



Manitoba Operations



STANDARD PROCEDURE INSTRUCTION

Title		SPI
Management of Migratory Birds & Habitat		# 35-8
Department	Supersedes SPI Dated	Effective Date
Safety Health & Environment	New	May 10, 2016

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PURPOSE

To ensure compliance with provincial/federal/Vale regulations/guidelines regarding activities which may have negative impacts on the survival/nesting success of migratory birds.

1. GUIDING PRINCIPLES

1.1 Vale's Global Biodiversity Normative Document (NOR-BBBB-G)

Biodiversity Management must follow the principles below:

- Sustainable use of Biodiversity components;
- Compliance with legal requirements and adoption of effective measures and procedures;
- Respect for Biodiversity as an integral part of our activities.

2. CONTEXT

2.1 In accordance with Section 6 of the *Migrating Birds Convention Act, 1994*, where it is specified that; except under the authority of a permit, and subject to subsection 5, it is an offence under the Act for anyone to kill, hunt, capture, injure, harass, take or disturb a migratory bird nest or eggs without a permit.

2.2 Also in accordance with obligations under the federal *Species at Risk Act* with regard to the protection of species at risk in Canada by avoiding damaging or destroying the residence, anywhere they are found, of one or more individuals of a migratory bird that is federally listed as a species at risk.

2.3 Also in accordance with protection provisions under the *Manitoba Wildlife Act*, where all migratory non-game birds and migratory insectivorous birds are listed as protection species, subject to restrictions defined in provincial regulations under the Act.

3. DEFINITIONS

Habitat:

(a) in respect of aquatic species, spawning grounds and nursery, rearing, food supply, migration and any other areas on which aquatic species depend directly or



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indirectly in order to carry out their life processes, or areas where aquatic species formerly occurred and have the potential to be reintroduced; and

- (b) in respect of other wildlife species, the area or type of site where an individual or wildlife species naturally occurs or depends on directly or indirectly in order to carry out its life processes or formerly occurred and has the potential to be reintroduced.

Species-At-Risk: means an extirpated, endangered or threatened species or a species of special concern

4. SCOPE

4.1 All employees and contractors planning any of the activities listed below, **must**, in consultation with the Environment department, demonstrate a plan of action to assess the presence and impact on nesting migratory birds in accordance with standard SafeProduction based risk assessment techniques.

4.2 If a negative impact to the survival or nesting success of a migratory bird species is expected, the Environment department must review the project.

Activities which may negatively impact survival or nesting success, and may be subject to restrictions due to regulatory requirements include (but are not limited to):

1. Maintenance of Water Works & Water Level Regulation
2. Maintenance of Dams and Tailings Management Areas
3. Maintenance of Buildings and Structures
4. Demolition of Buildings and Structures
5. Management of Raw Materials and Overburden Piles
6. Clearing Land of Trees and other Vegetation
7. Surface and Open-Pit Blasting (noise and vibration disturbance)

4.3 All operations which are required by permit, license or other internal or external requirements to manage migratory birds must maintain control measures (deterrents or other measures) during the migration season and are required to notify the Environment department of any condition which may prevent the effective operation of these control measures. This requirement specifically



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applies to the **Refinery Copper Impoundment Areas** and the **Waste Management Facility**, as well as all buildings, piles and structures where migratory birds may nest.

5. PROCEDURE

- 5.1 Prior to commencing work, consult the Environment department if the project or work planned has the potential to interact with any migratory bird species' habitat, the birds themselves, their nests, shelters or eggs.
- 5.2 If a project or work cannot avoid a negative impact, the Environment Department may facilitate the application for a permit if deemed warranted.
- 5.3 Copies of permits granted under the Manitoba Wildlife Act or the Federal Migratory Birds Convention Act must be available for inspection at the work site while the work is being carried out.
- 5.4 In the event of an accident or a deviation from the planned measures to avoid negative impacts on Migratory Bird Species, notify the Manitoba SHE department without delay.

6. CONTROLS

- 6.1 This SPI should be reviewed when the referenced standards (Licenses and Regulations) change, or every three years.

Approved By	Title
	Vice President, Vale Manitoba Operations
Date	



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