



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fish and Fish Habitat Protection Program
Arctic Region
301 – 5204 50th Ave. (Wiiłııdeh)
Yellowknife, Northwest Territories
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Programme de protection du poisson et de son habitat
Région de l'Arctique
301 – 5204 50th Ave. (Wiiłııdeh)
Yellowknife, Territoires du Nord-Ouest
X1A 1E2

July 21, 2026

Your file *Votre référence*
2AM-DOH1335

Subject: Windy Lake Freshwater Intake Design Report

To whom it may concern,

On June 23, 2026, the Nunavut Water Board invited parties to comment on the Agnico Eagle Mines Limited's Design Report for the Freshwater Intake at Windy Lake, file number: 2AM-DOH1335. The Fish and Fish Habitat Program of Fisheries and Oceans Canada (FFHPP) appreciates the opportunity to review and offers a comment below.

Comment:

The Windy Lake Freshwater Intake Design Report discusses the installation of a new freshwater intake to accommodate expected increases in water withdrawal from Windy Lake for the duration of the project, which has the potential to impact fish and fish habitat.

Direct fish mortality can occur during water withdrawal activities through entrainment/impingement. Entrainment occurs when a fish is drawn into a water intake and cannot escape. Impingement occurs when a fish is held in contact with the intake screen and is unable to free itself.

DFO-FFHPP and Agnico Eagle have discussed both the installation of the new freshwater intake and the proposed increase in water withdrawal (via the NWB Type A Water License Amendment Application, 2AM-DOH1335). The Proponent is aware of the requirements under the *Fisheries Act*, and as stated in their Design Report, will be submitting a Request for Review form (RFR). DFO will review the proposed plan once the RFR is received. Until then, DFO-FFHPP provides recommendations associated with water withdrawal below for the Proponent to review and information to the Nunavut Water Board.

Recommendations:

In order to comply with the *Fisheries Act*, it is recommended that the Proponent follow DFO's protective measures for fish and fish habitat and standard codes of practice which can be found on DFO's website (<https://www.dfo-mpo.gc.ca/pnw-ppe/measure-mesures-eng.html>) and (<https://www.dfo-mpo.gc.ca/pnw-ppe/practice-practique-eng.html>).

Proponents are also asked to respect the NU in-water works restricted activity timing windows ([Projects Near Water - Nunavut Restricted Activity Timing Windows for the](#)

Unclassified - Non-Classifié

[Protection of Fish and Fish Habitat \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca) to protect fish during spawning and incubation periods when spawning fish, eggs and fry are vulnerable to disturbance or sediment.

The proponent should refer to DFO's Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater available at <https://www.dfo-mpo.gc.ca/pnw-ppe/standards-normes/fish-screen-grillage-poisson-eng.html> when using fish screens.

For water withdrawal from watercourses, DFO recommends the proponent follow the Framework for Assessing the Ecological Flow Requirements to Support Fisheries In Canada (<https://waves-vagues.dfo-mpo.gc.ca/Library/348881.pdf>) and demonstrates that water withdrawal rate remains <10% of actual (instantaneous) flow and does not result in flows <30% of mean annual discharge (MAD).

In addition, the proponent should follow the DFO Protocol for Winter Water Withdrawal in the NWT (2010) and not withdrawal more than 10% of under-ice water volumes (Attachment 1: DFO Winter Water Withdrawal Protocol, 2010).

As stated in the Design Report, the Proponent should complete and submit the request for review (RFR) form available on the website (<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html>). The RFR form can be sent directly to Holly.Simpson@dfo-mpo.gc.ca or to DFO.ARCEMTriage-TriageGEARC.MPO@dfo-mpo.gc.ca.

It is also the Proponent's Duty to Notify DFO if they have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption, or the destruction of fish habitat. Such notification should be directed to DFO.ARCEMTriage-TriageGEARC.MPO@dfo-mpo.gc.ca.

Sincerely,



Holly Simpson
Biologist
Fish and Fish Habitat Protection Program
Arctic Region
Fisheries and Oceans Canada