

Information Bulletin

Protection of Nesting Birds

It is the applicant's responsibility to ensure that physical works are compliant with the federal *Migratory Birds Convention Act*, 1994 and the provincial *Wildlife Act* with respect to bird nests. Both of these acts prohibit the disturbance or destruction of active nests and eggs.

When preparing for clearing and grubbing of a property, Best Management Practices typically restricts clearing of vegetation during the critical bird breeding window (March 1st to August 31st). If raptors (eagles, hawks, osprey, owls, etc.) or herons are nesting on or near the development/project site, the breeding window can be as early as January 1st and can extend to September 31st, as shown below:

SPECIES	BREEDING SEASON
Bald Eagle	January 1 - August 31
Osprey	April 1 - September 14
Heron	January 16 - September 14
Other Raptors	March 1 - September 31
Passerines (perching birds)	March 1 - August 31

If clearing cannot be avoided during the critical bird breeding period, a nest survey by a Qualified Environmental Professional (QEP) should be conducted to identify active bird nests, and apply appropriate site and species specific buffers and/or timing windows.

Please note that the nests of an eagle, peregrine falcon, gyrfalcon, osprey, heron, or burrowing owl are protected under the *Wildlife Act*, regardless of nest activity (i.e. active or inactive). It is recommended that a Qualified Environmental Professional (QEP) undertake an assessment of the trees on site and within a 100m radius of the site to ensure that there are no nests of the aforementioned species.

If work is being undertaken around a raptor or heron nest, please ensure that recommended nesting season buffers shown in Table 6 (p. 33) of the Guidelines for Raptor Conservation (2013) have been taken into account: http://www.env.gov.bc.ca/wld/documents/bmp/raptor_conservation_guidelines_2013.pdf. Changes to these buffers require preparation of a nest mitigation plan by a Qualified Environmental Professional and may require approval from the Ministry of Environment and the Canadian Wildlife Services.

See the following websites for more information:

- **Environment Canada's General Avoidance information:**
<http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=1B16EAFB-1>
- **Environment Canada's General Nesting Periods of Migratory Birds in Canada:**
http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1#_01
- **Ministry of Environment's Develop with Care website, section 4.3.2:**
<http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/index.html>

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