

Wildlife Tree Stewardship Program (WiTS)

WILDLIFE TREES AND THE LAW

In British Columbia, Wildlife Trees may be protected under both Provincial or Municipal laws. At a Provincial scale, the Wildlife Act, Section 34, states that:

A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys

- (a) a bird or its egg,
- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
- (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

The Wildlife Act provides year-round protection for a very specific list of species, and only protects the tree that the nest is in. To expand this protection, many Local Governments have developed bylaws that protect the habitat surrounding the nest trees for those species designated in the Provincial Wildlife Act. These local bylaws are often in the form of Development Permit Areas (DPAs). Each jurisdiction has its own bylaws and many areas have no protection at all for Wildlife Trees. In areas with no local tree protection bylaws, outside of the nesting season, a landowner has the right to cut down any trees right up to and beside a tree containing the nest of one of the designated bird species. During the nesting season, such an activity may 'molest' the nesting birds, and could result in an offence.

As WiTS tree monitors, we have the right to observe any wildlife tree at a distance from roads or other public land. We do not have the right to enter private land unless we have specific permission from the landowner. At most Wildlife Tree sites, we have comfortable relationships with the landowners. The local coordinators know which sites and under what conditions we can enter private lands. If you are not sure, please respect the privacy of the landowners.

If you observe or believe an offence is occurring on private land, do one or more of the following:

- Call the Conservation Officer Service at 1-877-952-7277
- Call your local government planning department or Environmental Coordinator (if there is one)
- Call your local WiTS coordinator for advice

You may take notes, record the time an offence is happening, and take photographs. Even in your role as a WiTS monitor, you do not have permission to enter private land and to confront landowners or other workers.