



WIND ENERGY

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 Wind Turbine Operations?

With the Emergency Listing Order in place, wind turbine owners and operators on federal lands in a province, or 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 or harming individuals of the three bat species.

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

The fall migration season is when bats are most likely to be affected by turbine operations, although some bats may also be affected in the spring. Most bat mortality takes place over a 6 to 8 week period during nights in the late summer or early fall, especially when wind speed is low. Given that the bats' main source of food (insects) do not fly during high winds, these three species of bats are less likely to be flying at turbine heights during windy weather.

The use of beneficial management practices can contribute to protect the bats. Examples of the types of practices that may be appropriate include:

Small increases to wind turbine cut-in speed have been found to reduce bat mortality by 50-90% with little reduction in power production.

- changing the angle of the blade so that the blades move slowly during low winds to reduce bat mortality (i.e. 'feathering');
- raising the start-up speed ('cut-in speed') so that turbines are not moving during low winds at night when bats are flying; and
- shutting down the turbines at night in the late summer and early fall, which may be the only option for certain older turbine models with fewer control options.

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 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, operators of wind turbines 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 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-rscf.ca/data_products_wns.php.

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