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Migratory Bird Regulations

AWA has expressed a number of concerns about Environment Canada's proposed changes to the 1994 Migratory Bird Convention Act, aimed specifically at dealing with the issue of "incidental take" of migratory birds.

In theory, the regulations surrounding migratory birds are probably as strong as any wildlife protection measures in the country. The Act prohibits the destruction or disturbance of the nests, eggs, young, or adults of any migratory birds, including common birds such as robins or crows.

But in practice, as Environment Canada background documents suggest, "many are inadvertently destroyed in the course of ongoing industrial activities and development." This inadvertent destruction is termed "incidental take." Environment Canada does not currently have the ability to issue exemptions to the regulations, so the current situation is a strong law which is, if not unenforceable, certainly unenforced.

AWA is very concerned that any changes to the *Migratory Birds Convention Act* are likely to result in a dilution of the act's effectiveness, without delivering any remedies to deal with the problems migratory birds are facing. Like the original regulations, the proposed changes talk about protecting migratory birds and their nests, but do nothing to protect the birds' habitat. As with so many pieces of provincial and federal legislation, the regulations attempt to do the impossible: to protect individual animals without doing anything to protect the places where they live.

As an example, AWA's response to Environment Canada mentions that "Even the Suffield National Wildlife Area, a supposedly protected area which falls under Environment Canada's regulatory jurisdiction and is critical migratory bird habitat, is under threat from a major new natural gas infill development. National Wildlife Area management plans must prohibit new industrial activity and phase out existing activities."

AWA's full response to the proposed changes can be seen online at issues.albertawilderness.ca/WL/archive.htm.

– Nigel Douglas

