



December 10<sup>th</sup>, 2017

BY EMAIL

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To Ms. McGuiness,

**RE: COMMENTS CONCERNING THE DRAFT GOVERNMENT RESPONSE STATEMENT FOR AMERICAN EEL  
IN ONTARIO UNDER THE ENDANGERED SPECIES ACT, 2007**

**EBR Reference number 013-1476**

Attached are Ottawa Riverkeeper's comments regarding the draft government response statement (GRS) for American Eel in Ontario under the Endangered Species Act, 2007. We appreciate the opportunity to have provided our thoughts and feedback at the meetings and workshops over the past year as the GRS was being drafted.

Ottawa Riverkeeper greatly values the American Eel as an important part of our watershed's biodiversity and natural and cultural heritage and we sincerely hope that the Ontario government takes the necessary steps to ensure that American Eel remain a part of our watershed long into the future.

Sincerely,

Meaghan Murphy, PhD.  
*Chief Scientist*  
Ottawa Riverkeeper

Below is a list of Ottawa Riverkeeper's comments and concerns regarding Ontario's draft government response statement for American Eel. Should you require further clarification please do not hesitate to contact us.

- 1) We are pleased to see that the Ottawa River has been given priority in the draft GRS as it remains a critical part of the American Eel's existing habitat and range in Ontario.
- 2) We appreciate and agree with the GRS's focus on collaborative decision making and adaptive management, as we believe these strategies will offer the greatest opportunities of success.

Among our concerns:

- 1) **Immediate actions need to be taken in both the St. Lawrence and Ottawa River systems to improve both downstream and upstream passage of American Eel.** We are greatly concerned that actions 7 and 8 were not included under "immediate actions" and were placed instead under "short and long term actions." If immediate actions have 3 years to be initiated, these two critical conservation actions will not be prioritized until after that date. While, we understand that it is important to gather critical information and collaboratively develop an implementation plan that identifies and prioritizes locations for improved passage, there is no reason why the assessment and planning for improving passage at facilities shouldn't begin immediately as these steps can take considerable time as well.
- 2) **Waiting a minimum of 3 years for passage implementation planning to identify Carillon as a priority location before beginning to take any measureable action is unacceptable.** While upstream passage is listed as a high priority under action 8 and specifically mentions the work being done at the Chaudière Falls hydro-electric dam in the Ottawa River, there is no mention of prioritizing actions to improve passage (upstream or downstream) at the Carillon Dam, the first major barrier to American Eel on the Ottawa River. The fact that Carillon is not even mentioned in the GRS is concerning. Eel passage infrastructure is already being installed at the Chaudière Falls retrofit upstream of Carillon Dam, but without similar actions being taken immediately at Carillon the impact of such efforts will be very limited. There is no reason why some of these passage improvements at critical locations like Carillon (particularly the assessment and planning) cannot be undertaken immediately.
- 3) **Greater emphasis needs to be placed on collaborations with Quebec and specific issues need to be stated in the GRS with corresponding goals.** All American Eels travel through Quebec to get into Ontario. There are several direct threats to Ontario eel populations that need to be addressed with the Quebec government, namely hydro dam barriers and a mature eel fishery.

The following issues should be addressed and prioritized:

- a. While the GRS mentions the current collaboration with Hydro QC on eel passage at the Beauharnois dam complex on the St. Lawrence River, there is no mention of working with Hydro QC and the Quebec government to address the lack of eel passage structures at the Carillon dam at the base of the Ottawa River watershed. Carillon dam is the first major barrier for American Eel and thus there should be a specific goal to address this issue with the Quebec government with a corresponding timeline.
  - b. While the GRS mentions that mature eels from Ontario continue to be harvested in Quebec (lines 131-133), there is no mention of addressing this issue specifically with the Quebec government.
- 4) **There is a lack of clarity on how the government will successfully engage and collaborate with the diverse set of stakeholders involved in this complex issue.** Government should take advantage of present opportunities for inter-governmental collaboration to tackle these issues in a timely and effective manor. The Ottawa River Watershed Council is one critical place for dialogue on these issues and is one that Ontario has already endorsed. Additionally, neither the now-defunct Canadian Eel Science Working Group nor the 2009 draft ON-QC-NY-DFO management plan are mentioned. These were excellent initiatives that Ontario should work to revive.
  - 5) **Given the dire situation of American Eel in the province and the delays to date in drafting a GRS, we feel that the timeline for undertaking actions 1-6 should be shortened.** While actions 1-6 are listed as immediate, the draft says they will be “undertaken by 2020,” which is three years away. It may be appropriate to say that they will be *completed* by 2020 but certainly not simply initiated by then.
  - 6) **The GRS lacks quantitative targets and thresholds and more specific timelines.** Given the adaptive management approach emphasized in this GRS, there is no reason why reasonable targets and thresholds cannot be set in the GRS and changed as new information becomes available. Without clear quantitative targets and thresholds, there is limited incentive for meaningful action. Quantitative targets and thresholds should be developed particularly for actions to reduced mortality (action 7). Some reasonable percent reduction in mortality should be set. There should be a commitment (with reasonable timelines) to develop targets for improving recruitment as well.
  - 7) **The government’s goal for recovery of American Eel has the right focus, however it remains vague and requires further development and quantitative targets.** “Reducing threats” and “increasing the proportion of eels that migrate out of the province” are not sufficiently detailed enough to bring about meaningful improvement in American Eel populations in the province. A timeline

should be set in the GRS to establish quantitative targets for the GRS additional to the one mentioned above.

- 8) **Given the dire status of the American Eel in the province there should be some threshold of abundance below which far more drastic action should be taken to improve American Eel passage across major barriers.** Under action 4, developing such a threshold should be a goal for the implementation plan.
- 9) **Ontario could make a significant impact on American Eel populations in the province by improving the regulatory process and ensuring that proponents are doing the necessary mitigations needed to keep their exemptions.** Action 9 (lines 404-407) states that the Ontario government will protect the American Eel by “continuing to implement, promote compliance and enforce conditions found in authorizations under the ESA, such as but not limited to, adhering to mitigation plans required under regulation...” Our understanding is that this current process relies heavily on self-regulation by proponents and that the focus of the government is to ensure that proponents properly register projects and fill out paperwork. Few mitigation plans have actually been reviewed for any species to ensure that appropriate mitigation is being done and those that have been reviewed have not undergone significant modification. The Environmental Commissioner of Ontario’s recent report similarly corroborates our understanding.
- 10) **It is our hope that modifications of the draft GRS will be made quickly so that the GRS can be finalized and the government can begin the conservation actions outlined for the American Eel in a timely manner.**