

## Turbines not a serious threat to bats: ERT

After hearing from six biologists, other experts and several lay presenters, the Environmental Review Tribunal has ruled that, although some bats have been killed in collisions with wind turbine blades, the permitted mortality numbers are not great enough to pose irreversible damage to the eight bat species found locally.

The tribunal evidently relied on a permitted mortality rate of 10 per turbine per season, and that mitigating measures would be undertaken if that were exceeded. In the hearing, biologist Dr. Robert Barclay disputed '10' as being arbitrary rather than scientific, but Dr. Scott Reynolds testified that the 10 limit is a 'reasonable threshold.'

But the tribunal notes that Dr. Barclay stated that 10 per turbine amounts to 490 bats allowed to be killed per year at this Project without mitigation 'The number represents several entire maternity colonies for the Little Brown Myotis.'

Dr. Barclay's argument was that even if the DWP project equated to the Melancthon Wind Farm in bat mortality, 78 would die. 'He testified that, with the population having been devastated by WNS (white-nose syndrome), 78 bats deaths /year at one project could have a significant impact on the entire population.'

In other evidence, it transpired that most bat deaths are not of resident species but of migratory. Migratory routes, however, remained in dispute. Evidently the science has not caught up with the bats.

The tribunal released its decision on the appeals of Dufferin Wind Power's Renewable Energy Approval last Monday, Dec. 23. The decision with respect to bats was based on whether the project would negatively impact habitat, the extent to which there would be collision mortality and how that would affect future populations, and how the turbines would impact endangered species.

The importance of bats to the ecosystem as insectivores was not in dispute. 'Each bat eats approximately half its body weight in insects, each night,' the tribunal said.

The biologists were also agreed on how the bats live. There are three migratory species that roost in trees while here, and five resident that roost in colonies in the summer and hibernate 'in caves, mines and some in old buildings' over winter.

There was no dispute that bat populations have been dwindling in recent years. But there was evidence that the fungus known as White-nose Syndrome (WNS) has been most responsible. Of one devastated species, the tribunal found, 'estimates are that 80 to 90% of the Little Brown Myotis species has been killed from WNS in the past few years.'

Of bats killed by turbine collisions, the tribunal found that 'migratory bats make up the highest percentage of bat deaths due to wind turbines across Canada, and 80% of such deaths across North America. Most are killed in Canada during the fall migration from late July to September. Little is known about migratory bat species, and in particular their migratory routes.'

According to expert evidence, it appeared that the wind project would not affect habitat, nor would collision deaths exceed guidelines, and also that mitigating measures could be effective. The major risk was to the migratory species.

'The Tribunal received relatively little in the way of submissions and evidence with respect to migratory bats. There is no requirement in the REA application process to assess bat migratory pathways and stopover areas.

'The Director says that this is because it is currently not possible to monitor them. The evidence established that migratory bats are the most at risk from wind turbines, and are also more abundant than hibernating bats. The Tribunal notes that they are not listed under the ESA. The responding parties' evidence was that the Project area would not be a significant migratory pathway, and that monitoring of other projects in the area indicates that mortality to migratory bats will be low.

'Based on the evidence before it, the Tribunal finds that the Appellants have not shown that the Project will cause serious and

irreversible harm to migratory bats," the tribunal said in its decision.

With respect to other animals, the tribunal relied on evidence from wildlife ecologist Dr. Dale Strickland, who appeared on behalf of DWP, and ruled that no substantive evidence had been submitted to counter his expert opinion.

Roselyn Bovaird had testified that she had observed harm to animal life on her property and in the region, "in addition to bats. These include snapping turtles and painted turtles," the tribunal noted.

As well, there had allegedly been a sighting of a Blanding's turtle but the report had not been confirmed, although there had allegedly been photos taken of the endangered turtle.

But "Dr. Strickland testified that the Project data suggests there are very few turtles present. In his view there is very little potential turtle habitat in the Project area.

"The Records Review Report identified that snapping turtles may exist within the Project area, and one was seen during the site investigation. Dr. Strickland testified, however, that there is no significant snapping turtle habitat based on MNR criteria," the tribunal says.

The decision does note that snapping turtles are "a special concern species under the ESA" (Endangered Species Act), they may also be harvested in Ontario with a valid fishing license.

There were painted turtles observed in the project area, but "they are considered a common and secure species and have a healthy population in Ontario.

"Dr. Strickland testified there is no significant painted turtle habitat in the Project area according to MNR criteria," and both the Dillon Consulting studies and Dr. Strickland's expert opinion are to the effect that there is "no significant turtle habitat" and it's highly unlikely that there is or will be a presence of Blanding's now or in the future.

"In conclusion, the Tribunal finds that the Appellants have not established that engaging in the Project as approved will cause serious and irreversible harm to plant life, animal life or the natural environment," the decision states.

**By Wes Keller**