

The Province of British Columbia *Wildlife Act*, section 34, reads as follows:

*A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys*

*(a) a bird or its egg,*

*(b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or*

*(c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.*

The Federal *Migratory Birds Regulations* (MBR), section 6 contains general prohibitions against the disturbance and destruction of nests; section 5.1(1)(2) of the Federal *Migratory Birds Convention Act* (MBCA) prohibits the deposit of harmful substances into areas frequented by migratory birds. This includes the incidental take of migratory bird nests through destruction and disturbance through otherwise legal human activities.

Proponents and planners are advised to exhibit due diligence in regards to their responsibilities under the MBCA, and MBR. Though not limited to the following, some of the considerations in planning that can contribute to the maintenance of sustainable populations of migratory birds are:

- protection of key habitats;
- scheduling of activities to avoid the breeding season;
- conducting pre-clearing surveys for migratory bird use; and,
- identification of priority species.

With the exception of Red and White-winged Crossbills, the expected breeding season for the majority of migratory birds in the Peace Region is May 1 to July 31.