

Corporate Policy

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Section:	Planning and Development	13
Sub-Section:	Sustainability Services	6870
Title:	Bird Nest Protection	2019-02

Related Policies

Number	Title
13-6870-2019-01	Naturescape Principles
12-6300-2019-01	Tree Management on City Property

Approvals

Approval Date: April 9, 2019	Resolution #: <u>RC19/140</u>
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Bird Nest Protection

Policy

It is the policy of the City of Port Moody to protect active nests and nests of protected birds year-round on City land and private property, and ensure compliance with the provincial *Wildlife Act* and the federal *Migratory Birds Convention Act*. Both of these acts prohibit the disturbance or destruction of active nests and eggs. Under the *Wildlife Act*, nests of eagles, peregrine falcons, gyrfalcons, osprey, herons, and burrowing owls are protected year-round, regardless of nest activity.

Definitions

General Nesting Period means the time period that covers most federally-protected migratory bird species for the region, and occurs from March 1 to August 31.

Qualified Environmental Professional means an applied scientist or technologist who is in good standing in British Columbia with an appropriate professional organization.

Procedures

- Avoid tree and brush clearing activities wherever possible, including areas with the need for extensive invasive plant management, during the General Nesting Period of March 1 to August 31 to protect the active nesting season of most birds and avoid contravention of the nesting bird protection provisions under the provincial *Wildlife Act* and the federal *Migratory Bird Convention Act*.
- Nests and trees with nests of eagles, peregrine falcons, gyrfalcons, osprey, herons, or burrowing owls are protected year-round, whether or not the nest is in use, and cannot be removed, damaged, injured, or molested at any time. Nest surveys for protected nests must be conducted prior to tree clearing year-round to avoid contravention of the nesting bird protection provisions under the provincial *Wildlife Act*. Authorization from the Province and/or Federal Government is required to remove or modify a tree, snag, or other vegetation containing a nest of these species.
- Tree and brush clearing may proceed during the General Nesting Period if trees or brush pose significant risk to the public or private property, or prevents safe access and use of trails, parks, and roadways.
- If tree removal during the General Nesting Period is unavoidable, a bird nest survey by a Qualified Environmental Professional, or for City projects, qualified City staff as approved by the General Manager of Environment and Parks, shall be conducted to identify any active or protected nests. Tree and brush clearing may proceed if no active or protected nests are detected.
- Works undertaken around active or protected nests must follow appropriate nesting season buffer zones and best practices to ensure compliance with the provincial *Wildlife Act* and the federal *Migratory Bird Convention Act*.

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- If active or protected nests are detected and tree or brush clearing must occur, authorization by the Province and/or Federal Government is required.
- The City will develop bylaws and ensure best management practices are followed for nest protection on private property.
- The City will develop directives through the appropriate permitting processes (e.g. development approval, rezoning, demolition, tree removal permits) that inform private landowners and developers of their requirements under the *Wildlife Act* and *Migratory Bird Convention Act*.
- The City shall provide training and resources to relevant staff on the Bird Nest Protection Policy, associated procedures, and best practices prior to the general nesting period each year.
- The City will develop best management practices and strategies that meet the objectives of the Bird Nest Protection Policy and provincial and federal legislation as needed to protect and manage nesting birds on City lands.
- The City shall publish a public reminder to private property developments and landowners of their responsibility to comply with provincial and federal legislation protecting birds and their nests when conducting tree and brush clearing prior to the beginning of the General Nesting Period.

Monitoring/Authority

This policy is to be administered and monitored by the General Manager of Environment and Parks, the General Manager of Planning and Development, and the General Manager of Engineering and Operations.

Additional Standards and Best Practices¹

The following standards and best practices should be implemented in conjunction with the Bird Nest Protection Policy, Naturescape Policy, Tree Management Policy, Tree Protection Bylaw, Development Permit Guidelines, and provincial and federal legislation. Qualified Environmental Professionals must be familiar with and reference the resources listed below, where appropriate.

Reducing Risk to Migratory Birds. Available online: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reducing-risk.html>

Guidelines for Raptor Conservation during Urban and Rural Development in British Columbia (2013). Available online: http://www.env.gov.bc.ca/wld/documents/bmp/raptor_conservation_guidelines_2013.pdf

¹ Information provided for reference purposes only. Up-to-date resources should be used whenever available.

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Develop with Care 2014 – Environmental Guidelines for Urban and Rural Land Development in British Columbia, Fact Sheet 10 – Bald Eagles and Osprey. Available online:

<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/fact-sheet-10-eagles-osprey.pdf>

Develop with Care 2014 – Environmental Guidelines for Urban and Rural Land Development in British Columbia, Fact Sheet 11 – Herons. Available online:

<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/fact-sheet-11-herons.pdf>