

CANADIAN WILDLIFE SERVICE

BIRDS PROTECTED IN CANADA
Under The Migratory Birds Convention Act

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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) Columbidae 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, whip-poor-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, murre, 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**

COMMON NAME	A.O.U. No.	COMMON NAME	A.O.U. No.
Auks:		Ducks (continued):	
Razorbill	32	Gadwall	135
Common Murre (Atlantic and California)	30	Pintail	143
Thick-billed Murre (Brünnich's)	31	Common Teal	138
Dovekie	34	Green-winged Teal	139
Black Guillemot	27	Blue-winged Teal	140
Pigeon Guillemot	29	Cinnamon Teal	141
Marbled Murrelet	23	European Widgeon	136
Kittlitz's Murrelet	24	American Widgeon	137
Ancient Murrelet	21	Shoveler	142
Cassin's Auklet	16	Wood Duck	144
Parakeet Auklet	17	Redhead	146
Crested Auklet	18	Ring-necked Duck	150
Least Auklet	20	Canvasback	147
Whiskered Auklet	19	Greater Scaup	148
Rhinoceros Auklet	15	Lesser Scaup	149
Common Puffin	13	Common Goldeneye	151
Horned Puffin	14	Barrow's Goldeneye	152
Tufted Puffin	12	Bufflehead	153
		Oldsquaw	154
Cranes:		Harlequin Duck	155
Whooping Crane	204	Steller's Eider	157
Sandhill Crane (Little Brown and Florida)	205	Common Eider (Northern, American, etc.)	159
		King Eider	162
Creepers:		Spectacled Eider	158
Brown Creeper	726	White-winged Scoter	165
		Surf Scoter	166
Cuckoos:		Common Scoter	163
Mangrove Cuckoo (Maynard's)	386a	Ruddy Duck	167
Yellow-billed Cuckoo	387	Masked Duck	168
Black-billed Cuckoo	388	Hooded Merganser	131
		Common Merganser	129
		Red-breasted Merganser	130
Ducks:		Flycatchers:	
Black-bellied Tree Duck	177	Eastern Kingbird	444
Fulvous Tree Duck	178	Gray Kingbird	445
Mallard	132	Tropical Kingbird (Couch's)	446
Mexican Duck (New Mexican)	133.1	Western Kingbird (Arkansas)	447
Black Duck	133	Cassin's Kingbird	448
Mottled Duck (Florida and Louisiana)	134	Fork-tailed Flycatcher	442
		Scissor-tailed Flycatcher	443

COMMON NAME	A.O.U. No.	COMMON NAME	A.O.U. No.
Flycatchers (continued):		Grebes:	
Kiskadee Flycatcher (Derby)	449	Red-necked Grebe (Holboell's)	2
Sulphur-bellied Flycatcher	451	Horned Grebe	3
Great Crested Flycatcher		Eared Grebe	4
(Northern and Southern)	452	Western Grebe	1
Wied's Crested Flycatcher	453	Pied-billed Grebe	6
Ash-throated Flycatcher	454		
Olivaceous Flycatcher	455a	Grosbeaks, Finches, Sparrows	
Eastern Phoebe	456	and Buntings:	
Black Phoebe	458	Cardinal	593
Say's Phoebe	457	Rose-breasted Grosbeak	595
Yellow-bellied Flycatcher	463	Black-headed Grosbeak	596
Acadian Flycatcher	465	Evening Grosbeak	514
Traill's Flycatcher (Little and		Pine Grosbeak	515
Alder)	466	Chipping Sparrow	560
Least Flycatcher	467		
Hammond's Flycatcher	468	Gulls:	
Dusky Flycatcher	469	Glaucous Gull	42
Gray Flycatcher	469.1	Iceland Gull	43
Yellow-green Flycatcher (Western)	464	Glaucous-winged Gull	44
Buff-breasted Flycatcher	470a	Great Black-backed Gull	47
Coues' Flycatcher	460	Slaty-backed Gull	48
Eastern Wood Pewee	461	Western Gull	49
Western Wood Pewee	462	Herring Gull	51
Olive-sided Flycatcher	459	California Gull	53
Vermilion Flycatcher	471	Ring-billed Gull	54
Beardless Flycatcher	472	Mew Gull (short-billed)	55
		Laughing Gull	58
Gannets:		Franklin's Gull	59
Gannet	117	Bonaparte's Gull	60
		Heermann's Gull	57
Geese and Swans:		Ivory Gull	39
Whistling Swan	180	Black-legged Kittiwake	40
Trumpeter Swan	181	Red-legged Kittiwake	41
Canada Goose	172	Ross' Gull	61
Brant	173	Sabine's Gull	62
Black Brant	174		
Barnacle Goose	175	Hérons:	
Emperor Goose	176	Great Blue Heron	194
White-fronted Goose	171	Egret (American)	196
Snow Goose	169	Snowy Egret	197
Blue Goose	169.1	Little Blue Heron	200
Ross' Goose	170	Green Heron	201
		Black-crowned Night Heron	202
Goatsuckers:		American Bittern	190
Chuck-will's-widow	416	Least Bittern	191
Whip-poor-will	417		
Poor-will	418	Hummingbirds:	
Pauraque	419	Lucifer Hummingbird	437
Common Nighthawk (Eastern,		Ruby-throated Hummingbird	428
Western, etc.)	420		
Lesser Nighthawk (Texas)	421		

COMMON NAME	A.O.U. No.	COMMON NAME	A.O.U. No.
Hummingbirds (continued):		Nuthatches (continued):	
Black-chinned Hummingbird	429	Red-breasted Nuthatch	728
Costa's Hummingbird	430	Pygmy Nuthatch	730
Anna's Hummingbird	431		
Broad-tailed Hummingbird	432	Petrels and Shearwaters:	
Rufous Hummingbird	433	Slender-billed Shearwater	96
Allen's Hummingbird	434	Sooty Shearwater	95
Heloise's Hummingbird	435	Black-vented Shearwater	93
Calliope Hummingbird	436	Pale-footed Shearwater	95.1
Rivoli's Hummingbird	426	Pink-footed Shearwater	91
Blue-throated Hummingbird	427	Greater Shearwater	89
Buff-bellied Hummingbird	439	Cinereous Shearwater (Cory's)	88
White-eared Hummingbird	440.1	New Zealand Shearwater	96.2
Broad-billed Hummingbird	441	Scaled Petrel	99
		Cook's Petrel	98.3
Loons:		Fulmar (Atlantic and Pacific)	86
Common Loon	7	Fork-tailed Petrel	105
Yellow-billed Loon	8	Leach's Petrel	106
Arctic Loon (Pacific)	10	Wilson's Petrel	109
Red-throated Loon	11		
		Pigeons and Doves:	
Meadowlarks, Orioles, and		White-crowned Pigeon	314
Blackbirds:		Band-tailed Pigeon	312
Bobolink	494	Red-billed Pigeon	313
Meadowlark (Eastern,		Zenaida Dove	317
Southern, etc.)	501	White-winged Dove	319
Western Meadowlark	501.1	Mourning Dove	316
Orchard Oriole	506	Ground Dove	320
Black-headed Oriole (Audubon's)	503	Inca Dove	321
Hooded Oriole (Sennett's and		White-fronted Dove	318
Arizona)	505	Quail Dove (Ruddy)	322.1
Scott's Oriole	504		
Baltimore Oriole	507	Rails and Gallinules:	
Bullock's Oriole	508	King Rail	208
		Clapper Rail	210
Mockingbirds and Thrashers:		Virginia Rail	212
Mockingbird	703	Sora	214
Catbird	704	Yellow Rail	215
Brown Thrasher	705	Black Rail	216
Long-billed Thrasher (Sennett's)	706	Purple Gallinule	218
Bendire's Thrasher	708	Common Gallinule	219
Curve-billed Thrasher	707	American Coot	221
California Thrasher	710		
Le Conte's Thrasher	711	Shorebirds:	
Crissal Thrasher	712	American Oystercatcher	286
Sage Thrasher	702	Black Oystercatcher	287
		Semipalmated Plover	274
Nuthatches:		Ringed Plover	275
White-breasted Nuthatch	727	Piping Plover	277
		Snowy Plover	278

COMMON NAME	A.O.U. No.	COMMON NAME	A.O.U. No.
Shorebirds (continued):		Shrikes:	
Thick-billed Plover (Wilson's)	280	Gray Shrike (Northern)	621
Killdeer	273	Loggerhead Shrike	622
Mountain Plover	281		
American Golden Plover (Atlantic and Pacific)	272	Skuas and Jaegers:	
Black-bellied Plover	270	Pomarine Jaeger	36
Surfbird	282	Parasitic Jaeger	37
Turnstone (Ruddy)	283	Long-tailed Jaeger	38
Black Turnstone	284	Northern Skua	35
American Woodcock	228		
Common Snipe (Wilson's)	230	Swallows:	
Long-billed Curlew	264	Violet-green Swallow	615
Whimbrel (Hudsonian Curlew)	265	Tree Swallow	614
Bristle-thighed Curlew	268	Bank Swallow	616
Eskimo Curlew	266	Rough-winged Swallow	617
Upland Plover	261	Barn Swallow	613
Spotted Sandpiper	263	Cliff Swallow	612
Solitary Sandpiper	256	Cave Swallow (Cuban and Coahuila Cliff)	612.1
Wandering Tattler	259	Purple Martin	611
Willet	258	Gray-breasted Martin	611.2
Greater Yellowlegs	254		
Lesser Yellowlegs	255	Swifts:	
American Knot	234	Black Swift	422
Purple Sandpiper	235	Chimney Swift	423
Rock Sandpiper (Aleutian)	235a-d	Vaux's Swift	424
Sharp-tailed Sandpiper	238	White-throated Swift	425
Pectoral Sandpiper	239		
White-rumped Sandpiper	240	Tanagers:	
Baird's Sandpiper	241	Western Tanager	607
Least Sandpiper	242	Scarlet Tanager	608
Rufous-necked Sandpiper	242.2	Hepatic Tanager	609
Curlew Sandpiper	244	Summer Tanager	610
Dunlin (Red-backed Sandpiper)	243		
Short-billed Dowitcher	231	Terns:	
Long-billed Dowitcher	232	Gull-billed Tern	63
Stilt Sandpiper	233	Forster's Tern	69
Semipalmated Sandpiper	246	Common Tern	70
Western Sandpiper	247	Arctic Tern	71
Buff-breasted Sandpiper	262	Roseate Tern	72
Marbled Godwit	249	Aleutian Tern	73
Bar-tailed Godwit (Pacific)	250	Least Tern	74
Hudsonian Godwit	251	Sandwich Tern (Cabot's)	67
Sanderling	248	Caspian Tern	64
American Avocet	225	American Black Tern	77
Black-necked Stilt	226		
Red Phalarope	222		
Wilson's Phalarope	224		
Northern Phalarope	223		

COMMON NAME	A.O.U. No.	COMMON NAME	A.O.U. No.
Thrushes:		Warblers:	
Robin	761	Black-and-White Warbler	636
Varied Thrush	763	Prothonotary Warbler	637
Wood Thrush	755	Swainson's Warbler	638
Hermit Thrush	759	Worm-eating Warbler	639
Swainson's Thrush (Olive-backed, Russet-backed, etc.)	758	Golden-winged Warbler	642
Gray-cheeked Thrush	757	Blue-winged Warbler	641
Veery	756	Tennessee Warbler	647
Bluebird (Eastern, etc.)	766	Orange-crowned Warbler	646
Western Bluebird	767	Chestnut-crowned Warbler (Nashville and Calaveras)	645
Mountain Bluebird	768	Virginia's Warbler	644
Wheatear	765	Colima Warbler	647.1
Bluethroat	764	Lucy's Warbler	643
Townsend's Solitaire	754	Parula Warbler	648
Titmice:		Olive-backed Warbler (Sennett's)	649
Black-capped Chickadee	735	Olive Warbler	651
Mexican Chickadee	737	Yellow Warbler	652
Mountain Chickadee	738	Magnolia Warbler	657
Gray-headed Chickadee (Alaska)	739	Cape May Warbler	650
Boreal Chickadee (Hudsonian, Acadian, etc.)	740	Black-throated Blue Warbler	654
Chestnut-backed Chickadee	741	Myrtle Warbler	655
Tufted Titmouse	731	Audubon's Warbler	656
Black-crested Titmouse	732	Black-throated Gray Warbler	665
Plain Titmouse	733	Townsend's Warbler	668
Bridled Titmouse	734	Black-throated Green Warbler	667
Verdin	746	Golden-cheeked Warbler	666
Bushtit (Coast, California, etc.)	743	Hermit Warbler	669
Black-eared Bushtit (Lloyd's)	745	Cerulean Warbler	658
Vireos:		Blackburnian Warbler	662
Black-capped Vireo	630	Yellow-throated Warbler	663
White-eyed Vireo	631	Grace's Warbler	664
Hutton's Vireo	632	Chestnut-sided Warbler	659
Bell's Vireo	633	Bay-breasted Warbler	660
Gray Vireo	634	Blackpoll Warbler	661
Yellow-throated Vireo	628	Pine Warbler	671
Solitary Vireo (Blue-headed, etc.)	629	Kirtland's Warbler	670
Red-eyed Vireo	624	Prairie Warbler	673
Philadelphia Vireo	626	Palm Warbler	672
Warbling Vireo	627	Ovenbird	674
Wagtails and Pipits:		Waterthrush (Northern, Grinnell's)	675
Yellow Wagtail (Alaska)	696	Louisiana Waterthrush	676
Water Pipit (American)	697	Kentucky Warbler	677
Sprague's Pipit	700	Connecticut Warbler	678
		Mourning Warbler	679
		MacGillivray's Warbler	680
		Common Yellowthroat (Maryland, etc.)	681
		Ground Chat (Rio Grande Yellowthroat)	682.1
		Yellow-breasted Chat	683

COMMON NAME	A.O.U. No.	COMMON NAME	A.O.U. No.
Warblers (<i>continued</i>):		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
Waxwings:		Sedge Wren (Short-billed Marsh)	724
Greater Waxwing (Bohemian)	618	Canon Wren	717
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		
Golden-crowned Kinglet	748		
Ruby-crowned Kinglet	749		
Woodpeckers:			
Yellow-shafted Flicker (Northern and Southern)	412		
Red-shafted Flicker	413		
Gilded Flicker	414		
Pileated Woodpecker	405		
Red-bellied Woodpecker	409		
Golden-fronted Woodpecker	410		
Gila Woodpecker	411		
Red-headed Woodpecker	406		
Acorn Woodpecker (Ant-eating, 'California, etc.)	407		
Lewis' Woodpecker	408		
Sapsucker (Yellow-bellied, Red-naped, etc.)	402		
Williamson's Sapsucker	404		
Hairy Woodpecker	393		
Downy Woodpecker	394		
Ladder-backed Woodpecker (Texas, Cactus, etc.)	396		
Nuttall's Woodpecker	397		
Arizona Woodpecker	398		
White-headed Woodpecker	399		
Black-backed Three-toed Woodpecker	400		
Northern Three-toed Woodpecker	401		

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.

Quebec	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.

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