



MINING

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 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 Mining Operations?

Bats will not generally hibernate in active mines. Active mining operations are loud and unaccommodating for hibernating bats and therefore bats will not generally hibernate in active mines. However, bats may be found hibernating in decommissioned mines.

If your mining operation is located on federal lands, it is your responsibility to first assess whether that mine is a residence/hibernation site for at least one of the three species of bats that are listed as endangered. If one or more of the three bat species is in fact using the mine, the General Prohibitions, including the prohibitions against the killing, harming or harassing the bats and/or damaging or destroying their residence, would apply.

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

Accessing an inactive mine on federal lands at any time of year may present a risk of a contravention of the General Prohibitions under SARA.

When accessing inactive mines, you may inadvertently spread the fungus that causes WNS. If the area is on federal land, this could constitute harm of the bats and/or damage or destruction of the residence, which is prohibited.

The most important thing you can do to help the bats is to ensure that you do not further spread the spores of the fungus that cause WNS.

You may wish to refrain from accessing inactive mines, especially during the winter months when bats may be using these areas to hibernate. Bats awaken easily during hibernation, and this depletes their energy stores and can cause them to die of starvation before the winter is over. By accessing inactive mines during the winter months, you may inadvertently awaken them, and this could constitute harm and/or harassment of one of these bats, which is prohibited under SARA on federal land.

If you must access an inactive mine on federal lands, you may wish to apply for a permit under SARA.

Before entering a mine anywhere at any time of year, you should employ decontamination practices known to be effective in destroying the spores of the fungus which causes WNS. These spores are very difficult to destroy. You can help by decontaminating your boots, clothes and gear especially when visiting inactive mines so that you avoid spreading WNS from one location to another.

You should also leave bats undisturbed when they are found. 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

In cases where there is a risk of a contravention of SARA, mining operators would need to apply for a SARA permit.

Permit applications are considered on a case-by-case basis. A 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-rcsf.ca/data_products_wns.php.

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