



June 10, 2021

Canadian Wildlife Service
Pacific & Yukon Region
5421 Robertson Road
RR1, Delta, BC
V4K 3N2

Victoria City Hall
1 Centennial Square,
Victoria, BC V8W 1P6

RE: City of Victoria By-law No. 11-044 within the Victoria Harbour Migratory Bird Sanctuary

To City of Victoria Mayor Lisa Helps and Council;

I am writing to you with respect to the issue of sanctioned off-leash dog areas within the Victoria Harbour Migratory Bird Sanctuary (VHMBS).

A portion of the VHMBS lies within the City of Victoria boundaries. Certain federal regulations apply in the migratory bird sanctuary, including subsection 5(1) of the *Migratory Bird Sanctuary Regulations*, which states, “no person who owns a dog or cat shall permit the dog or cat to run at large in a migratory bird sanctuary”.

For more information on the *Migratory Bird Sanctuary Regulations* and *Migratory Birds Convention Act* please see:

- https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1036/index.html
- <https://laws-lois.justice.gc.ca/eng/acts/M-7.01/>

For clarity, subsection 5(1) of the *Migratory Bird Sanctuary Regulations* requires an owner to have continuous and effective control of their animal within a migratory bird sanctuary by restraining or constraining it to ensure that the dog or cat is not capable of disturbing, harassing, harming or killing a migratory bird, their eggs, or their nest. Typical ways to restrain or control an animal include: a leash, transport carriage or cage, attaching them to a static object, holding tightly on the animal’s collar, or holding the animal in the owner’s arms. Effective control, or lack thereof, will be assessed on a case by case basis by a Wildlife Enforcement Officer.

Coastal areas are important for wildlife and used by birds for migration stopovers, wintering sites, and breeding, foraging and roosting locations. Dogs can cause disturbance to birds that results in displacement, reduced foraging rates, nest abandonment, increased alert behaviours, and even increased mortality. Many bird species within the VHMBS are facing population-level stressors and even widespread declines. Eleven birds species that are also highly susceptible to dog disturbance are species at risk listed under the Schedule 1 of the federal *Species at Risk Act* and/or red/blue/yellow listed under provincial legislation.

Over the past few years Environment and Climate Change Canada (ECCC) has received numerous complaints from the public regarding the negative interaction of off-leash dogs with migratory birds within Migratory Bird Sanctuaries in the greater Victoria area. To gain a further understanding of the extent of and impacts related to this issue, and to better inform compliance promotion needs, the Canadian Wildlife Service (CWS) of ECCC has recently undertaken a study of the impacts of dogs to migratory birds within the Victoria Harbour, Shoal Harbour and Esquimalt Lagoon Migratory Bird Sanctuaries. CWS intends to finalize this study and make it publically available in the next year. In the interim, and with the interest of working with municipalities on next steps, CWS would be pleased to circulate a confidential draft version of this report to the City of Victoria for review and comment.

The public complaints and recent study both highlight the inconsistency between the City of Victoria Bylaw No.11-044 and Subsection 5 (1) of the MBSR. The MBSRs continue to apply despite local by-laws; however, portions of City of Victoria Bylaw No.11-044 counter to the purposes of subsection 5(1) of the MBSRs and create confusion for the local public. As such, we request that changes be made to the bylaws to address the inconsistency between the City of Victoria Bylaw No. 11-044 and subsection 5(1) of the MBSR.

We understand that the City of Victoria Council is discussing how to proceed with respect to dogs off leash. We would appreciate being apprised of the results of your discussions. In particular, we would request that that you indicate what steps, if any, Victoria would propose to take to rectify the inconsistency between the bylaw and section 5(1) of the MBSR.

My staff look forward to working with the City staff to craft a collaborative path forward that will provide clarity, reduce conflict, and align our regulations to the extent possible.

Thank you for your time and attention on this matter.

Ian Parnell

Acting Regional Director, Canadian Wildlife Service – Pacific Region
Environment and Climate Change Canada
5421 Robertson Road, Delta, BC, V4K 3N2
[REDACTED]

Cc. Ken Brock, Manager, Conservation Planning and Stewardship, Canadian Wildlife Service;
Ailish Murphy, Head, Protected Areas – Pacific Region, Canadian Wildlife Service;
Erin Roberts, Habitat Officer, Protected Areas – Pacific Region, Canadian Wildlife Service.
Justin Ziola, Wildlife Officer- Wildlife Enforcement Directorate - Pacific & Yukon Region

Attached: Map of the Victoria Harbour Migratory Bird Sanctuary

Attachments



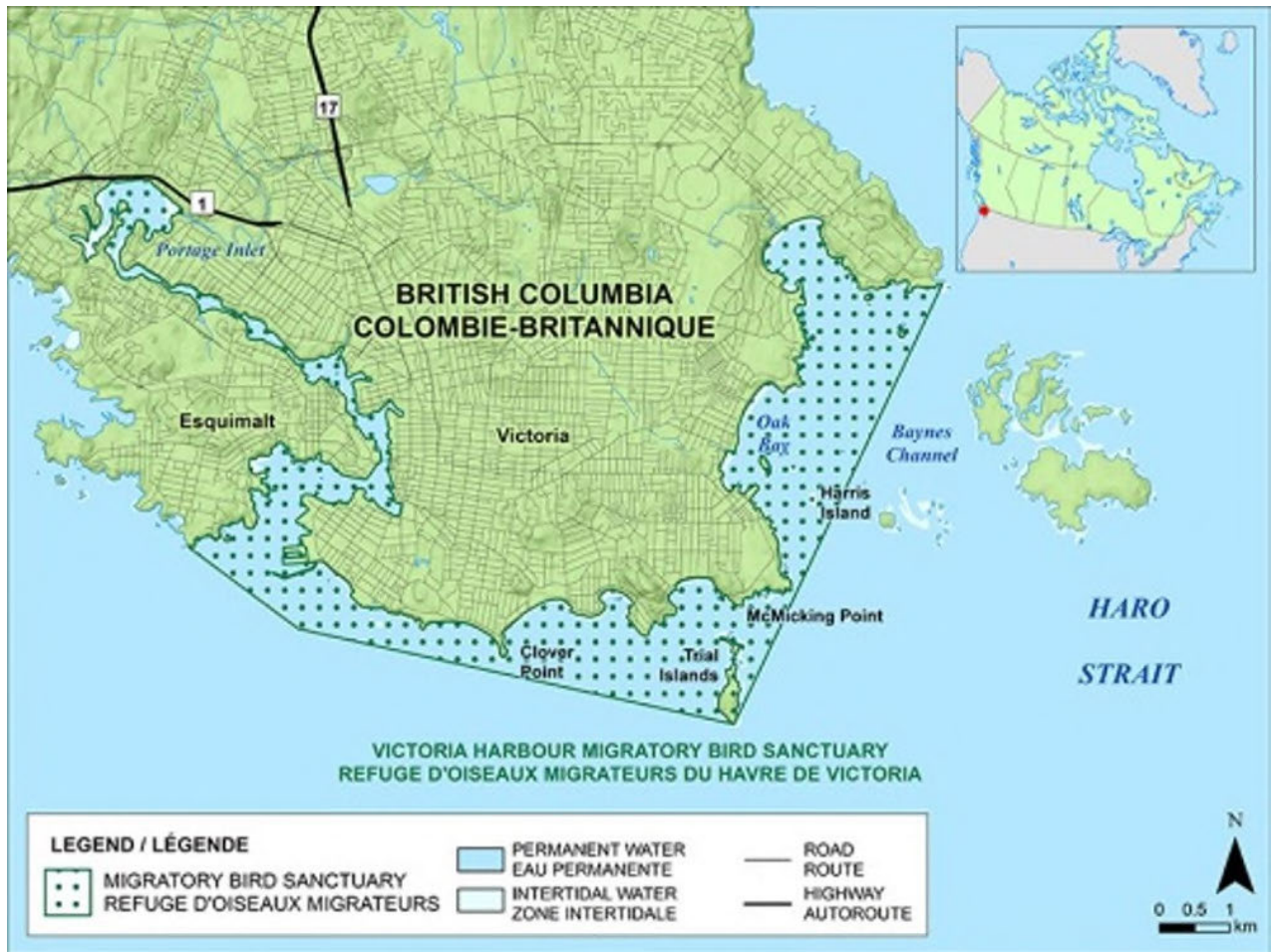


Figure 1. Location of the Victoria Harbour Migratory Bird Sanctuary