

Hi Chris,

Paul forwarded your e-mail on to me.

As a reminder, Section 6 (a) of the *Migratory Birds Regulations* states that no one shall disturb or destroy the nests or eggs of migratory birds. In other words, it is illegal to destroy a bird nest or eggs either on purpose or accidentally.

Also note that although flushing an incubating bird from a nest is not illegal, it is environmental best practices to avoid this because this increases the chance that a predator could eat the eggs or chicks, or that the nesting bird will abandon the nest.

The period of May 15 to July 31 is the APPROXIMATE peak period of nesting for birds in the North (Nunavut and Northwest Territories). Admittedly though, this is a huge region and there will be considerable variation depending on latitude and other factors related to location. Furthermore, there will be species differences and yearly differences as to when birds nest (i.e., early spring vs. late spring). So, nests still may be found outside of these dates. Given that the wildlife consultations have been collecting bird data in the Doris North area for several years now, they should be able to give you some more specific nesting dates for your local area.

The best way to ensure that you don't accidentally destroy a bird nest is schedule "high risk" activities before or after the nesting season, particularly in areas likely to have higher concentrations of nests. For example, land-clearing/habitat-disrupting activities could be done before the birds arrive in spring or after nesting is done. I suspect that many of your activities associated with your road building could have a high risk of destroying nests.

For small areas of disturbance, you may be able to ensure that no nests are in the area by conducting surveys before the work starts. However, this mitigation measure has limitations because even the best biologists may not discover every nest in an area (the nesting birds are just so cryptic sometimes!). So, there still is a risk that nests may be destroyed.

It's a good idea to inform all your field staff about the importance of avoiding nests (i.e., it's illegal to destroy plus you want to avoid disturbing the bird on the nest), typical nesting birds that they might encounter, how to recognize a nesting bird and/or nest, and what to do if a nest is found.

In summary:

- Schedule activities outside of the nesting season
- Ensure that your company has some sort of plan that outlines mitigation measures for nesting birds
- Train your field staff on this issue

Meadowbank Mine was doing some road construction in 2007 and they were going to develop a nest management plan for use during their road building. I had several discussions with their wildlife consultant on potential mitigation measures. Admittedly though, I do not recall seeing a final copy of this plan. You may want to contact their wildlife consultant, Martin Gebauer, about this plan and to also see if they have any tips in terms of what worked and did not work with their mitigation measures to avoid impacts to birds.

Martin Gebauer  
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Hope this helps and please ask if you have any further questions on this issue.

Sincerely,  
Myra

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**From:** Chris Hanks [mailto:Chris.Hanks@Newmont.com]  
**Sent:** Thursday, May 01, 2008 11:57 AM  
**To:** Latour,Paul [Yel]; Michael Meyer  
**Subject:** Management of nesting birds in proximity to construction at Hope Bay

Paul,

Hope Bay Mining Ltd (Newmont) is proposing to build an all weather road from Windy Camp to Doris Camp. We are considering the appropriate construction window for the project. Our preferred option would have June to August, but we understand that there might be an issue with nesting birds. I do not have your current number, but would if you have time like to discuss this with you. If you have time, please let me know a time and number I could give you a call.

Thank you for considering our request,

Chris Hanks  
Director of Environment and Social Responsibility  
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