



CONSTRUCTION AND THE PROTECTION OF MIGRATORY BIRDS

KNOW YOUR LEGAL OBLIGATIONS



Situation

Migratory birds and their nests, eggs or habitat could be affected by excavation or construction activities.

During pre-construction or during construction, migratory birds may inhabit development sites for feeding, shelter or raising their young.

What You Can Do!

Every project owner, consultant and contractor must take care to protect migratory birds from harm on all construction projects.

To reduce the risk of damaging and destroying migratory bird nests and eggs, it is recommended that workers and contractors avoid engaging in potentially destructive activities—such as clearing vegetation, excavation or construction—during the nesting season. Nesting seasons vary by region and by species; for more information, please contact Environment Canada or visit www.ec.gc.ca/paom-itmb.

Contract Documents

Because standard contract documents fail to address the protection of migratory birds, provisions can be added in the project's **special conditions or specifications**. Circumstances for the potential presence of migratory birds should be described. Mitigation procedures to avoid harm to migratory birds, their nest and eggs, and their habitats should be explained.

Pre-construction Meetings

All **meeting agendas** should include a standard item on the protection of migratory birds and their habitats. Procedures in the contract documents pertaining to migratory bird protection and mitigation should be clearly communicated to front-line workers on the project.

During Construction

Deterrent techniques should be used to keep birds away from potentially harmful situations (blasting, contaminated soil or water, etc.). If there is evidence that migratory birds or their nests will be harmed by construction activity, all work in the immediate vicinity must **STOP** until appropriate avoidance measures can be implemented. The site supervisor should contact Environment Canada for advice as needed. Activities must be suspended until authorities responsible for construction have determined that there is no further risk to migratory birds.

What is the Law?

Migratory birds are protected by federal legislation.

It is an offence under the *Migratory Birds Convention Act, 1994*, for anyone



to kill, hunt, capture, injure, harass, take or disturb a migratory bird or to damage, destroy, remove or disturb a migratory bird nest or eggs without a permit. Permits may only be granted for scientific purposes (scientific collection, education, salvage and rehabilitation), aviculture, taxidermy, damage or danger, airport safety, eiderdown collection and hunting.

Fines

Every person who commits an offence under the *Migratory Birds Convention Act, 1994*, is liable

- on conviction or indictment, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than three years, or to both; and
- on summary conviction, to a fine of not more than \$300,000 or to imprisonment for a term of not more than six months, or to both.

FOR MORE INFORMATION

www.ec.gc.ca/paom-itmb



You may also have obligations under the federal *Species at Risk Act* with regard to the protection of species at risk in Canada. Information is available on the public registry: www.sararegistry.gc.ca.

Other provincial, federal, or municipal legislation may also apply to the protection of wildlife species, including migratory birds. It is your responsibility to comply with all applicable legislation.

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Additional information can be obtained at:

Environment Canada
Inquiry Centre
10 Wellington Street, 23rd Floor
Gatineau QC K1A 0H3
Telephone: 1-800-668-6767 (in Canada only)
or 819-997-2800
Fax: 819-994-1412
TTY: 819-994-0736
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