Request for Designation of the Spruce Lake AI Data Centre Project under the Impact Assessment Act

From: Ron Tremblay, Grand Chief, Wolastoq Grand Council

To: The Honourable Julie Dabrusin, Minister of Environment and Climate Change Cc:

Impact Assessment Agency of Canada (IAAC)

Date: October 14th, 2026

Re: Request for Designation under Subsection 9(1) of the *Impact Assessment Act* — Beacon New Brunswick Inc. / VoltaGrid LLC Data Centre and Gas Plant, Spruce Lake Industrial Park, Lorneville, Saint John, NB

1. Request

On behalf of Wolastoq Grand Council, I request that the Minister designate the Spruce Lake AI Data Centre Project (the "Project") as a physical activity subject to the *Impact Assessment Act*, so that it undergoes a federal impact assessment.

This request is made in addition to the designation request already submitted to IAAC by Save Lorneville / Stop the Data Centre (Jillian Szabo). Submitted August 16, 2026; IAAC reference number: 90762. IAAC began considering that request on September 15, 2026 and determined that the subsection 9(7) limitations do not apply.

2. Who is making this request

Wolastoqewiyik are the original habitants of the area where the proposed AI center is proposed in Lorneville. Protected under Section 35 of the Canadian Constitution are the **1725/26 Peace & Friendship Mascarene Treaty.** In Article 5 of the treaties it states:

"That if any Indians are Injured By any of his Majesty's Subjects or their Dependants They shall have "Satisfaction and Reparation" made to them According to his Majesty's Laws whereof the Indians shall have the Benefits Equal with his Majesty's other Subjects"

As Wolastoqewiyik we claim ***"Satisfaction and Reparation"*** in order to protect our Homeland, Waterways and Air from damage, pollution and disturbance. Earth, Water and Air are Sacred to us and we want it protected for our next 7 Generations.

3. The Project

Based on the proponent's provincial EIA registration and the Technical Review Committee (TRC) record:

- **Proponents:** Beacon New Brunswick Inc. (Alberta) and VoltaGrid LLC (Texas)
- **Location:** Spruce Lake Industrial Park, Lorneville, Saint John, NB; site of approximately 120 hectares
- **Components:** a 390 MW hyperscale data centre; a 190 MW behind-the-meter natural gas power plant; two 345 kV transmission lines drawing an additional 200 MW from the NB Power grid; two 4.5 km, 8-inch pipelines connecting to the Maritimes & Northeast and Emera Brunswick pipelines
- **Provincial status:** Determination Review by NB Department of Environment and Local Government, EIA project #1663; Technical Review Committee has completed one round of comments and responses l
- **Basis of request:** subsection 9(1) designation, as in the Save Lorneville request **4.**

Grounds for designation

Under subsection 9(1) of the Act, the Minister may designate a physical activity not prescribed by regulation if, in the Minister's opinion, it may cause adverse effects within federal jurisdiction or direct or incidental adverse effects. Subsection 9(2) lets the Minister consider: (a) public concerns about those effects; (b) adverse impacts on the section 35 rights of Indigenous peoples; (c) any relevant regional or strategic assessment; (d) whether another means exists for a jurisdiction to address the effects; and (e) any other relevant factor.

4.1 Adverse effects within federal jurisdiction

- **Fish and fish habitat:** The registration reports about 27 hectares of wetland and 62 hectares of forest disturbed within the data centre footprint alone, plus 37 watercourse crossings along the transmission corridor. It states Atlantic salmon (Outer Bay of Fundy, Endangered) and American eel (Threatened) could occur in fish-bearing reaches, and that no Fisheries Act or Species at Risk Act authorization is anticipated. Request: independent DFO verification, given residents' reports of undocumented watercourses on site.
- **Migratory birds:** Breeding bird surveys were scheduled after registration. Request: results and mitigation commitments be provided to IAAC.
- **Federally regulated pipelines:** The registration acknowledges the Saint John Lateral and Brunswick Pipeline are CER-regulated and that a section 214 exemption order under the *Canada Energy Regulator Act* may be required. Request: confirm status of any CER application with the CER, M&NP and Emera.
- **Musquash Estuary:** The transmission right-of-way overlaps the Musquash Estuary Protected Natural Area and the site drains toward Musquash Harbour, upstream of the federal Musquash Estuary Marine Protected Area (*Oceans Act*). Request: assess effects on water quality and habitat connectivity downstream.
- **Greenhouse gases:** The registration reports about 755,187 tonnes CO2e per year of direct emissions from the gas plant, which the Save Lorneville request puts at roughly 6.6% of New Brunswick's 2023 emissions.

4.2 Adverse impacts on the rights of Indigenous peoples

The registration reports that Mi'gmawe'l Tplu'taqnn Inc. (MTI) objected on unceded-territory grounds and is conducting a Mi'gmaq Rights Impact Assessment, and that the Peskotomuhkati Nation at Skutik and Elsipogtog First Nation had not yet responded when it was filed.

As Wolastoq Grand Chief, I public state that we, Indigenous People were not adequately consulted, therefore, this is a violation of our Treaty Rights as well as a breach of the UN Declaration on the Rights of Indigenous Peoples in which the Canadian Federal government agreed to honour without qualification.

4.3 Public concern

Per the Save Lorneville request: protests at the New Brunswick Legislature of more than 100 people; a federal petition of about 1,800 signatures; a Change.org petition; a legislative motion for a data centre moratorium, introduced by the Green Party and supported by the Official Opposition; and a judicial review filed by Save Lorneville against the municipal rezoning.

4.4 Limits of the provincial process

IAAC found that no further assessment was required for the Beacon AI Centres Heartland Project in Alberta. The Save Lorneville request argues that outcome does not carry over, because:

- New Brunswick's Determination Review is a comment-and-response process, with no guidelines, terms of reference or independent panel.
- The site involves 33+ hectares of wetland and dozens of watercourse crossings, draining toward a federal Marine Protected Area.
  - Indigenous objection and rights assessment are documented as unresolved. ● The project adds new federally regulated pipeline connections.

5. Consultation and Indigenous knowledge

We, Wolastoq Grand Council who are the original Traditional Government who signed the 1725/26 Peace and Friendship Treaties with the British Crown have not been properly consulted.

We require sufficient funding to do our own environmental study and research in order to create Wolastoqewi knowledge and perspectives to be a part of the assessment.

6. Requested actions

1. Designate the Project under subsection 9(1) of the Act.
2. Confirm in writing that this request is complete and state the decision timeline, with reasons. Subsection 9(4) requires the Minister to respond, with reasons, within 90 days after receiving a request.
   3. Initiate Crown consultation with the Wolastoq Grand Council and the other affected Nations, including MTI, the Peskotomuhkati Nation at Skutik and Elsipogtog First Nation. 4. Confirm with DFO and the CER the status of fish habitat verification and any pipeline exemption order.

7. Closing

Respectfully,

Grand Chief <Original signed by>

Grand Chief Ron Tremblay, Wolastoq Grand Council

Attachments

- Save Lorneville / Stop the Data Centre designation request:
  https://iaac-aeic.gc.ca/050/evaluations/proj/90762
- EIA Registration Document, Project #1663:
  https://www.gnb.ca/content/dam/GNB3/t/enr-ern/eia/docs/registrations-enregistrements/1657-/1663-registration.pdf
- IAAC Notice of Early Decision, Beacon AI Centres Heartland Project:
  https://iaac-aeic.gc.ca/050/evaluations/document/165326
- CER pipeline profiles:
  https://apps.cer-rec.gc.ca/PPS/en/pipeline-profiles/maritimes-northeast-pipeline and
  https://apps.cer-rec.gc.ca/PPS/en/pipeline-profiles/brunswick
- DFO, Musquash Estuary Marine Protected Area:
  https://www.dfo-mpo.gc.ca/oceans/mpa-zpm/musquash/index-eng.html