



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING NORTHERN MYOTIS (*Myotis septentrionalis*)

The Conference of Management Authorities has reached a consensus (hereafter referred to as the "Consensus Agreement") on the following:

To add northern myotis to the Northwest Territories List of Species at Risk as a species of Special Concern.

INTERPRETATION


For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

For greater certainty, the Management Authority for northern myotis is the Government of the Northwest Territories.

WE THE UNDERSIGNED, having reached this consensus on this 20th day of February 2018, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the undersigned Management Authorities.



Witness



Acting/AOM
Mr. Fred Mandeville, Assistant Deputy Minister
Operations
Dept. of Environment and Natural Resources
Government of the Northwest Territories

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On April 12, 2017, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for northern myotis (*Myotis septentrionalis*) to the Conference of Management Authorities (CMA) and recommended that northern myotis be added to the NWT List of Species at Risk as a species of Special Concern. The *Species at Risk (NWT) Act* provides a 12-month period for the CMA to develop a consensus agreement on listing.

This Consensus Agreement was informed by the completed species status report, SARC's assessment and reasons for assessment, public input (solicited by the Management Authority), and the results of consultation. No information was provided to SARC by the CMA or the Management Authority under paragraph 31(1)(c) of the *Species at Risk (NWT) Act*. Actions taken by the Management Authority with respect to the required approvals and their preparation for the development of the Consensus Agreement on listing are described in Annex B of this Consensus Agreement.

The reasons for the Consensus Agreement are the following:

SARC assessed the biological status of northern myotis on November 16, 2016 as a species of Special Concern in the NWT. An assessment of Special Concern means that SARC determined that northern myotis may become threatened or endangered in the NWT because of a combination of biological characteristics and identified threats. SARC further determined that northern myotis met criterion (b) for Special Concern under SARC's Species Assessment Process: (b) the species may become threatened if negative factors are neither reversed nor managed effectively.

The following reasons for assessment were noted by SARC:

- The range of this species in the NWT is fairly large. They are suspected to be wintering in the two known hibernacula in the NWT.
- Although white-nose syndrome is not currently present in the NWT, it is estimated that at current expansion rates, it could reach our populations from eastern North America in one to two decades. With the recent discovery of white-nose syndrome in the United States' Pacific northwest, it is conceivable that this disease could spread to the NWT sooner than predicted.
- This species is highly susceptible to devastating population declines as a result of white-nose syndrome. In eastern Canada, populations impacted by white-nose syndrome have declined by 94%.
- Additional factors:

- Human impacts at hibernacula and exclusion and removal of maternity roosts have the potential to affect a large proportion of the species' population at the same time.

After reviewing the assessment and the results of engagement, the Management Authority determined that listing northern myotis as a species of Special Concern is appropriate based on the threats it faces. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the action of listing northern myotis as a species of Special Concern will not infringe on Aboriginal or treaty rights. Based on this, the Management Authority agrees that northern myotis should be added to the NWT List of Species at Risk as a species of Special Concern in the NWT.

ANNEX B

ACTIONS THE MANAGEMENT AUTHORITY HAS UNDERTAKEN OR WILL UNDERTAKE WITH RESPECT TO LISTING

As provided for in section 36(3)(b) of the *Species at Risk (NWT) Act*, the Management Authority, having agreed to add northern myotis (*Myotis septentrionalis*) to the NWT List of Species at Risk, is reporting the actions it has undertaken or agrees to undertake with respect to the required approvals and their participation in listing the species:

Government of the Northwest Territories

The Government of the Northwest Territories' (GNWT) position on listing was formed through review of the species status report and assessment, public engagement, and Aboriginal and treaty rights consultation. The Department of Environment and Natural Resources (ENR) also worked with other GNWT departments through the Inter-departmental Species at Risk Committee.

Public Engagement

The GNWT provided an opportunity for members of the public and interested organizations to comment on the assessment and potential listing of northern myotis. The comment period was June 1-July 29, 2018. The GNWT invited comments using print ads, posters, the NWT Species at Risk website, and an email distribution list.

The GNWT received four comments on the listing of northern myotis through this process. Two of the comments were in support of listing, one was not in favour of listing, and one provided no clear position. The comments were considered in forming the GNWT's position on listing.

Aboriginal and Treaty Rights Consultation

The GNWT was responsible for consulting with Indigenous governments and organizations in respect of potential infringement of established or asserted Aboriginal and/or treaty rights. Consultation was done through letters. Consultation was triggered with organizations that hold asserted or established Aboriginal or treaty rights in or near the NWT range of northern myotis.

The GNWT explained the consequences of listing and explained that listing would not result in any automatic prohibitions or protections for species or habitat, and that listing would not change any harvest quotas or regulations already in place. The GNWT requested input on how the proposed listing may have the potential to adversely affect established or asserted Aboriginal and/or treaty rights.

One group responded expressing support for listing the species as Special Concern and expressed a desire to be involved in subsequent management planning. These comments were recorded and considered in forming the GNWT's position on listing.

After reviewing the results of consultation, the GNWT's assessment is that the action of listing northern myotis as a species of Special Concern will not adversely affect asserted or established Aboriginal and/or treaty rights. The action of listing northern myotis under the Act will not change harvest quotas, regulations or land management already in place. The only direct consequence of listing the species is the requirement that a management plan be developed within two years of listing. The management plan will recommend objectives and approaches to manage and conserve northern myotis in the NWT. If actions for the management of northern myotis that have the potential to adversely affect Aboriginal and/or treaty rights are contemplated in the future, the GNWT would consult on those actions before implementing them.

The Indigenous governments and organizations consulted are listed below. Because consultation was undertaken for three other species at the same time (little brown myotis, grizzly bear, and barren-ground caribou), this list is substantially longer than it would be had consultation been undertaken for northern myotis alone. Full records of consultation are on file at Wildlife Division, ENR, Yellowknife.

- Acho Dene Koe First Nation
- Akaitcho Territory Government
- Akaitcho Treaty 8 Tribal Corporation
- Athabasca Denesuline Nene Land Corporation
- Ayoni Keh Land Corporation
- Behdzi Ada' First Nation Band Council
- Community Government of Behchokò
- Community Government of Gamètì
- Community Government of Wekweètì
- Community Government of Whatì
- Deh Gáh Got'ie First Nation
- Dehcho First Nations
- Délıne Got'ıne Government
- Dene Tha' First Nation
- Deninu Kue First Nation
- Ehdıitat Gwich'in Council
- Fort Chipewyan Métis Local 126
- Fort Good Hope Métis Local #54
- Fort Liard Métis Local #67
- Fort Norman Métis Land Corporation
- Fort Providence Métis Council
- Fort Resolution Métis Council
- Fort Simpson Métis Local #52

- Fort Smith Métis Council
- Gwich'in Tribal Council
- Gwichya Gwich'in Council
- Hay River Métis Government Council
- Inuvialuit Game Council
- Inuvialuit Regional Corporation
- Jean Marie River First Nation
- Ka'a'gee Tu First Nation
- K'asho Got'ıne Community Council
- Kaska Dene Council
- Kát'odeeche First Nation
- Liard First Nation
- Łíıdlıı Kúę First Nation
- Łutsel K'e Dene First Nation
- Mikisew Cree First Nation
- Mountain Island Métis
- Na-cho Nyak Dun First Nation
- Nahanni Butte Dene Band
- Nihtat Gwich'in Council
- Norman Wells Land Corporation
- North Slave Métis Alliance
- Northwest Territory Métis Nation
- Nunavut Tunngavik Inc.
- Pehdzeh Ki First Nation
- Prince Albert Grand Council
- Ross River Dena Council
- Sahtú Dene Council
- Sahtú Secretariat Inc.
- Salt River First Nation #195
- Sambaa K'e First Nation
- Smith's Landing First Nation
- Tetlit Gwich'in Council
- Tłıchq Government
- Tulıt'a Dene Band
- Tulıt'a Land Corporation
- West Point First Nation
- Yamoga Land Corporation
- Yellowknives Dene First Nation (Dettah)
- Yellowknives Dene First Nation (N'Dilo)