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May 3rd, 2024

To whom it may concern,

**Re: American eel: Consultation check-in on listing under the Species at Risk Act (SARA)**

The Ottawa River - the largest tributary of the St. Lawrence River - is a vital and irreplaceable habitat for the American eel. As indicated in the COSEWIC assessment and status report published in 2012, the Ottawa River's sprawling 3,700 km<sup>2</sup> expanse, compared to the Upper St. Lawrence River and Lake Ontario's combined 5,800 km<sup>2</sup>, makes it a critical habitat for this species. The importance of ensuring access to the Ottawa River's habitat for the American eel, where females of the species can grow to maturity and become fecund, cannot be overstated.

And yet, for over four decades, the American eel population in the Ottawa River has plummeted by a staggering 99%. While various factors contribute to this decline, hydroelectric dams pose one of the greatest threats to this iconic species. The presence of hydroelectric dams restricts migration and diminishes access to freshwater habitats, impacting not only American eels but also numerous other aquatic species. The Carillon Generating Station is located at the mouth of the formidable Ottawa River, thereby acting as the single largest barrier for aquatic species to enter the Ottawa River on migration routes.

Ottawa Riverkeeper has been a vocal advocate for establishing safe fish passage, both upstream and downstream, at Carillon Generating Station, as well as for addressing other significant barriers to American eels along the Ottawa River and through its tributaries.

The Department of Fisheries and Oceans has remained silent and slow to act on this culturally and ecologically significant species. The American eel was assessed as threatened by COSEWIC in 2012, more than a decade ago. The need to implement recovery is urgent given the recent and rapid decline of American eel in Canada and globally, including up to a 99% decline in the Ottawa River, the Upper Saint Lawrence River, and Lake Ontario.

Historic populations of American eels made up 50% of the biomass of the Ottawa River and played an important ecological role; it is even considered a keystone species in Canadian eastern aquatic ecosystems as it is a top predator in many food chains. Spending 20-25 years in headwater rivers, the American eel transports nutrients from the ocean to the Ottawa River. It acts as a biological control for many invasive species, benefiting entire river and lake ecosystems. American eels are an excellent indicator of habitat integrity and overall environmental health.

Furthermore, mitigation strategies that should be implemented to protect American eels, especially those to reduce turbine mortality and improve eel passage, will be beneficial for all aquatic species. Protecting the American eel under SARA will not only have positive impacts on this extremely important species but also for other ecologically and culturally important species, as well as aquatic ecosystems. One such example is the Beluga Whale, classified as Endangered under SARA, for which American eel is an important prey fish species.

The population of American eel is nearly extirpated from the Ottawa River and its tributaries. This is a critical shift in the ecology of the Ottawa River. The staggering decline of this species also has a profound impact on the Algonquin Anishinabeg communities in the Ottawa River watershed, removing an important food source, medicine, and culturally-significant species. The delay in a listing decision is affecting Indigenous Peoples' ability to exercise their constitutionally protected right to maintain a connection to culture and livelihood. Fisheries and Oceans Canada (DFO) does not have authority to infringe on these rights without justification, or to extinguish these rights through the ongoing mismanagement of eel fisheries and habitat. Furthermore, various articles of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP - including Articles 20, 25, 26, 27, 29, 31, 32 and 38) require Canada to fully support the management, conservation and recovery of fisheries resources traditionally relied upon by Indigenous Peoples. Canada's *UNDRIP Act* came into force in July 2021 and is intended as a framework for implementing these Articles throughout Canada.

American eels migrate to the Ottawa River from the Sargasso Sea, and many migrate through the St. Lawrence to reach maturation in Ontario and in headwater rivers in western Quebec. The American eel needs to be protected on a federal level, as well as provincially and locally. Interjurisdictional cooperation is critical. While the American eel is designated as endangered in Ontario, it is not protected in the other provinces it inhabits including Quebec and the Maritime provinces.

American eels in the Ottawa River, the Upper Saint Lawrence River, and Lake Ontario have been found to be the most fecund of the species, carrying up to 20 million eggs per eel. Though their population numbers are extremely low, eels out-migrating from Lake Ontario and the Upper Saint Lawrence continue to be commercially fished in Quebec in the lower St. Lawrence River.

Protecting the species only in Ontario will be insufficient if upstream passage continues to be obstructed and then barriers and turbines continue to cause massive fatalities on their migration downstream.

This is particularly true for the Ottawa River watershed, where the river itself is the provincial border between Quebec and Ontario for much of its run. Although the American eel is classified as endangered in Ontario and a recovery strategy was published in 2013, a government response statement is needed to commit Ontario to action. The provincial government response statement was legally due in August of 2014 and has yet to be finalized. Therefore, it is more important than ever that the American eel be listed federally under SARA to ensure it receives adequate protection across all of Central and Eastern Canada. Federal leadership is required to ensure the survival of the American eel.

Many of the existing recovery strategies, namely in Ontario, have been proponent driven and the results have been largely unsuccessful. Hydropower plants are the biggest threat to inland American eel populations, and it is left up to hydro facilities to self-register if they are harming eels. A study by Algera et al. (2022) found that out of the 17 facilities killing or harming eels in Ontario, only 8 were registered with the regulator, the Environmental Commissioner of Ontario. Additionally, all monitoring and mitigation activities are left up to the hydropower operators. Monitoring studies by hydro facilities do not follow scientific standards and no standardization of monitoring designs exists between different facilities. The federal *Fisheries Act* prohibits the death of fish by means other than fishing and HADD (harmful alteration or destruction of habitat) but enforcement to bring Ontario and Quebec's hydropower facilities into compliance has been severely lacking.



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We ask you to prioritize listing the American eel species under SARA immediately so that a recovery strategy can be developed and appropriate conservation measures be implemented and enforced. Although we recognize that listing the species under SARA will not immediately cease all harm to the American eel in Canadian waters, and that compliance will involve necessary compromises between ongoing activities and conservation, the work of protecting this species needs to begin. As part of listing we request that:

- Indigenous food, social, and ceremonial fisheries be exempted from SARA prohibitions;
- Indigenous Peoples lead the development of the recovery strategy, thereby recognizing the importance of two-eyed seeing (combining Indigenous Knowledge and 'western' science);
- Indigenous communities be fully enabled to manage their own eel fisheries, including establishing seasons, catch limits, and size and gear restrictions. Unlike most modern commercial fisheries, Indigenous fisheries management systems have successfully sustained harvest for millennia;
- The Department of Fisheries and Oceans takes immediate action to ensure that hydropower producers and other entities who or whose facilities routinely kill or harm American eel, harm its habitat, or impact its migration bring their works, undertakings, and activities into compliance with SARA and the *Fisheries Act*;
- A regional or local (waterbody) management approach must be employed to address significant differences in regional abundance of American eel, especially between inland and coastal populations.

The urgent need to protect the American eel in the Ottawa River and beyond is clear. Listing the species under the SARA is a crucial step towards initiating comprehensive conservation efforts. By prioritizing collaboration with Indigenous communities and enforcing conservation measures, we can work towards securing a future where the American eel flourishes in Canadian waters once more.

Sincerely,

Laura Reinsborough  
Riverkeeper & CEO  
Ottawa Riverkeeper



### ***About Ottawa Riverkeeper***

Ottawa Riverkeeper, a charitable organization, is a champion and collective voice for the Ottawa River watershed, providing leadership and inspiration to protect, promote, and improve its ecological health and future.

We bring diverse people together to better understand and advocate for the ecological health of the Ottawa River and its tributaries. This includes the acknowledgement of the rights of the Algonquin Anishinaabeg Nations within the watershed and a commitment to working together to build good relationships and shared understandings on water protection.

Expert and independent, our organization advocates for responsible and participatory decision-making, public education, access to information, and compliance with protective regulations. Guided by an evidence-based approach, we provide clear information with the aim to engage the public and empower people and decision-makers to ensure clean, healthy, and accessible water for all people and species.