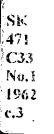
## CANADIAN WILDLIFE SERVICE

## BIRDS PROTECTED IN CANADA Under The Migratory Birds Convention Act

OCCASIONAL PAPERS No. 1



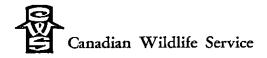




# Birds Protected in Canada Under the Migratory Birds Convention Act

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Second Edition



National Parks Branch

Department of Northern Affairs and National Resources

Issued under the authority of HONOURABLE ARTHUR LAING, P.C., M.P., B.S.A., Minister of Northern Affairs and National Resources

Cat. No.: R69-1/1

### Birds Protected in Canada Under the Migratory Birds Convention Act

Generally speaking, each province has legislative jurisdiction with respect to wildlife found within its boundaries. There are, of course, some exceptions, such as wildlife found in National Parks, and in bird sanctuaries established by Regulations pursuant to the Migratory Birds Convention Act. Under the British North America Act, however, the Parliament and Government of Canada have all powers necessary or proper for performing the obligations of Canada or any province of Canada that have resulted from treaties with foreign countries. The Migratory Birds Convention between Canada and the United States is such a treaty; and the Migratory Birds Convention Act, originally passed by the Canadian Parliament in 1917 to put the Convention into effect, empowers the Governor in Council, subject to the provisions of the said Convention, to make such Regulations as are deemed expedient to protect the migratory game, migratory insectivorous, and migratory nongame birds which inhabit Canada during the whole or any part of the year.

Not all birds that are migratory are included in the list, which reads, both in the Treaty and in the Migratory Birds Convention Act, as follows:

#### "migratory game birds" means

- (i) Anatidæ or waterfowl, including brant, wild ducks, geese, and swans,
- (ii) Gruidæ or cranes, including little brown, sandhill and whooping cranes,
- (iii) Rallidæ or rails, including coots, gallinules, and sora and other rails,
- (iv) Limicolæ or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs, and
- (v) Columbidæ or pigeons, including doves and wild pigeons;

"migratory insectivorous birds" means bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoor-wills, woodpeckers, wrens, and all other perching birds which feed entirely or chiefly on insects;

"migratory nongame birds" means auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns;

There has occasionally been some uncertainty among administrators and enforcement officers, as well as the general public, regarding the precise limits of the groups of birds (especially "migratory insectivorous birds") protected by the Government of Canada in accordance with the Migratory Birds Treaty. This bulletin has been prepared by federal authorities, after consultation with provincial authorities, to provide a standard list of federally protected species.

The general classifications of birds, such as gannets, grebes, are listed alphabetically, but the names under those headings, the numbers following the names, and the order in which birds are listed are in accordance with the Checklist of the American Ornithologists' Union. Some of those birds are rarely seen in Canada, but when they do occur in this country they are subject to the provisions of the Migratory Birds Convention Act and Regulations.

The fact that a certain species of migratory bird is not included in the list means only that it is not *federally* protected in Canada. It may be protected by provincial law in the province in which it occurs. Information on the status under provincial law of any bird not included in the list may be obtained from the game authorities of the province concerned. A list of such authorities is given on page 11 of the booklet.

D. A. MUNRO,

Chief,

Canadian Wildlife Service.

Ottawa, November 1, 1964.

#### List of Birds Protected in Canada Under the Migratory Birds Convention Act

	A.O.U.		A.O.U.
COMMON NAME	No.	COMMON NAME	No.
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California)	30	Common Teal	138
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Least Auklet	20	Greater Scaup	148
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		White-winged Scoter	165
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		Ruddy Duck	167
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	A.O.U.		4 0 11
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COMMON NAME	140.	COMMON NAME	NO.
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Great Crested Flycatcher		Eared Grebe	4
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Wied's Crested Flycatcher	453	Pied-billed Grebe	6
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Eastern Phoebe	456	Grosbeaks, Finches, Sparrows and Buntings:	
Black Phoebe	458	Cardinal	593
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Traill's Flycatcher (Little and		Pine Grosbeak	515
Alder)	466	Chipping Sparrow	560
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Hammond's Flycatcher	468		
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Gray Flycatcher	469.1	Glaucous Gull	42
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Vermilion Flycatcher	471	California Gull	53
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•		Mew Gull (short-billed)	55
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Gannet	117	Franklin's Gull	59
		Bonaparte's Gull	60
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Trumpeter Swan	181	Black-legged Kittiwake	40
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	A.O.U.		A.O.U.
COMMON NAME	No.	Common Name	No.
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Broad-tailed Hummingbird	432	Petrels and Shearwaters:	
Rufous Hummingbird	433	* ** **	
Allen's Hummingbird	434	Slender-billed Shearwater	96
Heloise's Hummingbird	435	Sooty Shearwater	95
Calliope Hummingbird	436	Black-vented Shearwater Pale-footed Shearwater	93
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		Cook's Petrel	98.3
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Danock's Orioic	508	Clapper Rail	208
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	A.O.U.		A.O.U.
COMMON NAME	No.	COMMON NAME	No.
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American Golden Plover (Atlantic		Skuas and Jaegers:	
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Whimbrel (Hudsonian Curlew)	265	Violet-green Swallow	615
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	249 250	Common Tern	70
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Hudsonian Godwit	251		72
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COMMON NAME	No.	COMMON NAME	A.O.U. No.
have a	-10.		140'
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Robin	761	Black-and-White Warbler	636
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Hermit Thrush	759	Worm-eating Warbler	639
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Russet-backed, etc.)	758	Blue-winged Warbler	641
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Veery	756	Orange-crowned Warbler	646
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Western Bluebird	767	(Nashville and Calaveras)	645
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Wheatear	765	Colima Warbler	647.1
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		Olive-backed Warbler (Sennett's)	649
Titmice:		Olive Warbler	651
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Mountain Chickadee	737	Cape May Warbler	650
Gray-headed Chickadee (Alaska)	738	Black-throated Blue Warbler	654
Porcel Chickeder (Haska)	739	Myrtle Warbler	655
Boreal Chickadee (Hudsonian, Acadian, etc.)	=40	Audubon's Warbler	656
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Verdin	734 746	Cerulean Warbler	658
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Black-eared Bushtit (Lloyd's)	745 745	Yellow-throated Warbler	663
Plant dated Bushitt (Eloyd's)	143	Grace's Warbler	664
		Chestnut-sided Warbler	659
Vireos:		Bay-breasted Warbler	660
Black-capped Vireo	630	Blackpoll Warbler Pine Warbler	661
White-eyed Vireo	631	Kirtland's Warbler	671
Hutton's Vireo	632	Prairie Warbler	670
Bell's Vireo	633	Palm Warbler	673
Gray Vireo	634	Ovenbird	672
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<del></del>	628	Louisiana Waterthrush	
Solitary Vireo (Blue-headed, etc.)	629		676
Red-eyed Vireo	624	Kentucky Warbler	677
Philadelphia Vireo	626	Connecticut Warbler	678
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		MacGillivray's Warbler	680
337-4-21 3 Thr **		Common Yellowthroat	
Wagtails and Pipits:		(Maryland, etc.)	681
Yellow Wagtail (Alaska)	696	Ground Chat (Rio Grande	
Water Pipit (American)	697	Yellowthroat)	682.1
Sprague's Pipit	700	Yellow-breasted Chat	683

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	A.O.U.		A.O.U.
COMMON NAME	No.	COMMON NAME	No.
Warblers (continued):		Wrens:	
Red-faced Warbler	690	House Wren	721
Hooded Warbler	684	Brown-throated Wren	721.1
Pileolated Warbler (Wilson's)	685	Winter Wren	722
Canada Warbler	686	Bewick's Wren	719
Redstart (American)	687	Carolina Wren	718
Painted Redstart	688	Cactus Wren	713
		Marsh Wren (Long-billed)	725
		Sedge Wren (Short-billed Marsh)	724
Waxwings:			717
Greater Waxwing (Bohemian)	618	Canon Wren	
Cedar Waxwing	619	Rock Wren	715
		'	
Willow Warblers, Kinglets, and Gnatcatchers:		•	
Arctic Willow Warbler (Kennicott's)	747		
Gnatcatcher (Blue-gray, etc.)	751		
Black-tailed Gnatcatcher			
(Plumbeous)	752		
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Woodpeckers: Yellow-shafted Flicker (Northern and Southern) Red-shafted Flicker Gilded Flicker Pileated Woodpecker Red-bellied Woodpecker Golden-fronted Woodpecker Gila Woodpecker Red-headed Woodpecker	412 413 414 405 409 410 411		
Acorn Woodpecker (Ant-eating,			
`California, etc.)	407		
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Red-naped, etc.)	402		
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(Texas, Cactus, etc.)	396		
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Arizona Woodpecker	398		
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Woodpecker	400		
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Mountain Three-foed Moodbecker	704		

#### List of Chief Provincial Game Officers

Information regarding birds protected by provincial game laws may be obtained from the chief game officials in the several provinces, as listed below:

British Columbia

Director, Fish and Game Branch,

Department of Recreation and Conservation,

Victoria, British Columbia.

Alberta

Director, Fish and Wildlife Division, Department of Lands and Forests,

3221—109th Street, Edmonton, Alberta.

Saskatchewan

Director, Wildlife Branch,

Department of Natural Resources,

Regina, Saskatchewan.

Manitoba

Director, Game Branch,

Department of Mines and Natural Resources,

Winnipeg, Manitoba.

Ontario

Chief, Fish and Wildlife Branch, Department of Lands and Forests,

Toronto 2, Ontario.

Ouebec

Director, Wildlife Management Service, Department of Tourism, Fish and Game,

Quebec, Quebec.

New Brunswick

Chief, Fish and Wildlife Branch, Department of Lands and Mines, Fredericton, New Brunswick.

Nova Scotia

Director of Conservation.

Department of Lands and Forests,

Box 493, Kentville, N.S.

Prince Edward Island

Deputy Minister of Industry and Natural Resources,

Charlottetown, Prince Edward Island.

Newfoundland

Director of Wildlife Management,

Department of Mines, Agriculture and Resources,

St. John's, Newfoundland.

Northwest Territories

Director, Northern Administration Branch,

Department of Northern Affairs and National Resources,

Ottawa, Ontario.

Yukon Territory

Commissioner, Yukon Territory, P.O. Box 2703,

Whitehorse, Yukon Territory.

NATIONAL PARKS BRANCH . DEPARTMENT OF NORTHERN AFFAIRS AND NATIONAL RESOURCES

CANADIAN WILDLIFE SERVICE

Environment Canada Library Saskatoon