



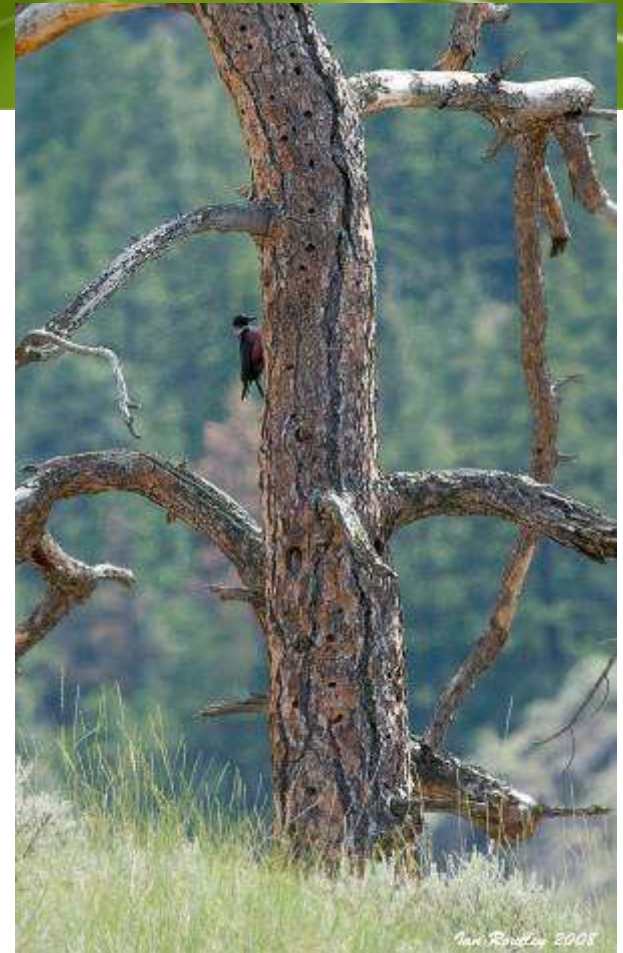
Environment
Canada

Environnement
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Canada

Wildlife Legislation relating to Agriculture

Habitat Restoration for Viticulture Workshop
Oliver, BC
Lucy Reiss
Canadian Wildlife Service, Environment Canada
March 12, 2010



Context

- Legislative responsibility for fish & wildlife is shared between federal and provincial governments.
- All Canadians have a shared responsibility to protect our natural world, and to pass on to future generations the wildlife, water, and natural resources we have today.
- These laws are in place to make sure these values are respected.



BC *Wildlife Act*

- It is illegal to attempt to capture; hunt, take, trap, wound or kill most vertebrate species.
- If you kill wildlife by accident you need to report it, unless it's an exempted species (e.g. most shrews, mice, chipmunks, reptiles, amphibians)
- This applies on all land tenures anywhere in BC (some exceptions for personal property)
- Note, red and blue-listed species are covered through these general prohibitions.



BC *Wildlife Act*

It is illegal to:

- Destroy occupied nests of (almost) any bird
 - Destroy nests of eagles, falcons, osprey, and herons at any time (occupied or not)
 - Possess, take, injure, molest, or kill a bird or its egg
(Unless as provided by regulation, permit, etc.)
- This applies on all land tenures anywhere in BC
 - Exceptions: starlings, crows, magpies, house (English) sparrows and rock doves (domestic pigeons).



Migratory Birds Convention Act, 1994

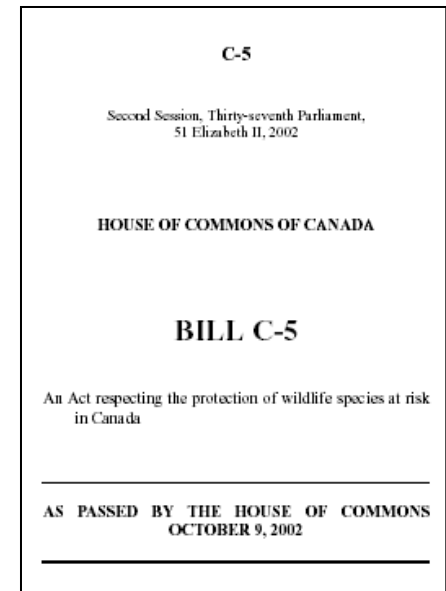
- It is illegal to disturb or destroy an active nest of a bird referenced by the MBCA unless you have a permit.
- This applies to all land tenures, anywhere in Canada.
- A lot of birds are MBCA species (exceptions: raptors, crow family, grouse).
- The core nesting season is between May and August, but some species may nest earlier / later.



Species at Risk Act (SARA) - 2002

Purpose:

- Stop or reverse declines of endangered, threatened or extirpated species'
 - Remove threats to species at risk
 - Prevent other species from becoming at risk
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- Canada and BC work together to conserve species at risk under the Accord for the Protection of Species at Risk (1996) and the Canada-BC Agreement on SAR (bilateral) (2005)



Species are considered “at risk” if:

- Species has experienced large decline in numbers
- Only a very small number of individuals remain
- Occurs only in a very small area
- Conditions for species survival are poor or may get worse



Species at Risk Protection and Recovery

Species listed on SARA Schedule 1 as Extirpated, Endangered, or Threatened have direct or indirect protection under SARA for individuals and their residences.

What species are directly protected by SARA?

- All aquatic species
- All species on federal lands
- Migratory birds
 - Also covered by MBCA



Ian Routley

How are other species protected on Provincial and Private Land?

- Provincial legislation or the SARA “safety net” may apply



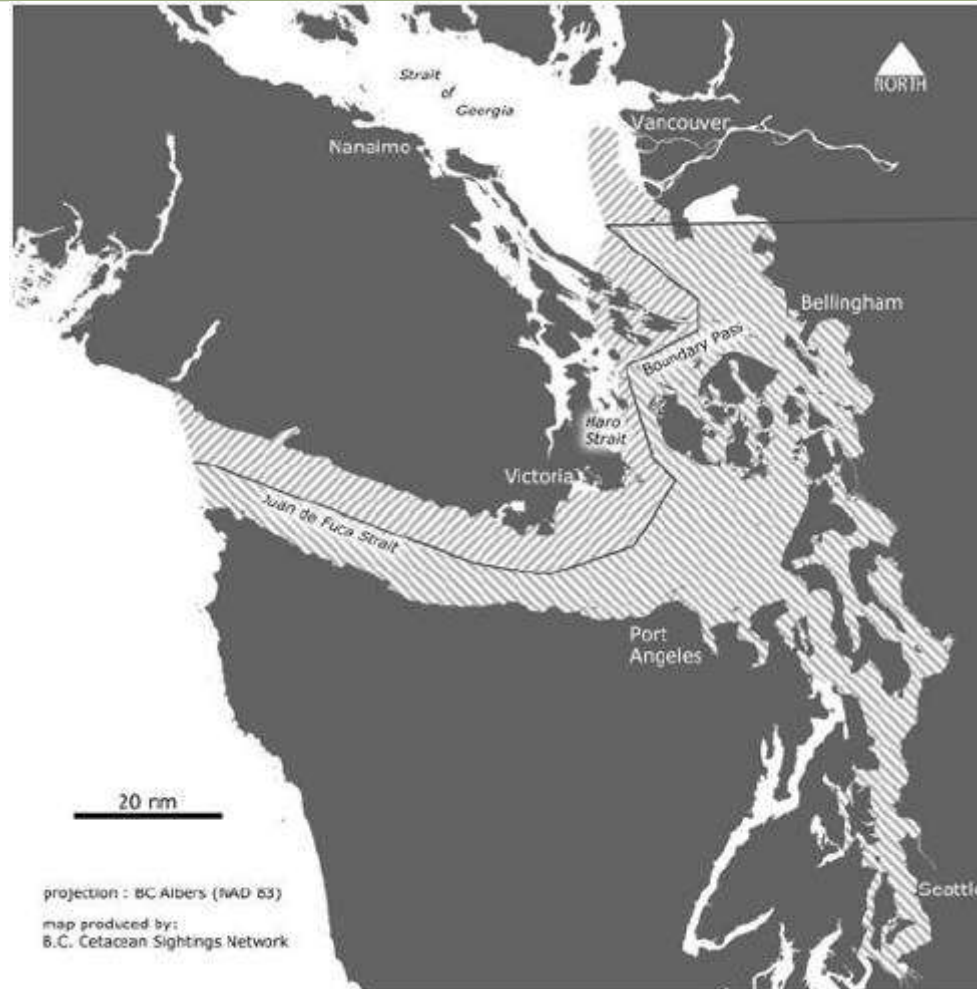
Critical Habitat



- Defined in SARA as “the habitat that is necessary for the survival or recovery of a listed species *and that is identified in the recovery strategy or action plan for the species.*”
- Once critical habitat is identified, protection measures need to be put in place, usually within 180 days after its formal identification.
- Directly affected parties will be consulted on the protection measures, and how to avoid destroying critical habitat. Some activities may be ok.

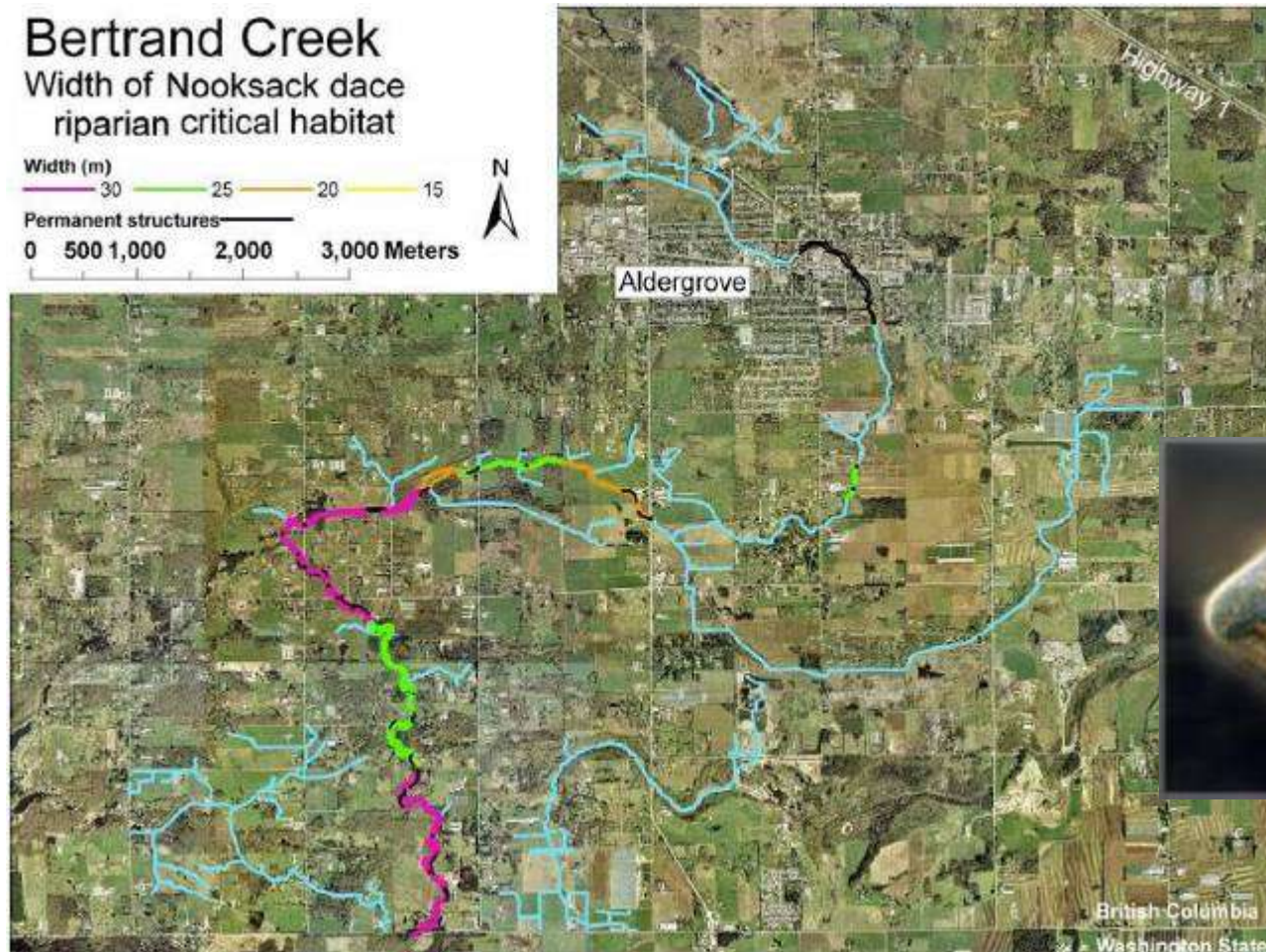
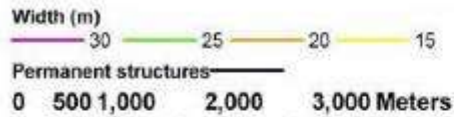


Killer Whale – southern resident CH



Part of Nooksack Dace CH

Bertrand Creek
Width of Nooksack dace
riparian critical habitat



Summary



- Avoid wounding or killing vertebrate wildlife species.
- Be careful to avoid disturbing birds and their nests; particularly occupied nests.
- Be aware of which species are listed as “at risk” and avoid disturbing them or their habitat.
- If you think you will need to do these things, you may require a permit from either Environment Canada or the BC Ministry of Environment. You will need to meet permit conditions.
- Legal requirements aside, stewardship =

