



July 28, 2019

Caroline Ladanowski, Director  
Wildlife Management and Regulatory Affairs Division  
Canadian Wildlife Service  
Department of the Environment  
Gatineau, Quebec K1A 0H3

Dear Ms. Ladanowski:

The Pacific Seabird Group (PSG) is writing this letter to provide comments on proposed changes to the Canadian Migratory Birds Regulations, as posted on 1 June 2019 in the Canada Gazette, Part I, Volume 153, Number 22: Migratory Birds Regulations. PSG is an international, non-profit professional organization that was founded in 1972 to promote the knowledge, study, and conservation of Pacific seabirds. It has a membership drawn from the entire Pacific basin, including Canada, Mexico, Japan, China, Malaysia, Australia, New Zealand, Peru, Chile and the USA. Among PSG's members are biologists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation. PSG members serve as scientific experts and conservation leaders within their local communities, nationally and around the world.

PSG appreciates the intention behind the proposed revisions to the Migratory Birds Regulations and supports many of them, including the exemptions that would allow people to transport dead birds to researchers and/or museums without the requirement of a permit.

We would like to request a formal consultation on the proposed changes to the unoccupied nest exemption. Our understanding is that no formal consultation has been undertaken on this important issue and think that the proposed definition of "occupied nest" could be improved from a "nest does not contain a live bird or viable egg." Given that actively used nests can be at various stages of the breeding season, a more nuanced definition that allows for critical time periods between nest construction and egg laying and/or situations of nest predation where birds are preparing to relay would provide increased clarity while simultaneously expanding the scope of the protection to be more precautionary. Some species, including seabirds such as gulls, will relay if their first egg or clutch has been lost, and they can use the same nest to do so. This means that an empty nest may still be active within a given breeding season. To address this

issue, we suggest revising the definition of an unoccupied nest to state that it is a nest that “does not show evidence of use or occupation by a live bird, including containing a bird or viable egg.”

PSG is also concerned about the omission of two particular seabird species from Schedule 1 in the proposed regulations. Both Cassin’s Auklet (*Ptychoramphus aleuticus*) and Ancient Murrelet (*Synthliboramphus antiquus*) are listed as Species of Special Concern under the Species at Risk Act (SARA) and are not covered by SARA “residence” protections. As such, both species should be added to Schedule 1.

In addition, there are several Canadian breeding seabird species that do not build nests but use established nest sites that can be equated to nests. Because most sites for these species are used year after year and damage to a site might render it unusable, the following species would need to be included in Schedule 1: Common Murre (*Uria aalge*), Thick-billed Murre (*Uria lomvia*), Razorbill (*Alca torda*) and Black Guillemot (*Cepphus grille*).

Given the potential scenario in which birds experience a year in which breeding does not occur (for example, years of oceanographic anomalies such as El Niño Southern Oscillation for seabirds), we would like to suggest a 24-month window for all seabirds, perhaps adding the following text, “ 24 months or two breeding seasons, whichever is shorter.”

Although minor in nature, we would also like to request that the scientific names for Pigeon Guillemot, *Cepphus columba*, and Horned Puffin, *Fratercula corniculata*, be corrected in the proposed list of species in Schedule 1.

Thank you for considering our comments, and please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Peter J. Hodum".

Peter Hodum, Ph.D.

Vice-Chair for Conservation