



## NWT CONFERENCE OF MANAGEMENT AUTHORITIES

### CONSENSUS AGREEMENT ON LISTING LITTLE BROWN MYOTIS (*Myotis lucifugus*)

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

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

#### INTERPRETATION

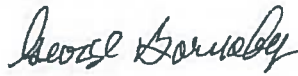
For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

For greater certainty, the Management Authorities for little brown myotis are: the Sahtú Renewable Resources Board, the Wek'èezhii Renewable Resources Board, the Tłı̄chǫ Government, and 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



George Barnaby, A/Chair  
Sahtú Renewable Resources Board



Witness



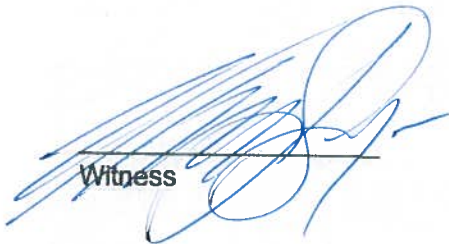
Grant Pryznyk, Chair  
Wek'èezhii Renewable Resources Board



Witness



Grand Chief George Mackenzie  
Tłı̄chq̄ Government



Witness



Acting / ADM  
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 little brown myotis (*Myotis lucifugus*) to the Conference of Management Authorities (CMA) and recommended that little brown 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 Authorities), and the results of consultation. No information was provided to SARC by the CMA or the Management Authorities under paragraph 31(1)(c) of the *Species at Risk (NWT) Act*. Actions taken by the Management Authorities 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 little brown myotis on November 16, 2016 as a species of Special Concern in the NWT. An assessment of Special Concern means that SARC determined that little brown myotis may become threatened or endangered in the NWT because of a combination of biological characteristics and identified threats. SARC further determined that little brown 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:

- Although the range of this species is fairly large and there are at least a few thousand individuals in the NWT, there are currently only two known over-wintering sites.
- 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 Authorities determined that listing little brown 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 little brown myotis as a species of Special Concern will not infringe on Aboriginal or treaty rights. Based on this, the Management Authorities agree that little brown 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 AUTHORITIES HAVE 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 Authorities, having reached consensus on adding little brown myotis (*Myotis lucifugus*) to the NWT List of Species at Risk, are reporting the actions they have undertaken or agree to undertake with respect to the required approvals and their participation in listing the species:

#### **Sahtú Renewable Resources Board**

The ʔehdzo Got'Inę Gots'ę Nákedı (Sahtú Renewable Resources Board – SRRB) reached its decision on the listing of dléa det'one<sup>1</sup>/dljye det'one<sup>2</sup> (bats, including little brown myotis) through review of the species status report, the Species At Risk Committee (SARC) assessment, community engagement, and consideration of recent unconfirmed scientific evidence of the presence of little brown myotis in the Sahtú region.

#### **Community input**

The Dene term for bats, a neologism meaning “flying squirrel,” was coined during a 2013 regional species at risk terminology workshop in DéljInę where recent informal observations in Norman Wells and Colville Lake were discussed.

ʔehdzo Got'Inę (Renewable Resources Councils) and local and regional leadership organisations in the Sahtú Region – including Colville Lake, Fort Good Hope, Norman Wells, and Tulít'a – were provided with a briefing note about the proposed listing as bek'e k'énats'ewə<sup>3</sup> or bek'e k'jnaʔedits'ewe gha got'ódeʔa<sup>4</sup> - we need to keep an eye on them (Special Concern), and their input was requested.

Culturally, it is considered inappropriate to speak to knowledge about wildlife that there is no direct experience of. Bats of all kinds are an unfamiliar species in the Sahtú region, and consequently no comments were received. However, the Board has noted considerable interest in confirming whether little brown myotis may indeed be present in the region.

---

<sup>1</sup> DéljInę dialect.

<sup>2</sup> K'áhsho Got'Inę and Dela Got'Inę (Fort Good Hope and Colville Lake) dialects.

<sup>3</sup> Tulít'a and DéljInę dialects.

<sup>4</sup> K'áhsho Got'Inę and Dela Got'Inę (Fort Good Hope and Colville Lake) dialects.

The SRRB was supported by the Species at Risk Stewardship Program to conduct an acoustic monitoring and school-based education project in 2015 in Norman Wells. This was followed by a community-collaborative project with Délı̨ne and Tulı́'a and in partnership with University of Alberta during 2017 to set up acoustic recording units for bats. Community members will be engaged in validation of the recordings in spring 2018, and public presentations of project results will be offered along with discussions of the listing decision, and potential community roles in monitoring and management planning.

#### Board decision

The Board's decision was taken at a February 15 teleconference, as follows: "The SRRB supports the listing of little brown myotis dléa det'one/dliye det'one as bek'e k'énat's'ewe or bek'e k'inaʔedits'ewe gha got'odeʔa - we need to keep an eye on them (Special Concern)."

#### Wek'èezhii Renewable Resources Board

As per clause 12.5.1 of the Tłı̨chǫ Agreement, the Wek'èezhii Renewable Resources Board (WRRB) carried out joint consultations with the Tłı̨chǫ Government on the proposed listing in October and November 2017 in all four Tłı̨chǫ communities, and then passed a motion to support the listing of little brown myotis as Special Concern at its February 2018 meeting.

#### Joint consultation

In October and November 2017, community consultations were advertised through the Tłı̨chǫ Government and WRRB social media pages, along with posters provided to Community Directors for posting.

Community consultations were held, during evening sessions, in Wekweèti on October 25, 2017, in Gamèti on November 2, 2017, in Whati on November 9, 2017, and during an afternoon session in Behchokǫ on November 7, 2017. Approximately 83 participants in total attended the four community consultations.

The WRRB and Tłı̨chǫ Government staff cooperated in joint consultations, and provided information on the proposed listing of little brown myotis as Special Concern, as prepared by the Species at Risk Secretariat. Staff described and explained the Species at Risk (NWT) Act, the Species at Risk Committee, and the assessment process. Staff provided information about the current population of little brown myotis in the NWT and the rationale for assessing little brown myotis as Special Concern, primarily due to concerns about the high susceptibility of population declines due to white-nose

syndrome. As well, staff provided information about recovery documents, which is the next step in the process.

Key points raised by community members at the consultations were that there is limited Tłıchq̓ and community knowledge about bats (*dlı̄q̓ k'et'aa*), with the majority of discussions focusing on questions about little brown myotis. There was some indication that bats have been sighted near Wekweèti and Whati, and it is suggested that acoustic detectors be set up near these communities to confirm presence.

The WRRB met on February 7, 2018 to discuss the proposed listing of little brown myotis as Special Concern as required under the *Species at Risk (NWT) Act*.

#### Board decision

Based on available traditional knowledge and scientific information used during the assessment process, and public input during joint community consultations held by the Tłıchq̓ Government and WRRB staff in Wekweèti, Gamèti, Behchokò, and Whati on October 25, 2017, November 2, 2017, November 7, 2017, and November 9, 2017, respectively, the WRRB passed Motion #570-07-02-2018, supporting the listing of little brown myotis as Special Concern in the NWT.

#### Tłıchq̓ Government

The Tłıchq̓ Government carried out joint consultations with the Wek'èezhì Renewable Resources Board (WRRB) on the proposed listing in October and November 2017 in all four Tłıchq̓ communities, and then passed a motion to support the listing of little brown myotis as Special Concern at its December 2017 meeting.

#### Joint consultation

The Tłıchq̓ Government and WRRB held joint consultations in all four Tłıchq̓ communities to ask what Tłıchq̓ citizens think about the assessment. The community tour included public meetings in each community to consult on *dlı̄q̓ k'et'aa* (little brown myotis).

- October 25 in Wekweèti (10 participants)
- November 2 in Gamèti (19 participants)
- November 7 in Behchokò (21 participants)
- November 9 in Whati (33 participants)

#### **Summary of the community consultations:**

Key points raised by community members at the consultations were that there is limited Tłıchq̓ and community knowledge about bats (*dlı̄q̓ k'et'aa*), with the majority of

discussions focusing on questions about little brown myotis. There was some indication that bats have been sighted near Wekweèti and Whatì, and it is suggested that acoustic detectors be set up near these communities to confirm presence.

#### Chiefs Executive Council decision

Based on available traditional knowledge and scientific information used during the assessment process, and public input during joint community consultations held by the Tłıchq Government and WRRB staff in Wekweeti, Gameti, Behchoko, and Whati on October 25, 2017, November 2, 2017, November 7, 2017, and November 9, 2017, respectively, the Tłıchq Government passed *Motion #2017-64: Motion to recognize the dlįq k'et'aa (little brown bat) to be classified as a species of "Special Concern"*. Moved by Chief Alfonz Nitsiza, seconded by Chief Clifford Daniels – carried unanimously.

#### 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 little brown 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 little brown 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 and/or treaty rights in or near the NWT range of little brown 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 little brown myotis as a species of Special Concern will not adversely affect asserted or established Aboriginal and/or treaty rights. The action of listing little brown 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 little brown myotis in the NWT. If actions for the management of little brown 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 (northern myotis, grizzly bear, and barren-ground caribou), this list is substantially longer than it would be had consultation been undertaken for little brown 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
- Łíıłıı Kúé 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
- Tııchq 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)