



PLANNING AHEAD TO REDUCE RISKS TO MIGRATORY BIRD NESTS

If you are working on land or in the water in Canada, you need to be aware of the legal prohibitions against disturbing or destroying the nests and eggs of migratory birds. Planning ahead can help you comply with the law and reduce risks to migratory birds.



Why is it important to protect migratory bird nests?

Canada hosts more than 500 species of migratory birds over the course of a year. Some of these birds—ducks, Canada Geese, Great Blue Herons, songbirds—are among the most familiar landmarks of the Canadian landscape, and are part of the cultural and spiritual experience of many Canadians.

Migratory birds play important roles in our environment—they contribute to environmental quality by protecting agricultural and forest products from pests, and promote the health and diversity of ecosystems through pollination and seed dispersion. Expenditures on nature-related activities, including migratory birds, also make a significant contribution to our economy, and are estimated to be in the billions of dollars annually.

Nests are critical to maintaining sustainable populations of migratory birds. Birds use nests to lay and incubate their eggs and to protect the eggs and young from predators and harsh weather.

Unfortunately, these nests and eggs can be inadvertently disturbed or destroyed by many routine activities undertaken on the land or in the water—such as clearing trees and other vegetation, draining ponds or marshes, and pulling down old buildings. These activities can be associated with forestry, mining, energy generation and transmission, oil and gas development, commercial fishing, agriculture and ranching, residential and commercial development, transportation, and other industries.



This inadvertent, though reasonably predictable, disturbance or destruction of migratory bird nests and eggs is known as *incidental take*. The cumulative effects of incidental take can have long-term consequences for migratory bird populations in Canada.

What is the law?

Environment Canada is responsible for administering the [Migratory Birds Convention Act, 1994](#), on behalf of the federal government. The Act and its Regulations, strictly prohibit the disturbance and destruction of migratory bird nests and eggs in Canada.

The legislation and regulations apply to all lands and waters in Canada, regardless of ownership.

What is Environment Canada's role?

Environment Canada works cooperatively with individuals, governments and industries to minimize the risks to migratory birds and achieve compliance with the law. To attain these goals, Environment Canada:

- Promotes awareness of and compliance with the legislation and regulations;
- Issues expert guidance on how to avoid incidental disturbance or destruction of migratory bird nests and eggs; and
- Undertakes activities to verify compliance, investigate alleged infractions and ensure deterrence through a combination of enforcement officer presence and court prosecutions.

Environment Canada also encourages the development and application of beneficial management practices by resource industries and individuals to protect and conserve migratory birds. For background information on Beneficial Management Practices (BMPs), refer to the [summary of Environment Canada's approach to the development of BMPs](#) on our website.



How do I know if migratory birds are nesting in the area?

The best way to be sure is to check for the presence of migratory birds and their nests using a scientifically sound approach and taking into account the [specific considerations related to determining the presence of nests](#) (on our website) before you engage in activities during the nesting season.

What should I do if I find migratory bird nests?

If nests containing eggs or young of migratory birds are located or discovered, all activities in the nesting area should be halted until nesting is completed (i.e. the young have left the vicinity of the nest). Any nest found should be protected with a buffer zone appropriate for the species and the surrounding habitat until the young have left the nest.

Under the legislation, Environment Canada cannot issue a permit to authorize the disturbance or destruction of a nest in circumstances of incidental take. As a result, individuals or companies working on the land or in the water are responsible for taking appropriate measures to ensure that they comply with the legislation and regulations and minimize risks to migratory birds. The best investment in compliance is taking reasonable care to prevent incidental take in the first place.

For example, if there are migratory bird nests where you plan to work, consider options like avoiding, adapting, rescheduling or relocating activities that could disturb or destroy the nests.

In order to help ensure you are complying with the [Migratory Birds Regulations](#), you should:

- Ensure that you are aware of and understand the relevant provisions of the [Migratory Birds Convention Act, 1994](#) and the [Migratory Birds Regulations](#);
- Determine the presence of migratory birds and their nests before activities are carried out using a scientifically sound approach, and taking into account the [specific considerations related to determining the presence of nests](#) on our website; and
- Avoid engaging in potentially destructive or disruptive activities during [key periods](#)—including the breeding period, which varies by region and by species—in order to reduce the risk of nest destruction or disturbance.

You may also want to consider:

- Proactively developing and implementing a management plan, including appropriate preventive measures, to minimize the risk of effects and to mitigate any unavoidable impacts on nests; and

- Incorporating migratory bird protection measures into policies, procedures, plans, directives and compensatory plans relevant to the project or infrastructure.

Note the elements of a management plan need to be decided on a case-by-case basis. It is the responsibility of the individual or company undertaking the activities to determine these measures.

In some cases, management plans that minimize the risk of effects to migratory birds, their nests and eggs may incorporate BMPs. For background information on BMPs, refer to the [summary of Environment Canada's approach to the development of BMPs](#) on our website.

Where can I get more information?

For more information about the [Migratory Birds Convention Act, 1994](#) and the [Migratory Birds Regulations](#) or for advice on how to avoid incidental take of, or reduce risks to, migratory bird nests and eggs, refer to the [avoidance guidelines, timing of breeding of birds in Canada, specific considerations to determine the presence of nests, background on BMPs and frequently asked questions on Environment Canada's website](#) or contact the [Environment Canada regional office nearest you](#).



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Young Canada Geese

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Page 4: Flock of migrating Canada Geese

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Additional information can be obtained at:

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