

Federal Authority Advice Record (FAAR)**FAAR Response must be submitted by January 22, 2026**

Mihta Askiv Data Center Project – Cree Ative Datacenter Corp GP

Registry File: 90036

Department/Agency	Fisheries and Oceans Canada
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1. Will your department or agency exercise a **power, perform a duty or function**, or provide **financial assistance**, related to the project to enable it to be carried out in whole or in part?

As relevant,

- a) Specify the power, duty or function, or financial assistance, and the likelihood that it will be required to construct the project, based on the Initial Project Description, as either Required, Potential, Likely, Unlikely or Not Required

A Fisheries Act paragraph 35(2)(b) Authorization will be required if the project is likely to cause the harmful alteration, disruption, or destruction to fish habitat and/or a Fisheries Act paragraph 34.4(2)(b) Authorization if the project is likely to result in the death of fish.

Based on the information provided, it is our understanding that there will be no in-water works related to this project. As such, it is not likely that Fisheries and Oceans Canada (DFO) would be required to exercise a power or perform a duty of function to allow this project to proceed. Should works be proposed that may impact fish and fish habitat (including, for example, water crossings that may be required to access the site), we recommend that the proponent submit a Request for Review for DFO which outlines the specific impacts of the project on fish and fish habitat for review under the Fisheries Act.

DFO also reviews projects for effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the Species at Risk Act. It is unlikely that a permit will be required under the Species at Risk Act as there are currently no aquatic Species at Risk mapped for the project area defined by the Initial Project Description.

- b) Describe any associated Indigenous or public consultation, including timelines

It is our understanding that there will be no in-water works related to this project however, should DFO consider issuing a Fisheries Act s.34.4(2)(b) and/or 35(2)(b) authorization for the project, consultation with Indigenous groups would be undertaken.

- c) Describe any associated information requirements (e.g., alternative means assessment, habitat offsetting), and specify those that may be coordinated with the impact assessment process, if an impact assessment is required¹

Not Applicable

- d) Identify any associated project-specific guidance or issues of which the proponent should be aware, or information the proponent should provide.

¹ The Government of Canada has set a target of five years or less to complete federal impact assessments and related permitting processes for federally designated projects and a three-year target for nuclear project reviews.

Not Applicable

2. **Using Table 1**, identify project- and context- specific **key issues**, based on the expertise within your mandate² and the information in your possession, including the Initial Project Description, any exchanges with the proponent or others related to the project and known means to address the effects of the project. For each key issue:
- a) Specify the key issue (e.g., specific species and location)
 - b) Specify the project component or activity linked to the key issue
 - c) Explain why it's a key issue based on:
 - i. biophysical effect pathway(s) from the specific project component or activity
 - ii. concern unique to the project or a priority within your mandate
 - iii. the issue being material³ to decision making under the *Impact Assessment Act*
 - d) Identify how the issue could be resolved, including through means other than an impact assessment
 - e) Identify additional information the proponent could provide including to give confidence on how the issue can be addressed through other means.

Amanda Conway, A/Team Lead, Triage and Planning, Fisheries and Oceans Canada

<Original signed by>

Name and title of Departmental / Agency Responder

January 7, 2026

Date

² Refer to the [Memoranda of Understanding with IAAC](#).

³ An issue is material to decision making if its analysis is anticipated to affect the conclusions on (1) whether adverse effects within federal jurisdiction or direct and incidental adverse effects (collectively adverse federal effects) are likely not significant, or of low, medium or high significance; (2) appropriate mitigation measures for significant adverse federal effects; or (3) justification in the public interest.

Table 1: Key Issues to inform the impact assessment process

This table should outline key issues to inform the impact assessment process, including whether an impact assessment is required and, if so, the scope of the assessment and tailoring of the Tailored Impact Statement Guidelines.

Key issues are the major concerns directly related to a project component or activity, the analysis of which is anticipated to be material to decision-making under the *Impact Assessment Act*.

Federal authorities' advice should be guided by the identification and resolution of key issues. If an impact assessment is required, it will be focused on key issues.

Comment ID	a) Key issue	b) Project component or activity	c)(i) Biophysical effect pathway(s)	c)(ii) Concern unique to the project or a priority within your mandate	c)(iii) Material to federal decision-making	d) Means for issue resolution	e) Additional information from the proponent
<p><i>Identify comments by organization and comment number.</i></p> <p><i>e.g.: IAAC-01</i></p>	<p><i>Specify the key issue (e.g., specific species and location).</i></p>	<p><i>Identify the project component or activity linked to the key issue.</i></p> <p><i>Be specific about the nature, scale, novelty and complexity or the component or activity.</i></p>	<p><i>Identify the specific biophysical effect pathway between the project component or activity and the affected environmental or human receptor (including Indigenous Peoples).</i></p>	<p><i>Describe why it's a key issue within the mandate of your department or agency, including in terms of priorities of the federal government and in terms of anticipated likelihood, severity or uncertainty of effects.</i></p> <p><i>Identify if the key issue is common for projects of this nature or in this sector, or whether it's unique to this project due to its complexity, size or novelty; a sensitive or rare receiving environment; and/or proximity of sensitive environmental or human receptors (including Indigenous Peoples).</i></p>	<p><i>Describe why the key issue is material to decision-making as either:</i></p> <ul style="list-style-type: none"> • <i>an adverse effect within federal jurisdiction, or a direct or incidental adverse effect, that may be significant based on available evidence including:</i> <ul style="list-style-type: none"> ○ <i>federal experts' knowledge and experience with past project assessments;</i> ○ <i>presence of sensitive species, habitats or human receptors (including Indigenous Peoples);</i> ○ <i>novel or complex project activities, components or technologies;</i> ○ <i>high uncertainties in effects or in the effectiveness of mitigation measures;</i> ○ <i>unknown or unproven mitigation; or</i> • <i>a factor for the justification in the public interest anticipated to be material to decision-making such as a likely positive effect contributing to sustainability, to Canada's environmental obligations or climate change commitments or in supporting governmental priorities, such as reconciliation with Indigenous Peoples.</i> 	<p><i>Describe how the key issue could be resolved or addressed by:</i></p> <ul style="list-style-type: none"> • <i>Any means, including powers, duties, functions, frameworks, policies or guidance that your department or agency has;</i> • <i>Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province;</i> • <i>Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or</i> • <i>Commitments made by the proponent (e.g., in the Initial Project Description).</i> 	<p><i>Describe information the proponent can provide, or commitments the proponent can make, in their Response to the Summary of Issues that would provide confidence that the issue can be resolved by existing means.</i></p> <p><i>Consider whether information, studies, analyses or collaborative work with other authorities would be required to address the issue beyond existing means.</i></p>

Please insert additional rows as necessary.