



BATS IN BUILDINGS

and the Emergency Listing Order for the Little Brown Myotis (*Myotis lucifugus*), the Northern Myotis (*Myotis septentrionalis*) and the Tri-colored Bat (*Perimyotis subflavus*)

The Government of Canada has added three species of bats to the List of Wildlife Species at Risk in Canada (also known as Schedule I of the *Species at Risk Act*). These three bat species - the Little Brown Myotis (*Myotis lucifugus*), the Northern Myotis (*Myotis septentrionalis*) and the Tri-colored Bat (*Perimyotis subflavus*) - have been listed as Endangered, as their survival is imminently threatened by a deadly and highly contagious disease, White-nose Syndrome (WNS).

In a province, the addition of these bats to Schedule I of the *Species at Risk Act* (SARA) means that these species are legally protected where they are found on **federal lands**. In a territory, this means that these species are legally protected where they are found on federal lands that are under the authority of the Minister of the Environment or the Parks Canada Agency. These legal protections (known as the General Prohibitions) prohibit:

- the killing, harming, harassing, capturing or taking of an individual of one of the three bat species;
- the possession, collection, buying, selling or trading of an individual or any part or derivative of an individual of one of the three species; and
- the damage or destruction of the residence of one or more individuals of one of the three species.

As required under SARA, a recovery strategy will be developed to identify actions required to address the threats to these species. It will also identify critical habitat to the extent possible. If this is not possible, a schedule of studies to identify critical habitat will be included in the recovery strategy.

How Does This Affect the Management of Bats in Buildings?

With the Emergency Listing Order in place, people managing the presence of bats in buildings on federal lands in a province, or on lands under the authority of the Minister of the Environment or the Parks Canada Agency in a territory, need to comply with the SARA General Prohibitions, including the prohibition against the killing, harming and harassing of individuals of the three bat species, as well as damaging or destroying their residences.

Under SARA, federal land includes, but is not limited to: land that belongs to Her Majesty in right of Canada, or land that Her Majesty in Right of Canada has powers to dispose of, and all waters and airspace above the land, for example: national parks, military training areas, national wildlife areas, First Nations reserve lands, Canada's territorial sea and internal waters.

What You Can Do

There are beneficial management practices that can be employed to help protect bats. Given the threats that exist for these three species of bats, please consider adopting the following practices:

- should you have bats in your building, consider whether the need to remove these bats is pressing or whether it can wait until the end of the breeding season, when the bats have left the building
- employ practices that inhibit bats from settling in homes and buildings in the first place, especially in areas where they might come in contact with people
- avoid disturbing areas occupied by bats at times of year when they are present
- prior to entering an area occupied by bats, employ decontamination practices known to be effective in destroying the fungus that causes White-nose Syndrome, a serious disease that is the main threat to these species
- consider offering the bats an alternate residence by building and installing a bat box

The Government of Canada will continue to work cooperatively with Canadians to protect these three species of bats. Stewardship activities that you would like to undertake to help these species of bats may be eligible for funding under one of the Government of Canada's stewardship programs, such as the Habitat Stewardship Program or the Aboriginal Fund for Species at Risk. For more information, please visit <http://www.ec.gc.ca/nature/default.asp?lang=En&n=FB5A4CA8-1>.

Permits

SARA provides an exemption for activities related to public safety and health that are authorized by or under any other Act of Parliament or activities under the *Health of Animals Act* and the *Plant Protection Act* for the health of animals and plants.

If this exemption does not apply and there is a risk of a contravention of SARA, people managing the presence of bats in buildings need to apply for a SARA permit.

Permits will be considered on a case-by-case basis. The permit may only be issued where:

- the activity is scientific research relating to the conservation of the species and conducted by qualified persons;
- the activity benefits the species or is required to enhance its chance of survival in the wild; or
- affecting the species is incidental to the carrying out of the activity.

In addition, permits may also only be issued where:

- all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;
- all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and
- the activity will not jeopardize the survival or recovery of the species.

More information on the SARA permitting process - including contact information - is available on the Species at Risk (SAR) Public Registry at http://www.sararegistry.gc.ca/sar/permit/permits_e.cfm#permits.

WARNING

This factsheet and any documents it refers to are intended to provide general guidance only with respect to the *Order Amending Schedule I to the Species at Risk Act*, adding three species of bats, the Little Brown Myotis (*Myotis lucifugus*), the Northern Myotis (*Myotis septentrionalis*) and the Tri-colored Bat (*Perimyotis subflavus*) to Schedule I as Endangered. They are not a substitute for the *Species at Risk Act*. In the event of any inconsistency between the factsheet, its accompanying documents and the Act, the latter prevails. The official legal publication of the *Species at Risk Act* can be found at: <http://laws-lois.justice.gc.ca/eng/acts/S-15.3/>. Individuals with specific legal concerns are urged to seek advice from their legal counsel.

For More Information

You can find more information on SARA and these three bat species by visiting the SAR Public Registry at <http://www.registrelep-sararegistry.gc.ca/default.asp?lang=En&n=073DC653-1>. More information on WNS is available on the Canadian Wildlife Health Cooperative website at http://www.cwhc-rccsf.ca/data_products_wns.php.

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