

Response to Summary of Issues

Mihta Askiy Data Center Project
(#90036)

Prepared for
**Impact Assessment Agency of
Canada**

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Acronyms and abbreviations

ACO	Aboriginal Consultation Office
AUC	Alberta Utilities Commission
COP	Code of Practice
Cree Ative	Cree Ative Datacenter Corp GP
EE	Environmental Evaluation
EPP	Environmental Protection Plan
GOA	Government of Alberta
GOC	Government of Canada
IAAC	Impact Assessment Agency of Canada
IPD	Initial Project Description
PCA	pre-consultation assessment
PIP	Participant Involvement Program
the Project	Mihta Askiy Data Center Project
SOI	Summary of Issues

1 Introduction

Cree Ative Datacenter Corp GP (Cree Ative) submitted an Initial Project Description (IPD) for the Mihta Askiy Data Center Project (the Project) to the Impact Assessment Agency of Canada (IAAC) on December 11, 2025. IAAC conducted a public comment period from January 2 to January 22, 2026 and subsequently provided Cree Ative a Summary of Issues (SOI) document on January 30, 2026. The SOI identifies key issues considered relevant to the federal impact assessment process, based on feedback from Indigenous groups, the public, and federal, provincial, and municipal authorities. In the context of Indigenous consultation and engagement, “Indigenous groups” is used inclusively to refer to Indigenous Nations, Bands, Communities, Inuit, and Métis Settlements and groups.

These responses describe how Cree Ative intends to address the issues identified in the SOI as the Project progresses, including whether each issue will be addressed through compliance with existing legislation or through commitments to mitigation measures. These include relevant best practices and mitigation measures set out in the *Standard mitigation measures - Streamlining the impact assessment process* and additional guidance (Government of Canada [GOC] 2026)¹. As part of the preparation of key issue responses, Cree Ative reviewed the original comments submitted on the Canadian Impact Assessment Registry, as well as comments submitted after the closing of the comment period. It is understood that IAAC will continue to accept comments from Indigenous groups and interested parties and consider all comments received in its final decision.

The responses are based on information available at this time and are intended to support IAAC’s determination regarding the requirement for an Impact Assessment under the *Impact Assessment Act* (2019, c. 28, s. 1). Cree Ative is committed to working collaboratively with stakeholders and Indigenous groups as federal and provincial regulatory processes advance and to maintaining open and transparent communication. This includes sharing findings, discussing potential impacts and planned mitigation, and addressing questions or concerns raised by affected stakeholders, community members and Indigenous groups. Cree Ative is committed to working with Indigenous groups on their key concerns and issues and will continue to engage with Indigenous groups throughout the development of the Project to address Indigenous interests, knowledge, and concerns.

¹ While these mitigation measures are referred to as “standard”, Cree Ative views the mitigations as current, industry best practices.

2 Responses to Summary of Issues

2.1 Indigenous and stakeholder engagement and consultation

2.1.1 Key issue 1

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

2.1.2 Response

Cree Ative and the Woodland Cree First Nation has been engaging and consulting with Indigenous communities identified through the pre-consultation assessment process (PCA) with the Aboriginal Consultation Office (ACO), as well as through the federal impact assessment process led by IAAC (collectively referred to as the Identified Indigenous groups). The *Public Lands Act* – Level 2: Standard Consultation Recommended (FNC202500576) determination will be addressed in the Participant Involvement Program (PIP) being prepared as part of the Facility Application to the Alberta Utilities Commission (AUC). Cree Ative understands that the AUC process, including conditions that form part of its approvals, may be relied upon by the Crown in its assessment of the adequacy of Indigenous consultation for the Project.

Engagement and consultation to-date has included Project notification, and requests to set up additional meetings. An information session was held at the Woodland Cree First Nation following the initial Project notification. Further engagement events may be held if they are requested or identified as beneficial by interested Indigenous groups. Based on early consultation and engagement, a preliminary list of topics of interest was incorporated into the IPD. These topics will also be considered and addressed in the Environmental Evaluation (EE) and PIP as part of the AUC facility application.

Cree Ative remains open to engaging with any additional Indigenous groups seeking engagement. Engagement methods will follow the preference of each Indigenous group.

Cree Ative will undertake additional engagement with interested Indigenous groups, including the provision of further Project updates and opportunities for direct engagement. Feedback received through this engagement will support a more detailed understanding of Indigenous concerns and help identify appropriate mitigation measures. In the event of site visit requests, Cree Ative will work with interested Indigenous groups to develop mutually agreeable workplans. As the Project is located on a brownfield site, Cree Ative staff may be present to ensure compliance with applicable health and safety protocols.

Cree Ative will discuss capacity needs and economic opportunities with interested Indigenous groups and prioritize the hiring of qualified Indigenous personnel and contractors through competitive procurement processes. Cree Ative recognizes that water use is a key concern for

Indigenous groups and other interested parties. As water use planning advances, Cree Ative will provide further engagement opportunities for interested Indigenous groups.

2.2 Indigenous Peoples' current use of lands and resources for traditional purposes

2.2.1 Key issue 2

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

2.2.2 Response:

The Project's contribution to cumulative effects on Indigenous Peoples' rights and traditional land use will be informed through on-going engagement with interested Indigenous groups. Cree Ative will offer capacity support to interested Indigenous groups to undertake traditional land use assessments, which may include assessments of cumulative effects. Given that the Project is located on an existing, cleared and partially constructed site, and that some infrastructure has been in place since 2015, repurposing the site is expected to result in limited incremental impacts.

Standard mitigation measures (GOC 2026) supporting the current use of lands and resources for traditional purposes will be incorporated into the Project-specific Environmental Protection Plan (EPP). Cree Ative will continue engagement with Indigenous groups to understand and address cumulative effects on Indigenous People's rights and traditional land use.

2.2.3 Key issue 3

Clarify how water withdrawal from the Peace River, associated discharges, and related infrastructure could affect navigation, current use of lands and resources for traditional purposes, and Indigenous Peoples' health and well-being, including effects to downstream users.

2.2.4 Response:

Cree Ative has not finalized plans for water withdrawal from the Peace River. Any water use will comply with applicable regulatory requirements.

Incremental withdrawals, if any, are not anticipated to affect navigation, current use of lands and resources for traditional purposes, or effects to Indigenous Peoples' health and well-being, including effects on downstream users.

Cree Ative is in commercial discussions to acquire water under an existing water licence. As such, at this time, Cree Ative does not anticipate applying for an additional water licence and will

not be constructing any water extraction infrastructure or facilities. Cree Ative confirms that there will be no discharge from the Project back to the Peace River. As an additional measure to minimize water requirements, water will be collected within a proposed storm water pond on site, and used in the power plant cooling system. This water reuse will further reduce water requirements, currently estimated at approximately 5000 square metres/day. This volume is well below levels already permitted under existing water licences in the Project area.

2.2.5 Key issue 4

Clarify potential project-related degradation or loss of land and resources used for traditional purposes, and subsequent effects on the safety and accessibility of land users.

2.2.6 Response:

Project-related degradation or loss of land and resources used for traditional purposes, and subsequent effects on the safety and accessibility of land users is not anticipated, as the Project is located on an existing, cleared, fenced and partially constructed brownfield site. No vegetation or habitat is present within the Project footprint, and no additional clearing of land is required for the power plant or data center. Surrounding roads were upgraded as part of the previous project on-site, and the future gas pipeline right-of-way exists in a cleared and construction-ready state. Ancillary infrastructure, such as the transmission line interconnection, is anticipated to require right-of-way clearing and may result in temporary impacts to land accessibility during construction. Vegetation removal (i.e., clearing of trees and shrubs) will be limited to the approved transmission line right-of-way and vegetation control easement, as applicable. For vegetation control easement, only trees that pose a potential risk to the transmission line will be removed. As part of transmission line route development, key siting principles will be applied to parallel existing disturbance where practicable and to maintain habitat corridors, thereby reducing temporary effects on land and resources used for traditional purposes. Standard mitigations (GOC 2026) to support the current use of lands and resources for traditional purposes will also be incorporated into the EPP being prepared as part of the AUC facility application. Following construction, land users will be able to continue using the right-of-way and vegetation control easement lands for traditional purposes.

2.2.7 Key issue 5

Clarify potential project-related effects on biodiversity, including wildlife movement and habitat, and any resulting effects on Indigenous Peoples' traditional practices and species of cultural importance.

2.2.8 Response

Given the previously cleared, graded, and partially constructed brownfield site associated with the power plant, effects on wildlife movement and habitat are likely to have occurred since 2015. As a result, repurposing the site and infrastructure is expected to have limited incremental impacts. While the Project includes disturbance in the form of ancillary infrastructure such as the transmission interconnection, pipeline, and fibre optic line, these will be designed to minimize additional land disturbance.

As part of transmission line route development, key siting principles will be applied to parallel existing disturbance where practicable and to maintain habitat corridors, thereby reducing temporary effects on land and resources used for traditional purposes, and is subject to AUC approval.

To further assess Project-related effects on biodiversity, Cree Ative will be submitting an EE and EPP to the AUC under Rule 007: *Facility Applications* (AUC 2025) for the power plant, substation, and transmission line. The EE will provide details on existing baseline environmental conditions in order to determine if there are potential Project-related effects on valued ecosystem components such as soils and terrain, surface water bodies and hydrology, groundwater, vegetation species and communities, wildlife species and habitat, aquatic species and habitat and land use and environmentally sensitive areas.

Based on the EE, an EPP will be developed to summarize mitigation measures and monitoring activities that Cree Ative commits to implementing during construction and operation to prevent or minimize adverse environmental effects and/or cumulative effects. Mitigation measures intended to ensure compliance with relevant federal (e.g., *Migratory Birds Convention Act*, *Species at Risk Act*) and provincial legislation (e.g., *Wildlife Act*) will be implemented, including pre-disturbance nesting bird/wildlife sweeps conducted by qualified environmental professionals. This will allow for the identification of wildlife features and, as applicable, the development of appropriate mitigation (e.g., setback distances, onsite monitoring, alteration of construction timing). Mitigations (GOC 2026) supporting the current use of lands and resources for traditional purposes will also be incorporated. Through ongoing engagement, Cree Ative will mitigate resulting effects on Indigenous Peoples' traditional practices and species of cultural importance.

2.2.9 Key issue 6

Clarify the process for mitigating accidental hazardous substance releases and associated adverse effects on migratory birds, fish and fish habitat, wetlands and waters users (including Indigenous Peoples).

2.2.10 Response

Cree Ative will submit an EE and EPP to the AUC, under Rule 007: *Facility Applications* (AUC 2025) for the power plant, substation, and transmission line. The EPP will summarize mitigation measures and monitoring activities to be implemented during construction and operation to prevent or minimize adverse environmental effects and/or cumulative effects.

Standard mitigation measures addressing accidental hazardous substance releases and associated effects on migratory birds, fish and fish habitat, wetlands and waters users (including Identified Indigenous groups) will be included in the EPP. This will include a section on environmental incident prevention and response. Preventative maintenance programs for vehicles and equipment operators, regular and pre-use inspections, and secondary containment, where applicable, will be applied to prevent accidental hazardous substance releases. Should an accidental hazardous release occur, spill response steps are outlined to respond efficiently and effectively to mitigate associated effects on migratory birds, fish and fish habitat, wetlands and waters users.

2.3 Indigenous Peoples' health and well-being

2.3.1 Key issue 7

Clarify how the project could affect Indigenous Peoples' access to clean drinking water and food security through effects on fish populations and habitat, including effects from water sourcing and changing water levels.

2.3.2 Response

As the Project is located on a brownfield site that has been cleared and graded, and no surface water features overlap the Project footprint, standard mitigations for erosion and sediment control, as well as spill prevention and response, will address potential impacts to fish populations and habitat.

Impacts relating to ancillary infrastructure (i.e., transmission line) will be addressed through implementation of mitigations in the EPP being prepared as part of the AUC facility application, and compliance with the *Code of Practice (COP) for Watercourse Crossings* (Government of Alberta [GOA] 2019a) and *COP for Powerline Works Impacting Wetlands* (GOA 2019b). With respect to the transmission line, structures will be sited to avoid placement in watercourses and permanent wetlands and will be set back from these features.

Cree Ative continues to develop its water use plans for the Project. At this time, Cree Ative is in commercial discussions to acquire water under an existing water licence. As such, at this time, Cree Ative does not anticipate applying for an additional water licence and will not be constructing any water extraction infrastructure or facilities from the Peace River.

2.4 Indigenous Peoples' rights

2.4.1 Key issue 8

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

2.4.2 Response:

Cree Ative acknowledges the inherent and constitutionally protected rights of Indigenous Peoples of Canada under Section 35 of the *Constitution Act*, which recognizes and affirms existing Aboriginal and treaty rights for First Nations, Inuit, and Métis peoples. Through the development of this process, Cree Ative and the Woodland Cree First Nation have been engaging and consulting with the identified Indigenous groups.

Beyond the already Identified Indigenous groups, Cree Ative remains open to engaging with all other interested Indigenous groups seeking engagement. The format for this engagement will follow the method of engagement preferred by each Indigenous group.

Cree Ative recognizes the significance of Indigenous knowledge, values, and practices. Cree Ative will offer capacity to interested Indigenous groups to undertake traditional land use assessments, which may include impacts to Section 35 rights of Indigenous Peoples.

Key issues of concern identified through previous and ongoing engagement were incorporated into the IPD and will be incorporated into the PIP and EE, where applicable, as part of the AUC facility application, supporting a culturally informed assessment of the Project and its potential impacts.

2.5 Indigenous Peoples' social and economic conditions

2.5.1 Key issue 9

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

2.5.2 Response

Consultation is ongoing with Northern Sunrise County to develop detailed economic and employment estimates. As this information becomes available, Cree Ative will continue consultation with interested Indigenous groups to share this information and opportunities for economic benefits and employment. Standard mitigations in support of the health, social, and economic conditions of Indigenous peoples (GOC 2026) will be applied as applicable.

2.5.3 Key issue 10

Clarify potential effects on Indigenous communities from transient workers and any mitigation measures that would be implemented.

2.5.4 Response

The effects on Indigenous communities from transient workers are anticipated to be limited. Hiring local residents is a priority for Cree Ative. It is anticipated that transient workers will be housed in the Town of Peace River, and buses will be used where possible to limit traffic impacts. Standard mitigations in support of the health, social, and economic conditions of Indigenous peoples (GOC 2026) will be applied as applicable.

2.6 Fish and fish habitat

2.6.1 Key issue 11

Clarify effects on fish and fish habitat from project-related changes to water quantity, including water extraction methods from the Peace River and water volumes.

2.6.2 Response

The Project is not anticipated to have additional effects on fish and fish habitat as the water source for the power plant, the onsite domestic water needs (e.g. washrooms), and the initial water required for the closed loop cooling system (i.e., water and glycol system) in the data center are anticipated to be acquired via a commercial contract under an existing water licence. At this time, Cree Ative is not applying for any additional water licences and will not be constructing any further water extraction facilities from the Peace River. As an additional

measure to minimize water requirements, and associated impact to fish and fish habitat, water will be collected within a proposed storm water pond on site, and used in the power plant cooling tower. This water reuse will further reduce water requirements.

Sincerely,

<Original signed by>

<Original signed by>

Darin Watson, P.Eng.

VP, E&C | Sovereign Digital

Andy Edeburn, P.Biol.

VP Environmental Solutions

3 References

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