

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 1 to August 31). 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 1 and can extend to September 31, 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: [raptor conservation guidelines 2013.pdf \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/dwc-section-4.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:**
<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/guidelines.html>
- **Environment Canada's General Nesting Periods of Migratory Birds in Canada:**
<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods.html>
- **Ministry of Environment's Develop with Care website, section 4.3.2:**
<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/dwc-section-4.pdf>