and will work closely with these business entities to ensure the identification of opportunities for Indigenous owned business ventures.

Accidents and Malfunctions

- Clarify the potential effects of accidental hazardous substance releases, spills, and related chemical and waste management practices on migratory birds and fish and fish habitat, and any proposed mitigation measures.

Response:

The potential for accidental hazardous substance releases, spills, and related chemical and waste management practices impacting migratory birds, fish, and fish habitat is low. The Project does not intersect with any fish-bearing watercourses or waterbodies, and the closest waterbody is 3.3 km

southeast of the Project. Heartland Power proposes the following mitigation measures to minimize spills:

Equipment:

- All construction equipment, including mats, must arrive at the Project site well maintained, clean and free of soil or vegetation debris, and free of fluid leaks. Any equipment, including mats, which arrives in a dirty condition shall not be allowed onsite until it has been cleaned at a suitable location;
- Equipment arriving at the site must be cleaned to Level 3 standard and have the proper supporting documentation according to the Project clubroot management plan;
- Inspect the vehicle, equipment, fuel dispenser, hoses, and containment for leaks and damage before fuelling;
- Restrict equipment maintenance to designated locations to minimize the risk of soil contamination from accidental spills;
- Avoid maintenance work within 100 m of watercourses or water bodies; and
- Use secondary containment (drip trays) to prevent leaks of contaminants onto soil for any hazardous fluid filled equipment when parked overnight.

Spill prevention and response:

- Implement spill prevention and response measures;
- Develop a spill protection plan;
- Follow a proper lockout/lock-in procedure;
- Conduct weekly inspections in accordance with a preventive maintenance schedule;
- Keep emergency spill kits on-site;
- Keep contact information for appropriate agencies in a designated on-site area; and
- Use secondary containment (drip trays) where possible to prevent contaminants from leaking into soil during servicing and filling equipment; and
- filled equipment and when vehicles are parked for more than 1.0 hour, including overnight.

In the event of a spill:

- Notify the appropriate agencies,¹⁹ immediately stop work, and ensure all efforts are made to control potential adverse effects and to remediate affected areas, especially prior to rain events;
- Follow the actions listed in the spill response plan;
- The Environmental Inspector (**EI**) will be notified, and a site inspection will be conducted to document the extent of any impacts; and

¹⁹ Including the provincial energy and environmental emergency 24-hour spill line (1-800-222-6514).

- The EI(s) will collect confirmatory soil samples following remediation to confirm that soil quality meets the remediation objectives, as defined by provincial remediation guidelines.