

Wildlife sweep conditions in the Master Schedule of Standards and Conditions

Facts about wildlife sweep conditions for public lands dispositions

Background

Several questions about wildlife sweeps have been raised regarding the expectations associated with the related Standards and Conditions that apply to dispositions covered in the Master Schedule of Standards and Conditions. Following is a guide to understanding wildlife sweeps for Alberta public lands disposition holders, licensees or permit holders.

Wildlife sweeps: what they are and how they work

Wildlife sweep definition

The Alberta Public Lands Glossary of Terms defines 'wildlife sweep' as:

“An immediate search of the proposed development for important wildlife features, including occupied raptor nests, heron rookeries (nests), occupied dens and mineral licks. The intent is to quickly assess a site, for these features, so that they may be avoided. In areas where a full wildlife survey is required, sweeps do not replace the need for a full wildlife survey. Note: osprey nests and bald eagle nests outside of the Grassland and Parkland natural regions, should be considered features to identify and buffer regardless of time of year given their large (easily identifiable) appearance and high probability of re-use.”

Area covered by a wildlife sweep

A wildlife sweep should include the proposed development site plus a 100 metre buffer around the site. This will help ensure adequate buffers are in place if needed.

Wildlife sweeps versus wildlife surveys

A wildlife sweep is not the same as a wildlife survey.

A wildlife sweep is a walkthrough of the proposed project area and surrounding site to identify important wildlife features (including but not limited to nests, dens, and hibernacula) that must be avoided during associated activities.

Wildlife surveys help provide a better understanding of species' distributions, population estimates and habitat requirements for sensitive species. Wildlife surveys may be required for specific approval conditions and have procedures detailed in the Sensitive Species Inventory Guidelines. Wildlife sweeps are required prior to any construction activity on the landscape (see below section: *When wildlife sweeps should be conducted*).

Wildlife sweep eligibility and liability

The Regulator expects that someone with the education, knowledge and experience to locate and identify wildlife features will conduct the wildlife sweep.

The liability for a wildlife sweep rests with the Disposition Holder, Licensee or Permit Holder. For example, if the Disposition Holder, Licensee or Permit Holder does not report a known site, or if a wildlife feature (including but not limited to a nest, den or house) is destroyed due to an inadequate sweep, an investigation and charges under the *Wildlife Act* may be pursued.

Wildlife research permits and wildlife sweeps

A wildlife research permit is not required to conduct a wildlife sweep.

A wildlife sweep is not an inventory of wildlife, but a search for wildlife features specific with Master Schedule of Standards and Conditions requirements. As such, no disturbance to wildlife should result from the sweep; consequently, a research permit is not required.

If, however, an occupied nest or den is discovered for species covered under the Alberta *Wildlife Act*, the Act provides protection of that nest or den and the associated wildlife. Therefore, the individual conducting the survey should take all precautions to ensure that any occupied wildlife feature like a nest or den is not disturbed.

FWMIS searches versus wildlife sweeps

A Fisheries and Wildlife Management Information System (FWMIS) search is not an acceptable substitute for a wildlife sweep.

A FWMIS search is recommended as a background check for features prior to conducting a field search; but, it is not a substitute. A wildlife sweep must be completed prior to any activity as nests, dens or other features could be detected that are not captured in FWMIS.

Occupied nests and occupied dens

An occupied nest is one that is presently being used by wildlife as confirmed through the visual presence of a bird, or evidence of territorial displays, fresh feces and/or feathers. A raptor nest will retain 'active' designation during the winter following nesting activity, through the next year, with the 'active' designation being dropped on June 1 of the second year of inactivity. If no other nesting structures (trees, platforms) are available within a one kilometer radius of the nest, the nest will retain 'active designation'.

An occupied den is one that is presently being used by wildlife as confirmed through the visual presence of an animal, or the evidence of territorial displays, fresh feces, signs of digging/excavation, and/or tracks. Occupancy will also vary by season (example: breeding den versus hibernation den), and should be considered when conducting the wildlife sweep.

When wildlife sweeps should be conducted

Since companies are accountable to avoid violating the *Wildlife Act*, a company should perform a wildlife sweep as close to the first day of construction as possible to ensure no nests or dens were created on the lands under disposition between the sweep and start of construction.

The wildlife sweep must be completed during daylight hours and appropriate weather conditions. It is also recommended that a company performs a wildlife sweep as part of their initial site assessment to ensure any features are accounted for during planning activities and can be avoided during future operations.

Reporting requirements if a feature is found

As per the Master Schedule of Standards and Conditions document, the Disposition Holder must submit results from a wildlife sweep to the Fisheries and Wildlife Management Information System (FWMIS) and notify the issuing Regulatory Body in writing upon request that the wildlife sweep was completed. Documentation of proof of sweep should be retained in case of future compliance issues.

Setback requirements if a feature is found

As per the Master Schedule of Standards and Conditions document, a minimum of 100 metre setback is required for all identified features covered by the *Wildlife Act* but larger setbacks may be required depending on the species identified. Species-specific setback tables are in the Master Schedule of Standards and Conditions.

Any activity proposed within the setback of an identified feature will require a non-routine application. If the disposition is already issued, and a new wildlife feature is identified within an applicable setback, contact the appropriate regulator to determine the necessary steps required prior to entry.

Wildlife sweeps and the *Migratory Birds Convention Act*

The *Migratory Birds Convention Act* (MBCA) is a federal Act; consequently, the Government of Alberta or Alberta Energy Regulator (AER) are not in a position of authority to grant deviations or interpretation on the MBCA.

To determine additional requirements/expectations in relation to the *Migratory Birds Convention Act*, the applicant should contact Environment and Climate Change Canada staff.