



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fish and Fish Habitat Protection Program
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Programme de protection du poisson et de son habitat
Région de l'Arctique
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Our file *Notre référence*
12-HCAA-CA7-00007

Your file *Votre référence*
2AM-BRP1831

April 16, 2026

Subject: B2Gold Nunavut – Back River Project 2025 Annual Water Licence Report – 2AM-BRP1831

To whom it may concern,

On March 31st, 2026, the Nunavut Water Board invited parties to comment on the Back River Project – 2025 Annual Report for Water Licence 2AM-BRP1831. The Fish and Fish Habitat Program (FFHPP) of Fisheries and Oceans Canada (DFO) appreciates the opportunity to review the report in accordance with our mandate and offers comments below.

Comment #1 – Lake 997 Under-Ice Water Withdrawal

The exceedance in under-ice water withdrawal from Lake 997 has been reported to DFO by B2Gold Nunavut. DFO is actively working with B2Gold Nunavut to determine whether impacts to fish and fish habitat have occurred, and will implement corrective measures if needed.

Comment #2 – Under-Ice Water Withdrawal from Unknown Sources

The 1,884 m³ of water withdrawn from unknown water sources along the winter ice road route could be a non-compliance issue with DFO. It is unclear from the report whether the additional water was withdrawn from lakes assessed in the winter road technical memo or not (the winter road technical memo models bathymetry of lakes along the road route to predict the allowable volume of water withdrawal from each lake, and also accounts for varying lake bathymetries to further protect littoral/spawning habitat).

Since the water was withdrawn from unknown locations, the following non-compliance scenarios may have occurred: (a) the water was withdrawn from lakes assessed in the winter ice road technical memo, and one or more lakes were drawn down over 10% of their under-ice volume when added to the known amount of water withdrawal, or (b) the water was withdrawn from one or more lakes not assessed in the winter road technical memo, therefore no allowable water withdrawal volumes were calculated and the lake(s) were drawn down over 10% of their under-ice volume. Both scenarios do not

conform to DFO's guidance and therefore could result in the death of fish or the harmful destruction of fish habitat. As noted in the annual report, the additional water withdrawal may have been spread out across several waterbodies and therefore may not exceed the 10% reduction of under-ice volume for any lake - however there is no evidence to confirm that this was the case.

B2Gold Nunavut proposed measures to avoid these issues in under-ice water withdrawal along the winter ice road from re-occurring. These measures include posting clear signage at each authorized water source, updating the water tracking spreadsheets, requiring more regular review of water usage against limits, and requiring withdrawal from depth in deeper lake areas to avoid taking more oxygenated surface water to reduce risks associated with potential over withdrawal. DFO will continue to work with B2Gold Nunavut to ensure water withdrawal from unaccounted water sources is avoided.

Comment #3 – General Comment

B2Gold Nunavut should review and implement any relevant DFO protective measures for fish and fish habitat and standard codes of practice (<https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html> and <https://www.dfo-mpo.gc.ca/pnw-ppe/practice-pratique-eng.html>) and respect the Nunavut in-water works restricted activity timing windows (<https://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/nwt-eng.html>). By doing so, works, undertaking or activities where impacts to fish and fish habitat can be avoided.

In order to comply with the *Fisheries Act*, it is recommended that B2Gold Nunavut 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/measures-mesures-eng.html> and <https://www.dfo-mpo.gc.ca/pnw-ppe/practice-pratique-eng.html>).

B2Gold Nunavut are also asked to respect the NU in-water works restricted activity timing windows ([Projects Near Water - Nunavut Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca/projects-near-water-nunavut-restricted-activity-timing-windows-for-the-protection-of-fish-and-fish-habitat)). By doing so, works, undertaking or activities where impacts to fish and fish habitat can be avoided.

If the proposal meets the criteria for a site specific review (e.g., withdrawing water during the Restricted Activity Period), as described on DFO's website (<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-003-eng.html>), they should complete and submit the request for review form available on the website (<https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html>).

It is also B2Gold Nunavut'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 destruction of fish habitat. Such notifications should be directed to DFO.ARCEMTriage-TriageGEARC.MPO@dfo-mpo.gc.ca.

Regards,

A handwritten signature in black ink, appearing to read 'WR', with a stylized flourish at the end.

William Richmond
Biologist
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada