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**Migratory Birds Regulations, 2022 (SOR/2022-105)**  
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 Regulations are current to 2024-04-01 and last amended on 2023-06-23. [Previous Versions](#)

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## Migratory Birds Regulations, 2022

SOR/2022-105

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Migratory Birds Regulations, 2022

P.C. 2022-523 2022-05-19

Her Excellency the Governor General in Council, on the recommendation of the Minister of the Environment, makes the annexed *Migratory Birds Regulations, 2022* pursuant to

(a) subsection 12(1)<sup>9</sup> of the *Migratory Birds Convention Act, 1994*<sup>5</sup>;

<sup>5</sup>S.C. 2009, c. 14, s. 101

<sup>9</sup>S.C. 1994, c. 22

(b) subsection 16(1)<sup>6</sup> and section 17 of the *Canada National Parks Act*<sup>4</sup>;

<sup>4</sup>S.C. 2009, c. 14, s. 29

<sup>6</sup>S.C. 2000, c. 32

(c) subsection 5(1) of the *Environmental Violations Administrative Monetary Penalties Act*<sup>8</sup>.

<sup>8</sup>S.C. 2009, c. 14, s. 126

### Interpretation

#### Definitions

**1 (1)** The following definitions apply in these Regulations.

**Act** means the *Migratory Birds Convention Act, 1994*. (*Loi*)

**aircraft** includes an air vehicle that does not have a pilot on board. (*aéronef*)

**bait** means any feed, or imitation feed, that may attract migratory birds. (*appât*)

**chief provincial wildlife officer** means a person appointed as chief or director of a provincial authority responsible for the administration of a provincial wildlife act. (*agent provincial en chef de la faune*)

**contact information** means postal address, email address, if any, and telephone number. (*coordonnées*)

**daily bag limit** means, in respect of a species, or group of species, of migratory game birds or murre, the maximum number of birds that a person may kill or take in a day in a given area as set out in column 5 of Table 1 or, if applicable, of Table 2 of the relevant Part of Schedule 3, for that area and that species or, if the Minister has altered the daily bag limit under section 19, the limit established by the Minister. (*maximum de prises par jour*)

**egg** means the egg of a migratory bird and includes parts of the egg. (*oeuf*)

**game officer** means a person who is appointed as a game officer under section 6 of the Act. (*garde-chasse*)

**habitat conservation stamp** means a stamp issued for the following purposes set out in the Certificate of Continuation of Wildlife Habitat Canada dated July 11, 2014, as they relate to migratory birds:

(a) to promote the conservation, restoration and enhancement of wildlife habitat in order to retain the diversity, distribution and abundance of wildlife;

(b) to provide a funding mechanism for the conservation, restoration and enhancement of wildlife habitat in Canada; and

(c) to foster coordination and leadership in the conservation, restoration and enhancement of wildlife in Canada. (*timbre de conservation des habitats*)

**holder** means, with respect to a permit, a person to whom a permit, that remains valid, was issued. (*titulaire*)

**hunt** means chase, pursue, worry, follow after or on the trail of, lie in wait for, or attempt in any manner to capture, kill, take, injure or harass a migratory bird, whether or not it is captured, killed, taken, injured or harassed. (*chasser*)

**lure crop area** means an area of cropland that, under an agreement between the Government of Canada and the government of a province, remains unharvested for the purpose of luring migratory birds away from other unharvested crops nearby and that is designated as such an area by a sign. (*zone de cultures de diversion*)

**lure station area** means an area established under an agreement between the Government of Canada and the government of a province where bait is deposited for the purpose of luring migratory birds away from unharvested crops nearby, and designated as such an area by a sign. (*zone de diversion*)

**minor** means an individual who has not attained the age of 18 years. (*mineur*)

**open season** means, in respect of a species, or group of species, of migratory game birds or murre, any season during which birds of those species may be hunted in an area as set out in column 4 of Table 1 or, if applicable, Table 2, of the relevant Part of Schedule 3 or, if the Minister has altered the open season under section 19, the open season established by the Minister. (*saïson de chasse*)

**overabundant species** means a species of migratory game bird that causes damage or is likely to cause damage to agricultural, environmental or other similar interests as a result of the rate of increase of the population of that species or the abundance of that population, and that is set out in column 2 of Table 2 of any Part of Schedule 3. (*espèce surabondante*)

**permit** means a permit issued under these Regulations. (*permis*)

**possession limit** means, in respect of a species, or group of species, of migratory game birds or murre, the maximum number of birds that a person may have in their possession at any time in an area set out in column 3 of Table 1 or, if applicable, of Table 2 of the relevant Part of Schedule 3 or, if the Minister has altered the possession limit under section 19, the possession limit established by the Minister. (*maximum d'oiseaux à posséder*)

**preserved** means, with respect to a migratory game bird, one that has

(a) been eviscerated and plucked in any location and then been frozen, made into sausage, cooked, dried, canned or smoked in a location other than the hunting area;

(b) in a location other than the hunting area, had its edible portions removed from its carcass and then been frozen, made into sausage, cooked, dried, canned or smoked; or

(c) been mounted for taxidermy. (*préparé*)

**Wildlife Habitat Canada** means the corporation without share capital incorporated under Part II of the *Canada Corporations Act* by letters patent dated February 24, 1984, and continued in accordance with subsection 297(1) of the *Canada Not-for-profit Corporations Act* on July 11, 2014. (*Habitat faunique Canada*)

#### Definitions – Act and Regulations

**(2)** The following definitions apply in the Act and in these Regulations.

**buy** includes offering to buy. (*acheter*)

**exchange** includes offering to exchange, bartering and offering to barter. (*échanger*)

**sell** includes offering for sale and exposing for sale. (*vendre*)

#### Definition of commercial transaction

**(3)** For the purposes of the Act, **commercial transaction** includes renting and offering to rent.

#### Benefits

**(4)** For the purposes of these Regulations, any gift for which the giver receives any benefit, including a tax benefit, is considered a sale.

#### Period

**(5)** In these Regulations, unless otherwise specified, where a period of time is set out, the period shall not exceed 12 months from beginning to end.

### Application

#### Migratory birds

**2** These Regulations apply in respect of migratory game birds, migratory insectivorous birds and migratory non-game birds referred to in the Convention, but do not apply to any such birds raised in captivity that can readily be distinguished from wild migratory birds by their size, shape or plumage.

#### Canadian waters

**3** Any provision of these Regulations that applies to a province, or any part of a province, applies to Canadian waters adjacent to that province or that part of that province.

#### PART 1

### General

#### Application

##### Scope

**4** This Part sets out general rules of migratory birds. These rules also apply, unless otherwise stated, to activities and permits referred to in Parts 2 to 4.

### Prohibitions

#### Prohibitions

**5 (1)** A person must not engage in any of the following activities unless they have a permit that authorizes them to do so or they are authorized by these Regulations to do so:

(a) capture, kill, take, injure or harass a migratory bird or attempt to do so;

(b) destroy, take or disturb an egg; and

(c) damage, destroy, remove or disturb a nest, nest shelter, eider duck shelter or duck box.

#### Exceptions

**(2)** However, the following may be damaged, destroyed, removed or disturbed without a permit:

(a) a nest shelter, eider duck shelter or duck box that does not contain a live bird or a viable egg;

(b) a nest that was built by a species that is not listed in a Table to Schedule 1 if that nest does not contain a live bird or a viable egg; and

(c) a nest that was built by a species that is listed in a Table to Schedule 1 if the following conditions are met:

(i) the person who damages, destroys, removes or disturbs that nest provided a written notice to the Minister a number of months beforehand that corresponds to the number of months set out in column 3 of the relevant Table to that Schedule for the species, and

(ii) the nest has not been used by migratory birds since the notice was received by the Minister.

#### Prohibition – baiting

**6 (1)** A person must not deposit bait in an area set out in Schedule 3 during the period beginning 14 days before the first day of the first open season after July 1 of a calendar year for the area and ending on the last day of the last open season before July 1 of the following year for that area.

#### Exception – authorization

**(2)** Despite subsection (1), a person may deposit bait in a place if, at least 30 days prior to depositing the bait, they

(a) obtain, with respect to a given period, the consent in writing of

(i) every landowner, lessee, tenant and occupant whose land is located within 400 m of that place,

(ii) the Minister, and

(iii) the chief provincial wildlife officer or a provincial game officer who is authorized by that chief provincial wildlife officer to give the consent; and

(b) post at locations that are 400 m from the place bait is deposited signs whose type and wording comply with the Minister's instructions.

#### Exception – banding

**(3)** Despite subsections (1) and (2), a holder of a scientific permit may, at any time and in any place, deposit bait for the purpose of banding birds.

#### Exception – other scientific purposes

**(4)** Despite subsections (1) and (2), a holder of a scientific permit or their nominee may, at any time, deposit bait within the confined location specified in the permit, for scientific purposes other than banding.

#### Sign

**(5)** A person who engages in baiting in accordance with subsection (3) or (4) must post a sign at the place where bait is deposited that is of a type and wording specified in the permit and that indicates the number of the scientific permit.

#### Lure crop and lure station areas

**7 (1)** A person must not enter a lure crop area or a lure station area unless authorized in writing by the chief provincial wildlife officer or the Minister.

#### Prohibition on hunting

**(2)** A person must not hunt a migratory game bird in a lure crop area or a lure station area unless the area has been declared open for hunting by the chief provincial wildlife officer or the Minister.

#### Signs related to prohibited activities

**8 (1)** A person must not destroy, damage, alter or remove a sign whose purpose is to prevent an activity referred to in subsection 5(1) and that is lawfully erected by or under the authority of the Minister or a game officer.

#### Signs related to bait

**(2)** A person must not destroy, damage, alter or remove a sign that has been placed in accordance with paragraph 6(2)(b) or subparagraph 61(2)(d)(i) or 62(2)(d)(i) or that designates a lure crop area or a lure station area.

#### Foreign species

**9** A person must not introduce into Canada for the purpose of sport, acclimatization or release from captivity a species of migratory bird that is not indigenous to Canada except with the consent in writing of the Minister.

#### Possession of birds and nests

**10 (1)** A person may have in their possession, for the purpose of shipping, a migratory bird that was killed, captured or taken in accordance with these Regulations or a nest that was removed in accordance with these Regulations.

#### Shipping of birds and nests

**(2)** A person who has in their possession a migratory bird or a nest under subsection (1) must ensure that it is packaged and that the exterior of the package is clearly marked with

(a) the number of any permit under which the bird was killed, captured or taken or the nest was removed;

(b) the full name and contact information of the permit holder and of the current owner of the bird or nest; and

(c) an accurate statement of the contents of the package.

### Temporary Possession

#### Possession without permit

**11 (1)** A person may, without a permit, temporarily have in their possession

(a) a migratory bird that is found dead, for the purpose of disposing of it according to applicable law, delivering it to a lab for analysis as soon as the circumstances permit or analyzing it in a lab;

(b) an injured migratory bird, for the purpose of delivering it as soon as the circumstances permit to the holder of a scientific permit referred to in section 75 that was issued for the purpose of rehabilitation; and

(c) an uninjured migratory bird that faces an immediate threat to its life, for the purpose of temporarily providing assistance to it.

#### Non-application to eggs

**(2)** Subsection (1) does not apply to eggs.

### Permits

#### Issuance by Minister

**12 (1)** The Minister may issue the following permits:

(a) a migratory game bird hunting permit referred to in section 30;

(b) the following damage or danger permits:

(i) a scaring or killing permit referred to in section 65,

(ii) an egg or nest destruction permit referred to in section 70,

(iii) a relocation permit referred to in section 71; and

(c) an airport permit referred to in section 72;

(d) a scientific permit referred to in section 75;

(e) an aviculture permit referred to in section 76;

(f) a taxidermist permit referred to in section 77;

(g) an eiderdown commerce permit referred to in section 80; and

(h) a charity permit referred to in section 82.

#### Application for permit

**(2)** A person who applies for a permit referred to in subsection (1) must

(a) subject to subsection 32(1), pay the fee set out in column 2 of Schedule 2 for that permit, if any; and

(b) provide the Minister with all the information that the Minister may require respecting the purpose for which the permit is to be used.

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