



**Press Release, For Immediate Release:** June 22, 2022

## **Another Active Bird Nest Stops TMX Pipeline: Red-breasted Sapsucker Halts Construction near Chilliwack, B.C.**

Unceded Xwchiyo:m (Cheam) Sto:l'o Territory (Chilliwack, BC) - For the second year in a row an active bird nest dramatically halts construction on the Trans Mountain Expansion (TMX) pipeline. On Monday June 6th, work stopped near Bridal Falls because of an active Red-breasted Sapsucker nest found by the Community Nest Finding Network - and missed by Trans Mountain.

On [June 6, 2022](#), a family of red-breasted sapsuckers gave pipeline opponents reason to celebrate a memorable anniversary. A year ago, the Community Nest Finding Network (CNFN) had worked with [Anna's hummingbirds](#) and [black-capped chickadees to effectively stop construction for several months](#) on the TMX pipeline. Under the Federal Migratory Birds Convention Act (MBCA), active bird nests are protected, and may not be damaged or threatened.



*Hard-working parents swap out of the nest, Saturday morning in a rural area near Chilliwack.*

Early this month, the bird protection group CNFN responded to a call from a resident near Chilliwack concerned that TMX was tree clearing during nesting season, while hundreds of birds were nesting in the forest. CNFN investigated and documented an obvious and easily-visible red-breasted sapsucker nest, as well as several other species of nesting pairs.

CNFN co-founder, Sara Ross, said, "Trans Mountain will try to deny that anything unusual happened here, but we have video and audio footage of their contractors first telling us they were going to cut, and then telling us that they had stopped work because they'd been

alerted to the nests. They were onsite to clearcut this forest, but on Monday morning we stopped them again. This sapsucker mama stopped them with our help.”

She continued “It is shocking that Trans Mountain biologists failed to locate or report these nests. Every time that the CNFN has investigated a Trans Mountain site just before the chainsaws, we have discovered nests about to be destroyed. The corporate methodology of so-called “nest sweeps” used to locate nests clearly doesn’t work.”

**Ross concluded, “If Trans Mountain is not finding active nests like this easy-to-see sapsucker nest then they should not be allowed to cut trees in peak nesting season.”**

Like other woodpeckers, sapsuckers are important ecosystem engineers. According to Cornell Lab's All About Birds [website](#): "Sapsuckers are important members of their ecosystems, because many species of insects, birds, and mammals use the sapwells to supplement their own diets."

Accompanying the CNFN onsite, Xwchiyo:m-Stol:o Matriarch Denise Douglas and Indigenous Matriarch Cynthia Myran were ready to harvest traditional plants. “The medicine plants are so rich. They should not be wasted or destroyed” says Myran. Douglas expressed concern for the native red squirrels living in the forest. “They’ve only recently returned to the area and they have babies so cutting trees now is not right.”

Stol:o Elder & Wild Salmon Warrior, Eddie Gardner welcomed the CNFN, “We Stol:o are people of the ‘Fraser River’ and this pipeline threatens our main traditional food source, wild salmon, as well as for all Indigenous peoples up & down this River.” The new TMX pipeline was sold as a ‘twinning’ but is actually a double-wide clearcut that crosses thousands of waterways over 1150 km of unceded Indigenous land.

**Work will remain stopped until the young sapsuckers, and baby birds from other documented nests, can fledge.**



*Trans Mountain construction work stopped by nesting birds near Bridal Falls.*

CNFN co-founder, Donna Clark, said, “We demand a halt to active felling and clearing activities until after the migratory bird nesting season is completed. Bird nests are federally protected under the MBCA. Our position aligns with best practices recommended by Environment and Climate Change Canada, that Trans Mountain should not be cutting any trees in the nesting season, which lasts well into August in Coastal areas. More to the point,

Trans Mountain's due diligence is a sham and they shouldn't be allowed to cut trees in the height of nesting season."

To follow up, CNFN submitted their [Nest Finding Report](#) and is filing a Notice of Motion, an official form of complaint within the Canadian Energy Regulator (CER) filings system. CER regulates the operations and construction of pipelines. TMX has 156 environmental & other conditions that it must comply with, and not disturbing nests is part of that.

## Photo, video, & social media content

- **Photographs:** <https://photos.app.goo.gl/dEe6rdYef2DN5GFk9>  
More photos available on request: [communitynestfindingnetwork@gmail.com](mailto:communitynestfindingnetwork@gmail.com)
- **Video of the Bridal Falls sapsucker nest:**  
<https://vimeo.com/722688788/6e0fbfcbd4>
- **Facebook post:**  
<https://www.facebook.com/donnaclarkbc/posts/pfbid02nGpAs1ZzmQG3Xdgzo5a6vx3EafgHVLrF7DLuEKKWniAg8ZWPEXjpnizXKZ7VuHqcl>
- **IG post:** <https://www.instagram.com/p/CerFqM8pGu/>

## Who is the Community Nest Finding Network (CNFN)?

The Community Nest Finding Network is a group of birders and concerned citizen scientists who united in 2021 out of concern for nesting birds in forests of Burnaby that were slated for destruction by the TMX pipeline. They use a rigorous methodology, based on best practices as recommended by Environment and Climate Change Canada, where the emphasis is on non-invasive observations over relatively long periods of time.

CNFN is part of Protect the Planet, a coalition opposed to tar sands expansion and the Trans Mountain Expansion pipeline.

For more info: [StopTMX.ca](http://StopTMX.ca) • [facebook.com/StopTMX](https://facebook.com/StopTMX) • @PPSTMX1

# # #

## CONTACT

Sara Ross • 778-898-0464 • [redsara@gmail.com](mailto:redsara@gmail.com)

## Background Resources

**Community Nest Finding Network Field Report, Popkum / Bridal Falls.** June 4, 2022:  
<https://drive.google.com/file/d/1Bh5539CnCRT0UJFKWb2mJ6ceqB2b7lG/view?usp=sharing>

**Canada Energy Regulator original source,** Report on province-wide work stoppage due to bird nest destruction, including hummingbird, as well as other environmental compliance deficiencies from 2021: <https://www.cer-rec.gc.ca/en/safety-environment/industry-performance/reports-compliance-enforcement/inspection-officer-order/2021/dlb-001-2021/dlb-001-2021.html>

### The government of Canada Federal Law states:

"If there are migratory bird nests where you plan to work, activities that could disturb or destroy nests should be avoided, adapted, rescheduled or relocated.... Nests of migratory birds are protected all year. It is prohibited to damage, destroy or remove a non-active

nest," <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html#toc3>

## **“Stop work orders” in the news, 2021**

June 22, 2021. **Trans Mountain tree cutting can resume as stop-work order on pipeline route lifts.** <https://www.thestar.com/business/2021/06/22/trans-mountain-tree-cutting-can-resume-as-stop-work-order-on-pipeline-route-lifts.html>

June 3, 2022. **Trans Mountain denies this bird nest stopped more Burnaby land clearing.** <https://www.burnabynow.com/local-news/trans-mountain-denies-this-bird-nest-stopped-more-burnaby-land-clearing-3843474>

June 3, 2021 **Canada Energy Regulator orders Trans Mountain to stop tree-clearing work on project.** <https://globalnews.ca/news/7919951/canada-energy-regulator-order-trans-mountain-pipeline-trees/>

April 30, 2021. **La polémica expansión de un oleoducto en Canadá es frenada por al menos ocho nidos de colibríes**  
<https://elpais.com/clima-y-medio-ambiente/2021-04-29/la-polemica-expansion-de-un-oleoducto-en-canada-es-frenada-por-al-menos-ocho-nidos-de-colibries.html>

April 28, 2021. **Canada: hummingbirds succeed in halting controversial pipeline construction.** <https://www.theguardian.com/world/2021/apr/28/canada-hummingbird-halt-construction-pipeline>

## **Trans Mountain Expansion pipeline Background:**

The Trans Mountain Expansion (TMX) pipeline project was purchased from Texas oil giant Kinder Morgan by the federal government in 2018. On February 18 2022, Canadians received a cost update of approximately \$21.4 billion. The project is opposed by the Squamish-, Tsleil-Waututh- and Secwepemc Nations, as well as Coldwater Indian Band, who were denied leave to appeal by the Supreme Court of Canada. TMX conflicts with Canada's commitment to keep global temperatures from rising above 1.5 degree Celsius as per the Paris Climate Agreement.

The project would impact numerous drinking water sources along the route, Burrard Inlet and Tsleil-Waututh, Qayqayt and other First Nations, Burnaby Mountain and Simon Fraser University. It would also spell a 7-fold increase in tanker traffic in the Burrard inlet and an increased threat to the endangered Southern Resident Orcas. The Province of British Columbia, the State of Washington, and 20 municipalities oppose the pipeline project.

The existing Trans Mountain pipeline is already a major environmental and public health hazard with a [long history of disastrous spills](#). In June 2020, 50,000 gallons of crude [spilled](#) from a pump station above an aquifer that supplies the Sumas First Nation with drinking water. At the pipeline terminus, the thirteen 67-year old tanks are so close together it will be impossible to put out a fire, according to Burnaby Fire Department. 240,000 people live within the 4.2 km radius of the site that is considered an evacuation zone, including 32,000 members of the SFU community.

A [growing number](#) of insurers have pulled out of the pipeline project; those still involved [are facing pressure to divest](#). In November 2020, the Canada Energy Regulator [released a report](#) stating that there is no need for any pipeline expansion if Canada takes measures to curb GHGs, and [in Sept. 2020, economists warned](#) that the Trans Mountain project is no longer financially viable. Indigenous groups, as well as the final report of the National Inquiry

into Missing and Murdered Indigenous Women and Girls have pointed out the connection between resource extraction man-camps and [violence against Indigenous women](#).

The Cities of New Westminster and Burnaby officially oppose the pipeline. The coalition of groups supporting the Brunette protection camps includes, but is not limited to, Mountain Protectors, Protect the Inlet, Coast Protectors, Extinction Rebellion Vancouver, Burnaby Residents Opposing Kinder Morgan Expansion (BROKE), Climate Convergence, Dogwood, Burnaby Climate Hub, Wilderness Committee, and Babies for Climate Justice.