



FORESTRY

and the Emergency Listing Order for 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* [SARA]). 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 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 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 Forestry Operations?

With the Emergency Listing Order in place, those involved in forestry operations 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 prohibitions against the killing, harming or 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

Trees are sometimes used by the three species of bats as maternity roosts. Therefore, trees with active maternity roosts located on federal lands within a province or, in a territory, on federal lands that are under the authority of Environment Canada or the Parks Canada Agency would be considered residences for bats under SARA.

Bats generally use the same trees in the same forests and at the same time of the year as migratory birds. Forestry operators who already are aware of the prohibitions of the *Migratory Birds Convention Act, 1994*, and its regulations, would most likely be in compliance with the SARA prohibitions regarding destruction of a bat residence.

There are beneficial management practices that can be employed to help protect bats. Forestry operators can modify their survey techniques to include bat roosts in addition to migratory birds' nests.

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 www.ec.gc.ca/nature/default.asp?lang=En&n=FB5A4CA8-1.

Permits

In cases where beneficial management practices cannot be adopted, or where they are adopted but there is still believed to be a risk of a contravention of SARA, forestry operators would 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 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 www.sararegistry.gc.ca/sar/permit/permits_e.cfm#permits.

WARNING

This fact sheet 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 fact sheet, 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-rclf.ca/data_products_wns.php.

CW66-520/2015E-PDF
978-1-100-25610-8

For information regarding reproduction rights, please contact Public Works and Government Services Canada at 613-996-6886 or at droitdauteur.copyright@tpsgc-pwgsc.gc.ca

© Her Majesty the Queen in Right of Canada, as represented by the Minister of the Environment, 2015

Aussi disponible en français