

Canada's diverse landscapes support a great abundance and variety of birds. More than 450 native bird species regularly make use of Canada's natural and human-modified landscapes for at least part of their annual cycle. Most of these species are protected under the [Migratory Birds Convention Act, 1994](#) (MBCA) and so are collectively referred to as "migratory birds". Birds are an integral part of our Canadian heritage. Through bird-watching, and recreational and subsistence hunting, birds make a significant contribution to our quality of life and our economy. They also play important ecological and biological roles in our environment by eating insects, dispersing seeds, and pollinating plants, to name a few. Bird populations are important environmental indicators - the health of our birds tells us much about the health of our planet. BCTS is working to manage and protect Migratory Birds, their habitat, nests and eggs as a part of our planning and project layout.



Redpoll  
Photo Credit - Nathan Voth, FLNRO

## WHAT TYPE OF BIRDS ARE PROTECTED?

People often think of Migratory Birds as Ducks, Swans and other waterfowl, and although this is true, the list of Migratory Birds in Canada is much larger.

The Migratory Bird Convention Act also includes protection of Geese, Cranes, Rails, Shorebirds, Pigeons, Doves, Chickadees, Flickers, Flycatchers, Hummingbirds, Martins, Meadowlarks, Woodpeckers, Wrens, Grebes, Herons, Loons and Terns... And this is by no means a complete list.



Trumpeter Swan  
Photo Credit - Nathan Voth, FLNRO

## HOW DOES THE MIGRATORY BIRDS CONVENTION ACT, 1994 PROTECT MIGRATORY BIRDS?

Most native bird species in Canada are protected under the [Migratory Birds Convention Act, 1994](#) (MBCA), and are collectively referred to as "[migratory birds](#)". It is the responsibility of Environment and Climate Change Canada to develop and implement policies and regulations to ensure the protection and conservation of migratory birds.

General prohibitions under the Act and its regulations protect migratory birds, their nests and eggs anywhere they are found in Canada, regardless of land ownership, and including surrounding ocean waters; and prohibit the dumping of substances harmful to birds in waters or areas frequented by them.

Additional protection may be provided through other federal Acts and Regulations, in particular the [Species at Risk Act](#), for migratory bird species that have been found to be extirpated, endangered, threatened or of special concern and listed under that Act.

The BC Wildlife Act (Sec. 34) also makes it an offence to molest or destroy a nest occupied by a bird or its eggs.



Blue Heron  
Photo Credit - Nathan Voth, FLNRO

## WHEN SHOULD I BE MOST OBSERVANT?

The MBCA applies to birds and nests all year but due to their migratory nature you are more likely to see them in the spring and summer. In our region the critical nesting period has been determined as April 18<sup>th</sup> to August 24<sup>th</sup> annually. During this period you are more likely to see migratory birds and their young nesting.

BCTS uses a process of analysing ecosystems and forest cover to determine the likelihood and concentration of migratory birds that may use an area for nesting. This process may have resulted in area's being excluded from your project or having timing restrictions on when operations can be active.

## HOW DO I KNOW A NEST IS NEAR ME?

Different species of migratory birds will nest in trees, in shrubs, on the ground or even in burrows.

- 1) Look on the ground for concentrations of white coloured droppings, and then check the vegetation above for nests.
- 2) As you walk or operate in an area look for birds flying out of vegetation and flying close to you or scolding you, some birds will even feign an injury in an effort to draw you away. These activities may indicate a nest is nearby.
- 3) Watch for birds bringing nest materials or food repeatedly to one place. Birds tend to build their nests on the underside of the tree canopy where branches join together. Some birds nest in tree cavities, under a flap of bark, in shrubs or on the ground.



Black-capped Chickadee  
Photo Credit - Nathan Voht, FLNRO

## WHAT IF I SEE AN ACTIVE NEST?

Stop if your work could disturb or destroy the nest. Keep 30 metres away from the nest and consider a greater distance if the bird continues to scold you or seems agitated.

Larger birds such as Heron's and Cranes require a greater distance of minimal disturbance; however their usual nesting patterns are close to marshes or wetlands which normally allows for a greater distance from forestry operations.

Report the nest location to your supervisor. Your supervisor will report it to BCTS staff who will advise of next steps prior to resuming operations near the nest again.

Do not attempt to move or relocate the nest. Ideally nests should be left undisturbed until the young have left on their own. The Parent birds choose a nest location for specific

reasons such as proximity to food and water, and protection from predators and the elements. If the nest is disturbed parents may abandon it along with their eggs or young.

The Migratory Bird Convention Act does not differentiate between an occupied or unoccupied nest, nor does it consider the condition of the nest, only that it (and its potential occupants) need to be protected. If you see an empty nest with no sign of feathers, down, fresh droppings or eggs then make every effort to not molest or damage the feature.



Loon  
Photo Credit - Nathan Voht, FLNRO

## HOW ELSE CAN I HELP CONSERVE MIGRATORY BIRDS?

All Canadians have a role to play in protecting migratory birds, their nests and young. As a business, you can:

- 1) Operate according to your plan;
- 2) Be observant and stop work in the immediate area if you see a nest;
- 3) Participate and encourage colleagues to participate in public consultations.

## FURTHER INFORMATION:

Migratory Birds Convention Act, 1994:  
<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>

Environment and Climate Change Canada – Migratory Birds:  
<http://www.ec.gc.ca/nature/default.asp?lang=En&n=FDf836EF-1>

List of Migratory Birds protected in Canada under the MBCA:  
[https://www.ec.gc.ca/nature/421B7A9D-3A9A-4D90-83FC-C23D2C1D2487/English\\_byTaxonomicOrder.pdf](https://www.ec.gc.ca/nature/421B7A9D-3A9A-4D90-83FC-C23D2C1D2487/English_byTaxonomicOrder.pdf)

BC wildlife Act:  
[http://www.bclaws.ca/civix/document/id/complete/statreg/96488\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96488_01)