

Save Habitat and Nests of Breeding Birds

Objective: Reduce the destruction of bird nests, eggs, and the killing of young birds resulting from forest harvest activities during the breeding bird season.

The problem: Many forest bird populations have experienced steep declines recently. Among a host of modern day stressors that impact migratory forest birds, the destruction of breeding habitat and associated food sources from forest harvesting, is key. Thousands of birds migrate to Nova Scotia forests to perform their most critical task; producing young to perpetuate their species.

Migratory birds are protected under the Migratory Birds Convention Act (MBCA), which states that “*Migratory insectivorous birds and other migratory nongame birds [are subject to a] close season [that] shall continue throughout the year*” (Article II 1(b)). Regulations under the MBCA prohibit the disturbance and destruction of the nests and eggs as well as the migratory birds. (The Act requires amendments to include the protection of habitat required to sustain them (e.g. closed-canopy, mature forests, and wooded swamps) but we can utilize what is currently included in the Act to stop destroying their nests and young during the spring breeding season.)

Over-harvesting and fragmentation of forests have greatly diminished breeding habitat, particularly mature and old forests, required for thousands of migrant birds. The cumulative effects from the ‘incidental take’ of forest birds from harvest activities is silencing the annual dawn chorus of birds that many Nova Scotians once knew.

The solution: Adopt a closed harvest season, or ‘silent season’, as a best management practice on Crown lands. Private landowners can be encouraged to harvest outside the breeding season as well, and must remain cognizant that they can be charged with the same offense as Crown land operators if they are caught destroying birds and their young.

NS DNR, presently Lands and Forestry, previously contemplated the cessation of *harvest activities until the brief migratory bird nesting season was completed (at minimum, mid-May to early July)*. Industrial forestry interests were chosen over birds and other wildlife needs, and harvesting has not stopped during the vulnerable breeding period. Federal National Parks, the Medway Community Forest Coop, and many other industrial activities and projects have complied with the MBCA, but forest harvesting continues unabated during nesting season.

Finding and reporting several nests in a proposed harvest block, and reporting *evidence* of nest presence may delay harvests until most forest birds have finished nesting, and young have fledged and are able to move from harm’s way.

Method required for legal prosecution:

1. Photographs of nest (possibly with eggs or young) sufficient to allow 100% accurate identification of species, date and time recorded;
2. GPS coordinates of nest site (photo of GPS unit beside nest showing coordinates is ideal);
3. Produce photos of same site immediately after harvest, of stump(s) and damaged nest if possible, GPS location, date and time recorded (as soon as possible after cut);

4. Some evidence of who did the cut, (e.g., eye witness, photos of machinery being driven to the site, logging trucks leaving with logs, machinery at work; this one is a bit tricky because we don't want anyone getting close to the machinery or interfering with the logging operation; however, we would need to somehow confirm beyond a doubt who or which company did the cutting; and

5. the person who gathers the evidence should be able to identify the bird species that is specifically associated with the nest, eggs, or young, and must be willing to provide evidence in court. If you cannot identify the bird, contact someone who can identify the bird after you have found the nest.

For a private prosecution, the first step is to request the government authority that is responsible for enforcing the Act to act. (CWS in this case.) If CWS declines to act, then a private prosecution could be launched.

Tips to finding nests and young on Crown land:

1. Select a forest to survey that may be harvested in the coming days or weeks.
 - Drive some of the Crown lands or other forest lands and search for flagging tape/ribbons. Often ribbons of two colors mark the corners of cut blocks.
Or,
 - Visit NS Lands and Forestry Harvest Plans Map Viewer (HPMV) (<https://nsgi.novascotia.ca/hpmv/>). (The site may take a few minutes to load, and you will want to alter the settings to select the “archived folder” on left screen menu to open up all the cut areas that were posted for comment, some of which will already be harvested and others not yet harvested. Also, choosing an air photo background rather than a map background from the buttons on the right of the screen may help with realizing the extent of previous clearcuts.) Select some areas for harvest that are indicated on the Map Viewer).
 - There are several ways to transport harvest location information to the field with you. Two simple ways: 1) Choose some coordinates of harvest areas and load them into your GPS; 2) Print the map image. (An easy approach: Take a “Screen shot” by pressing “Ctrl” and “PrtScn”. Then paste the screen shot into a document or Powerpoint slide for printing. More technologically savvy folks will load the information onto a tablet or smartphone. If this is not you, simply try finding a way to transport the information you see to the field.

2. Visit the harvest area during June-early July during peak breeding/nesting season.
 - Allow adequate time for careful observation and listening.
 - Dress comfortably and avoid ticks and biting insects (e.g., wear bug jacket, gaiters or long socks, bug deterrent). Additional equipment is listed below.
 - Timing:
 - Months of mid-May to mid-July is the prime nesting season, but nests may be found up to Sept 15th.
 - Early morning is the optimal detection period to ~ 10 AM.

3. Finding nests.

- *If it were easy to find nests, we would regularly locate hundreds to thousands of nests annually, but birds masterfully conceal their nests to avoid predation. It can be nearly impossible to find nests, but some techniques can assist with locating them. Finding active nests is a worthy pursuit if our efforts result in saving young birds from logging or being run through a wood chipper.*
- Patience and intense observation are necessary, often sitting for extended periods, watching and listening. Watch for repeated sightings at a location, carrying food, glancing consistently in a certain direction.
- Consistent singing in a locality indicates a territorial male, with a nest located within the territory. Denoting the individual bird song is key.
- Familiarity with local bird species and where they nest is useful for finding nests. Some species prefer locations on trees, with some being consistently high canopy nesters. Others prefer mid-canopy, or subcanopy situations, while some nest only on conifers and others are found in hardwood forests. Check hummocks and uprootings in wet areas for ground nesters.
- Walking and waving a small switch over low vegetation can assist in revealing ground nesting birds, such as Oven birds, Hermit thrush, and Black and White warblers.
- Stop walking immediately if a bird suddenly flies up, nearly “under foot; a sign of a nest in proximity.
- Check nest cavities. Tap or scratch the base of the tree to help determine whether a cavity is occupied or wait and watch for activity over a period of 15 minutes. Use a mirror to peek in holes and crevices for eggs or young.
- Not all birds are protected under the MBCA. **See Table 1 for a list of protected species.**

4. Reporting nests, eggs, young birds.

- Mark the location of the nest by taking a waypoint near the nest. (Do not linger near the nest location or cause unnecessary disturbance.) If a GPS is unavailable, describe the location and obtain some estimated coordinates from a web-based map, such as Google maps or Harvest Plans Map Viewer.
- Mark the location by going away from the nest by 20 m or more if conditions allow and flagging three trees in a triangular pattern, tying the knot side in the direction of the nest.
- Contact the Canadian Wildlife Service (CWS) toll free 1-800-668-6767, and/or send an e-mail to ec.enviroinfo.ec@canada.ca
Atlantic Region
Canadian Wildlife Service
Environment and Climate Change Canada
17 Waterfowl Lane, P.O. Box 6227
Sackville NB
E4L 1G6
- Ask CWS to inform NS Lands and Forestry of the nesting activity or contact a local office directly.

Recommended equipment:

- Binoculars
- Flagging tape
- Bug shirt
- Compass and other navigational aids
- GPS
- Camera



A pile of wood cut in the Tobeatic Wildlife Management Area in 2019 showing hollow hardwood trees that would have functioned as nest cavities, but instead will be ground for wood chips. Some trees may have been occupied when the trees were cut.