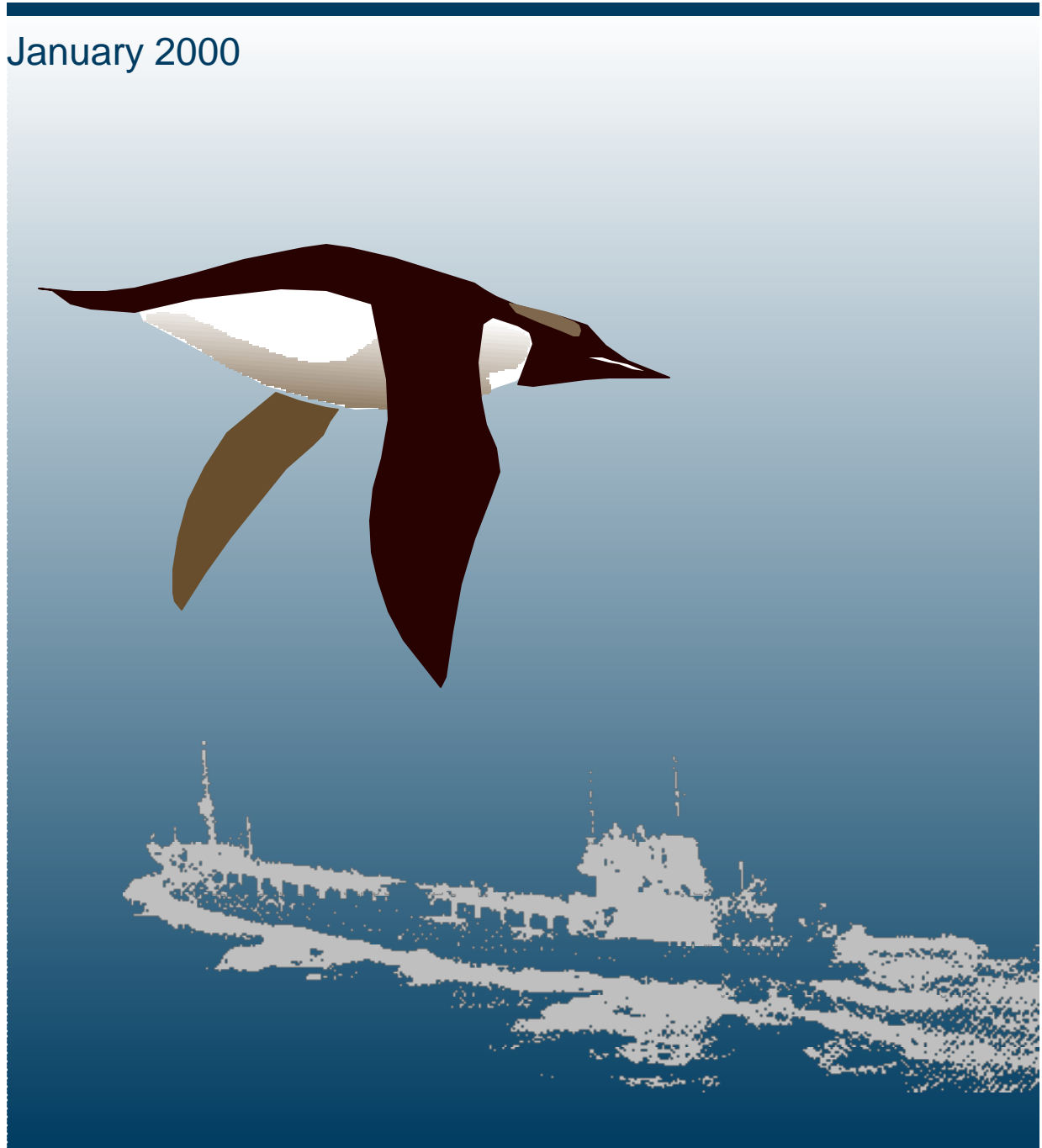

NATIONAL POLICY ON OILED BIRDS AND OILED SPECIES AT RISK

January 2000



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1. ABSTRACT

The context of the Canadian Wildlife Service's (CWS) role in response to oil spills which affect wildlife is largely set by the legislation and practices of other government agencies. For instance, changes in oil spill response protocols in Canada resulting from amendments to the *Canada Shipping Act* in 1995 removed the onus of emergency response from the Canadian Coast Guard and placed it with the polluter. Subsequently Response Organisations funded from the bulk oil cargo fee were created to respond to oiling incidents where there is a known polluter.

Some response organisations have organised an oiled wildlife response capability, and the Canadian Wildlife Service has the responsibility for licensing of bird responders and rehabilitators under the Migratory Bird Regulations, for ensuring their compliance with permits issued, for monitoring their effectiveness, and ensuring that oiled migratory birds are treated humanely.

The Canadian Coast Guard has the responsibility of monitoring an oil spill response and of taking over the response if it is seen not to be appropriate or sufficient. In a comparable role, the Canadian Wildlife Service has the responsibility of taking over a wildlife response if that initiated by a polluter is determined to be inadequate.

The Canadian Wildlife Service is charged with the administration of the *Migratory Birds Convention Act* (MBCA), a responsibility that requires management and conservation of migratory bird populations. There will be an additional responsibility for the federal government under *federal endangered species legislation* for all listed species at risk under its jurisdiction. The *Canada Wildlife Act*, also administered by CWS, broadens responsibility providing enabling mechanisms for habitat and all wildlife conservation.

The amendments to the *Canada Shipping Act* have precipitated this re-writing of the CWS 1990 oiled bird policy, but paralleling this administrative change have been changes in the public's attitudes to oiled wildlife, and increases in our knowledge of the effectiveness of different response strategies. The decision to put resources towards prevention and/or rehabilitation must be done for each oiling event and this policy will give some guidance in that regard.

Throughout Canada, Environment Canada's emergency response, and the Canadian Wildlife Service's input to the response, is mediated through the REET (Regional Environmental Emergencies Team). This organization serves to consolidate environmental advice to the responsible party and to co-ordinate aspects of a government response. Because the REET system and the *Canada Shipping Act* amendments have national scope, it is necessary that the Canadian Wildlife Service have a nationally consistent oiled birds and species at risk response policy. This Policy is consistent with the oil spill response regime that presently prevails in Canada and it replaces *Canadian Wildlife Service Policy on Oiled Birds (April 1990)*.

2. THE SCOPE OF THIS POLICY

This Policy specifies roles and approaches to be taken by CWS in the event of an oil spill, the presence of oiled migratory birds or oiled listed species at risk, as defined under federal, provincial or territorial processes. Both large and small events are addressed, with no attempt to concentrate on the "mega-spill".

All migratory bird species which may be affected by oil spills, and their terrestrial, fresh water, marine and inter-tidal habitats, are within the purview of this plan. The Policy addresses oil spill response requirements for species managed by the Canadian Wildlife Service, but combined with response plans of other agencies it forms a blueprint for dealing with all wildlife species affected by oil spills.

This Policy is for general guidance: the actual response to oiled bird incidents may vary from region to region, and from event to event.

2.1 The Policy

(Note: Given differences in regional organization within Environment Canada, CWS below is meant to imply whatever branch is tasked with the responsibility for parts of response when birds and wildlife are oiled. In all cases the responsibility is presently housed within the regional Environmental Conservation Branch or the Environmental Protection Branch of Environment Canada).

In all oil spills in the marine pelagic realm and in most spills in coastal and inland waters, the major ecological damage is that sustained by populations of waterfowl and seabirds. This is succinctly summarized by Burger:

*"Birds are the flagship victims of oil pollution."*¹

In the cold waters off much of Canada's coasts most birds die if they encounter even a tiny amount of floating oil necessary to mat a small area of their plumage. Birds that come to land are usually those which have depleted their energy reserves and are near death.

In framing this Policy effective conservation of migratory bird populations and ensuring the humane treatment of oiled birds and species at risk have been the imperatives of the Canadian Wildlife Service. As a fundamental principle CWS will concentrate its efforts during an oiling event on **preventing further damage** to wildlife. As necessary, CWS will **ensure humane treatment** (either through cleaning and rehabilitation or euthanization) of oiled wildlife. Decisions by CWS on the type and level of response and who will conduct such operations will be guided by this Policy.

CWS has a role in oil spill response in three main areas:

¹ Burger, J. , 1997. Oil Spills. Rutgers University Press.

1. Knowing and providing information on the migratory bird resource and species at risk (under CWS jurisdiction) in the area of a spill (this includes damage assessment and restoration planning after the event);
2. Minimizing the damage to birds by deterring oiled birds from becoming oiled; and,
3. Ensuring the humane treatment of captured migratory birds and species at risk by determining the appropriate response and treatment strategies which may include euthanization or cleaning and rehabilitation.

In the management of oiled birds CWS response will vary greatly with circumstances, but in general the Canadian Wildlife Service response will be guided by the priorities indicated below.

3. PREPAREDNESS

3.1 Contingency Planning

- In preparation for response to oiling incidents CWS nationally through the National Strike Team established by the CWS Executive in 1991, and regionally through the appropriate regional Environment Canada branch, will maintain contingency response plans to describe the roles and responsibilities of the organization and staff during oiling events.

3.2 Migratory Bird Resource and Species at Risk Knowledge

- CWS will collect and have readily available information on the distribution and abundance of aquatic birds and species at risk under its jurisdiction throughout the year for areas likely to be impacted by oil spills.

3.3 Training & Equipment

- CWS does not maintain inventories of equipment to respond to oiling incidents.
- CWS will rely on other organizations who have the equipment, expertise and logistic capability to mount effective responses.
- CWS will provide training and available equipment to Environment Canada staff tasked with providing a wildlife response during oiling incidents.
- CWS is not required to provide training or equipment to other agencies outside or within government, but may provide guidelines to agencies working with migratory birds.

4. RESPONSE DURING AND AFTER AN INCIDENT

In comparing the seriousness of damage to different components of an ecosystem and in setting priorities for response, CWS uses the **criterion of 'time to recovery'**. Species which are abundant and have short generation times are likely to re-establish population levels more rapidly after a spill, and are thus of lesser concern than species such as pelagic seabirds. Those birds have long generation times, and with a clutch of

only one egg, have a restricted reproductive potential. Species at risk are those which may already have much reduced populations and a negative population trajectory, or occupy limited geographical areas at different times of the year. These make large proportions of the population vulnerable to oil spill events and are thus unlikely to recover naturally following a population reduction.

During an oiling incident CWS may require specific actions from response organizations. At a minimum CWS must give approval to all initiatives taken by agencies, organizations and individuals with regard to migratory birds; including the prevention of further oiling, the salvage of birds, and the euthanization or cleaning of oiled birds. This is done largely through the issuance of permits under the Migratory Bird Regulations for various aspects of response, but may also be done through explicit approval in writing to requested response actions.

4.1 CWS Control

CWS may take control and supervise any aspect of migratory bird and species at risk response if that initiated by the polluter or others is inadequate. CWS may do this through organizations which have the expertise, logistic capability and equipment to mount such operations. Costs for such operations will be billed to the polluter.

4.2 Migratory Bird Resource and Species at Risk Knowledge

- CWS will present practical, informed and timely advice on migratory bird populations and environmental priorities to the lead agency and On-Scene-Commander through the Regional Environmental Emergencies Team (REET).
- CWS will provide input on the coordination of response activities through the REET, and approve emergency response actions taken with regard to migratory birds and species at risk under its jurisdiction.
- CWS may conduct surveys of the migratory bird resources in the area.
- CWS may document wildlife and wildlife habitat damage and socio-economic impacts accurately for restoration plans, legal action, claims from court damage awards or insurance companies and pollution funds.
- CWS may recommend and advise on monitoring programs to assess the long term impacts on bird and species at risk populations and their habitats and ecosystems.

4.3 Preventing Further Oiling

- CWS in each region will make available designated personnel to provide expert advice through REET and where appropriate to monitor activities regarding migratory birds in an oil spill response.

- As a primary responsibility CWS will assess the threat to migratory birds based on factors such as the size of spill, numbers of birds affected, presence of species at risk, time of year and location.
- Based on the threat, CWS will determine the appropriate strategy to minimize spill impacts based on techniques aimed at excluding oiled birds from the affected area. CWS will provide advice on bird hazing and bird exclusion techniques in an attempt to prevent or limit damage to wildlife populations.
- CWS may conduct bird hazing operations but generally will rely on other organizations who have the equipment and logistical expertise to mount effective bird deterrence and hazing.
- CWS will cooperate with agencies that work to remove oil and oiled wildlife from the environment, thus reducing the chances that migratory birds and other wildlife will come into contact with oil.
- Permits may be issued only to capable and qualified persons or organizations when it is necessary to: deter birds from an oiled area, operate bait stations, capture migratory birds, or provide humane treatment.
- CWS will monitor the effectiveness of any operations for which permits have been issued regarding migratory birds.

4.4 Enforcement of Canada's Laws and Regulations

CWS considers the presence of oiled migratory birds or species at risk under its jurisdiction (alive or dead) to be sufficient cause to initiate an investigation which may lead to legal action under Canadian laws and regulations.

- In cooperation with other government agencies with jurisdiction, Environment Canada enforcement officers may initiate investigations which could support subsequent prosecution of a polluter.

4.5 Humane Treatment - Euthanization or Cleaning and Rehabilitation

Often, individual oil spills do not pose a significant risk to migratory bird populations so the initiation of oiled bird cleaning and rehabilitation is done not for conservation purposes but to satisfy other objectives. The end goal of cleaning and rehabilitating birds is to have these animals successfully re-enter the breeding population – a task that is difficult and costly, and can be biologically, socially and politically controversial. There are areas in Canada and types of incidents where cleaning and rehabilitation may successfully allow many oiled birds to re-enter the breeding population. These are areas where the water is warmer and with oiled species

which respond more readily to cleaning and rehabilitation. However there are vast expanses of Canada's coastlines where the waters are generally cold or frigid and the species generally affected do not respond well to cleaning and rehabilitation. In these cases the most humane treatment is often to euthanise affected birds.

- CWS will determine the appropriate response and treatment strategies which may include euthanization or cleaning and rehabilitation. The strategy selected will be guided by this Policy and by the circumstances at the time of the incident.
- CWS will normally require cleaning and rehabilitation when birds listed as endangered or threatened, as defined under federal, provincial or territorial regulations or processes, are impacted.
- When cleaning and rehabilitation is not to be done, CWS will generally euthanise or recommend the euthanasiation of oiled birds.
- Permits may be issued to allow competent persons or organizations to hold oiled birds temporarily in captivity for rehabilitation, or to euthanize birds not likely to survive.
- Permits for wildlife rehabilitation will be issued only if the applicant has the expertise and logistic capability to carry out that function humanely and competently, and if facilities and personnel for after-care are available.
- CWS will ensure the competence and effectiveness of agencies or groups involved in the collection, cleaning or euthanasiation of migratory birds.