

Chief Executive Officer



March 4, 2024

CFN 64814

VIA EMAIL

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Director
SARA Directorate
Department of Fisheries and Oceans
200 Kent Street
Ottawa, ON K1A 0E6

Re: Recovery Strategy and Action Plan for the Redside Dace (*Clinostomus elongatus*) in Canada

Thank you for the opportunity to comment on Fisheries and Oceans Canada's proposed Recovery Strategy and Action Plan for the Redside Dace (*Clinostomus elongatus*) on the Species at Risk Public Registry, prepared under the Species at Risk Act (SARA), 2002.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting aquatic species at risk and their critical habitat within our watersheds. TRCA supports our federal, provincial, and municipal partners in avoiding, mitigating, and compensating to protect and restore fish habitat in accordance with the Conservation Authorities Act and its regulations.

Our comments are informed by TRCA's technical expertise in ecology (terrestrial and aquatic), and our ongoing watershed monitoring, research, and ecological restoration works. In addition, TRCA staff are members of the Redside Dace Recovery Implementation Team.

TRCA most recently provided comments on another proposal affecting Redside Dace posted on the Environmental Registry of Ontario (ERO): [ERO 019-8016 "Regulatory changes under the Endangered Species Act to improve implementation of the species at risk program."](#) Our comment letter is attached hereto for your reference.

Government Proposal and Background

Section 35 of the Fisheries Act, which prohibits the carrying out of any work, undertaking, or activity that results in the harmful alteration, disruption, or destruction of fish habitat, applies to all fish habitat, including the critical habitat for the Redside Dace as described in section 8.1.1 (including the entire bankfull channel width, the meander belt width and the riparian vegetation within it, and associated riparian vegetation extending 30 m out from the meander belt width).

Except for those areas of critical habitat found in the Rouge National Urban Park, the critical habitat for the Redside Dace will also be legally protected through a SARA critical habitat order made under subsections 58(4) and (5), which will invoke the prohibition in subsection 58(1) against the destruction of the identified critical habitat. The areas of critical habitat found in the Rouge National Urban Park will be legally protected by way of a description published in the Canada Gazette, which will trigger the prohibition in subsection 58(1). Under SARA, critical habitat must be legally protected within 180 days of being identified in a final recovery strategy and action plan.

We understand that Fisheries and Oceans Canada (DFO) is seeking advice on the proposed Recovery Strategy and Action Plan for Redside Dace. Redside Dace is listed as “Endangered” under SARA. Once aquatic species are listed as Endangered, Threatened, or Extirpated under SARA, the Minister of Fisheries and Oceans is required to use the best available information to develop a Recovery Strategy followed by an Action Plan. DFO has developed a combined document containing the Recovery Strategy and Action Plan for Redside Dace.

Under SARA, once a critical habitat is identified in a species’ Recovery Strategy, it must be legally protected from destruction. A Recovery Strategy is a strategic document that describes the species and its needs, outlines threats, sets population and distribution objectives, identifies critical habitat to the extent possible, and sets out broad strategies to support survival and recovery. An Action Plan provides detailed recovery actions that support the strategic direction set out in the Recovery Strategy.

General Comments

TRCA staff have reviewed the Recovery Strategy and Action Plan for Redside Dace (the Strategy) and generally support the proposed approaches to achieve population and distribution objectives and habitat protection. In particular, we applaud DFO’s commitment to refine and implement a standardized monitoring program for Redside Dace. TRCA has observed a decline in Redside Dace populations where the species’ critical habitat is identified within TRCA’s jurisdiction, in the Humber River, Don River, Rouge River, Duffins Creek and Carruthers Creek. As such, recovery actions are necessary at the local watershed level to protect and rehabilitate Redside Dace habitat.

Some key recommendations in our TRCA comments below include recommendations for additional meetings to share information. We look forward to scheduling some of these meetings at the earliest opportunity.

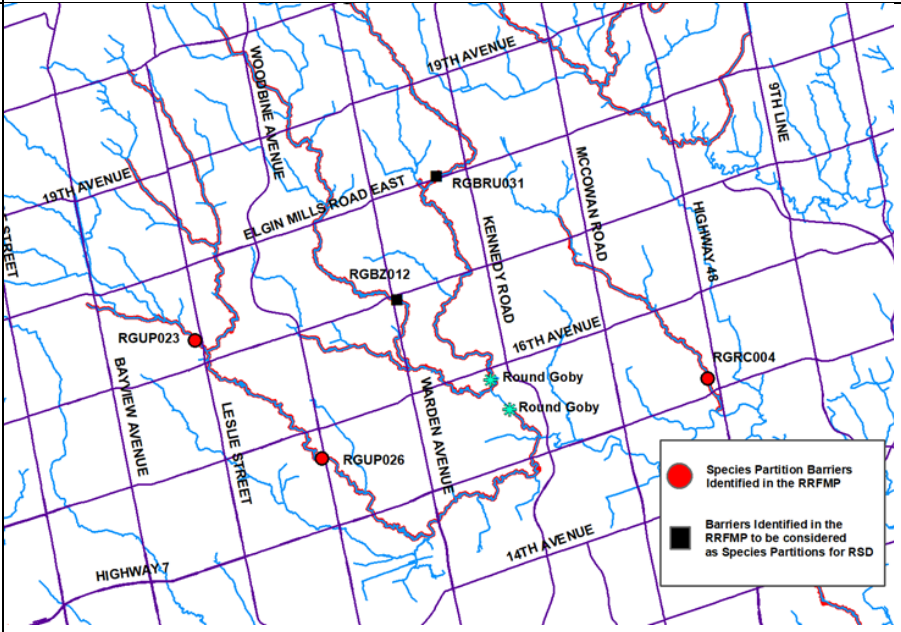
We trust the following detailed comments and recommendations will be helpful for considering additional mitigative measures, improving clarity of roles, and overall, contributing to the effectiveness of the Strategy.

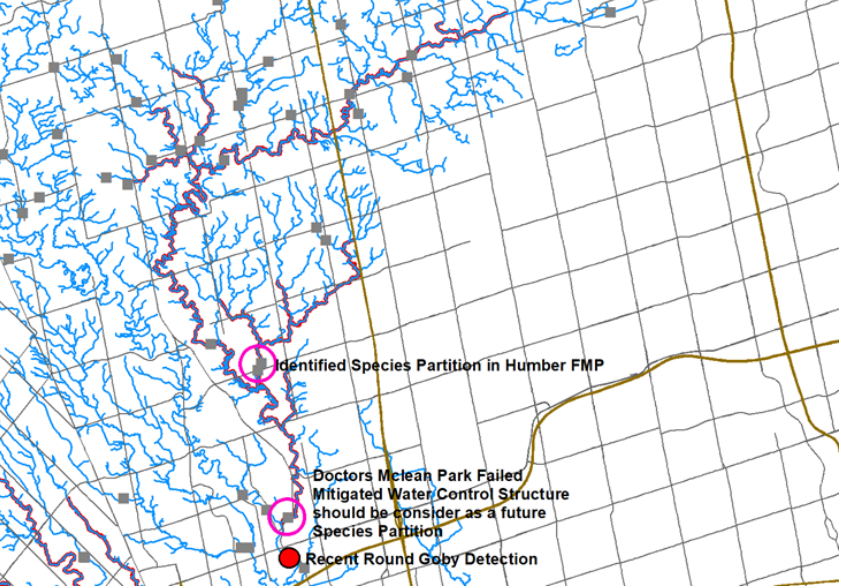
Detailed Comments

Section	Page #	TRCA Comment
Recovery Feasibility Summary (FRS)	V and 16	<p>Page V of the Strategy, states that mitigation techniques for known threats “<i>have been demonstrated to be effective</i>”. This conclusion is incongruent with the continued decline of the species in areas that are urbanizing where low-impact development techniques have been used and stormwater ponds are installed.</p> <p>Further, on page 16 (Description of Threats), the document states “Construction and stormwater associated with urban development represent the most immediate threats to the species in Canada.” TRCA has observed a continued decline of Redside Dace in our jurisdiction in areas where new infrastructure control approaches (e.g., thermal controls) have been installed. It is unclear if construction, construction monitoring, and the implementation of these features are ineffective, or if they are not protecting the necessary functions of the ecosystem that Redside Dace requires.</p> <p>Recommendation:</p> <p>The Strategy should include direct statements and specific examples of mitigation techniques to effectively reduce the threat of urbanization to Redside Dace and highlight where further research is required.</p>
6 Population and distribution objectives	21 and 36	<p>The Strategy provides one long-term population and one long-term distribution objective. The population objective is, “To ensure that all populations/sub-populations (both extant and historical) within the 17 watersheds listed below demonstrate signs of reproduction and recruitment and are stable or increasing with low risk from known threats. Note that the inclusion of historical populations within this objective is limited only to locations where feasible and warranted.”</p> <p>Ontario’s regulatory proposal under its <u>Endangered Species Act</u> (ERO 019-8016) to reduce the time period that a watercourse is considered occupied by Redside Dace from 20 years (since an observation) to 10 years. If this amendment is made, all watercourses in the Don River watershed and several watercourses within the Humber River watershed would no longer be considered regulated “recovery” habitat in Ontario. This would create inconsistencies with regulated critical habitat identified in the Strategy (see Table A below).</p> <p>The Strategy states that population recovery “would include the re-establishment of populations within currently unoccupied tributaries and stream reaches where connectivity to occupied</p>

Section	Page #	TRCA Comment																								
		<p>reaches remains...”. Repatriation opportunities should be considered for areas that have been thoroughly restored, are now suitable (e.g., threat of identified risks are low for foreseeable future), and which are considered “historical” Redside Dace habitat. This would facilitate meeting the Strategy’s distribution objective “to ensure the survival of self-sustaining populations/sub-populations within currently and, where feasible and warranted, historically occupied reaches.”</p> <p>Table A: Ontario Streams provided data on the number of watercourses in TRCA’s jurisdiction currently protected by provincial legislation that may be lost if proposals under ERO 019-8016 are adopted.</p> <table border="1" data-bbox="509 705 1412 1224"> <thead> <tr> <th data-bbox="509 705 732 905">Watershed</th> <th data-bbox="732 705 971 905">Number of Waterbodies currently protected with 20-year window</th> <th data-bbox="971 705 1209 905">Number of Waterbodies that will lose protection with 10-year window</th> <th data-bbox="1209 705 1412 905">Watershed last observation date</th> </tr> </thead> <tbody> <tr> <td data-bbox="509 905 732 961">Carruthers</td> <td data-bbox="732 905 971 961">4</td> <td data-bbox="971 905 1209 961">0</td> <td data-bbox="1209 905 1412 961">2020</td> </tr> <tr> <td data-bbox="509 961 732 1018">Don</td> <td data-bbox="732 961 971 1018">1</td> <td data-bbox="971 961 1209 1018">1</td> <td data-bbox="1209 961 1412 1018">2013</td> </tr> <tr> <td data-bbox="509 1018 732 1075">Rouge</td> <td data-bbox="732 1018 971 1075">7</td> <td data-bbox="971 1018 1209 1075">0</td> <td data-bbox="1209 1018 1412 1075">2021</td> </tr> <tr> <td data-bbox="509 1075 732 1167">Humber</td> <td data-bbox="732 1075 971 1167">8</td> <td data-bbox="971 1075 1209 1167">2</td> <td data-bbox="1209 1075 1412 1167">2021 (2023 by TRCA)</td> </tr> <tr> <td data-bbox="509 1167 732 1224">Duffins</td> <td data-bbox="732 1167 971 1224">6</td> <td data-bbox="971 1167 1209 1224">0</td> <td data-bbox="1209 1167 1412 1224">2021</td> </tr> </tbody> </table> <p>Recommendation:</p> <p>Harmonize the protected watercourse designation with the Province, within the same timeline for occupied, and historical or recovery habitat.</p> <p>Expand the distribution objective to allow for repatriation of Redside Dace to include restored watercourses that are not directly connected to currently occupied habitat (e.g., a watercourse in the Don River, should it be suitable). Provide criteria for suitable habitat for repatriation.</p> <p>DFO should commit to leading the implementation of a formal program that tracks and assesses Redside Dace population (instead of as a collaborative item).</p>	Watershed	Number of Waterbodies currently protected with 20-year window	Number of Waterbodies that will lose protection with 10-year window	Watershed last observation date	Carruthers	4	0	2020	Don	1	1	2013	Rouge	7	0	2021	Humber	8	2	2021 (2023 by TRCA)	Duffins	6	0	2021
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<p>Natural system modifications (7.2 Dams and water management/use, 7.3 Other ecosystem modifications)</p> <p>Appendix D: Fisheries partitions</p>	<p>18 and 105</p>	<p>The species partitions identified by the Strategy in the Rouge and the Humber River watersheds have been established for the protection of brook trout populations and are not ideally suited for Redside Dace. For instance, the partition identified in the Rouge River is known as Silver Stream Farms Dam (RGUP023) and is misnamed in the Strategy. While the segment of the Redside Dace regulated habitat extends beyond this structure, we are not aware if there has been a record above the dam. The dam has been there for many decades. This is likely an artifact of using a default Aquatic Resource Area layer that doesn't accurately portray the connectivity of habitat, or where the species exists or can reach. As in the section of river above, this particular dam should not be mapped as "occupied habitat".</p> <p>This occurs in multiple locations and affects what is actual habitat, and what is available for recovery/restoration.</p> <p>Recommendation:</p> <p>There should be a greater focus on current local conditions to better tailor the recovery of the species and enable greater, more practical opportunities for success.</p> <p>The Rouge River Fisheries Management Plan was completed with MNRF biologists and approved and adopted by TRCA for use in natural heritage and aquatic habitat decision-making. The Management Plan identified some species partitions beyond the Silver Stream Farms Dam that can be seen in the map below. A new issue is the inland movement and establishment of Round Goby (<i>Neogobius melanostomus</i>) in Redside Dace habitat.</p> <p>The invasion of Round Goby into Berczy Creek is pushing into some of the highest abundance habitats in the Rouge. The potential impact to the community and the species' ability to spawn successfully is of major concern. There is also the compounding stressor of construction from new development and ultimate changes to hydrology and water quality.</p> <p>Several other dam structures could become strategic partitions to help prevent the movement of Rouge Goby into other portions of Redside Dace habitat within the watershed. Funding and specific direction are needed to complete these mitigative measures. Some structures would require slight modification to prevent Round Goby passage. Designating the presence of the Round Goby as an issue would be a starting point.</p>

Section	Page #	TRCA Comment
		 <p data-bbox="508 882 1404 1134">Similarly in the Humber River, there is a new introduction of Round Goby immediately below Redside Dace habitat. There is a structure immediately upstream of this introduction that was mitigated with a rocky ramp but has since failed in Doctor's McLean Park in Vaughan. This structure could also become a species partition to prevent the invasion of Round Goby into Redside Dace habitat with access to funding and direction.</p> <p data-bbox="508 1155 1404 1346">The upstream Purpleville Creek species partition identified in the Humber River Fisheries Management Plan (a partition identified to protect Brook Trout), is another structure under discussion for removal and could be used to limit the upstream movement of Round Goby.</p>

Section	Page #	TRCA Comment
		 <p data-bbox="513 846 1404 1098">We note that many structures are fragmenting the habitat of Redside Dace are not currently considered in mapping of regulated habitat or in recovery / restoration planning. If there is to be more effective decision-making about the recovery of the species, these structures should be factored into the landscape decision-making process as well as Aquatic Invasive Species invasion and potential impacts.</p> <p data-bbox="513 1119 789 1150">Recommendation:</p> <p data-bbox="513 1171 1404 1388">Fisheries partitions recommended in the Strategy that were based on past TRCA Fisheries Management Plans should be reviewed. These plans were not developed to support population connectivity or protection for Redside Dace and the identified barriers may be detrimental to achieving the Strategy’s population and distribution objectives.</p>
<p data-bbox="191 1409 396 1623">7.2 Measures to be taken to implement the recovery strategy and action plan:</p> <p data-bbox="191 1644 396 1894">Table 6 Measures to be undertaken collaboratively between Fisheries and Oceans</p>	<p data-bbox="396 1409 508 1440">23</p>	<p data-bbox="513 1409 1404 1623">Item #6 commits DFO to “evaluate health of all Redside Dace stream corridors, as well as supporting habitat, by watershed, and investigate the feasibility of restoring stream water quality, riparian vegetation, headwater features and hydrologic functions. This measure will allow for the identification of priorities for rehabilitation projects.”</p> <p data-bbox="513 1644 789 1675">Recommendation:</p> <p data-bbox="513 1696 1404 1875">A decision on where suitable repatriation habitat is located (see comments above) should be deferred until Item #6 of Table 6 is complete. This will ensure that Redside Dace potential habitat is suitable and may be available for the long term. It may also reveal that watercourses not currently connected to occupied</p>

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Canada and its partners for the Redside Dace (Item 6).		habitats may offer the best repatriation/restoration opportunities. We would be pleased to participate in working meetings with DFO staff in support of further analysis and identification of these opportunities.
7.2 Measures to be taken to implement the recovery strategy and action plan Table 5 Measures to be undertaken by DFO Canada for Redside Dace.	24	<p>The Provincial Policy Statement and all municipal planning documents listed in this section defer to the provincial and federal governments regarding impacts to fish habitat and the habitat of endangered species. The collaboration between various authorities on development review is greatly appreciated, however, the current policies and process already require protection of habitat for Redside Dace except in accordance with federal requirements.</p> <p>Recommendation:</p> <p>An additional recovery measure would be for DFO to develop and communicate clear measures and requirements for stormwater mitigation to take place early in the planning process to influence planning and design decisions and ensure more efficient and consistent implementation. Furthermore, it would be helpful to align DFO objectives with the funding of projects (e.g., IFCC and municipally funded projects) involving senior government support.</p>
7.2 Measures to be taken to implement the recovery strategy and action plan Table 5 Measures to be undertaken by DFO Canada for Redside Dace (Item 1). 8.3 Examples of activities likely to result in the destruction of critical habitat.	24 87	<p>While we appreciate the Table 5, item 1) proposed measure to work with municipal planning authorities, it remains unclear how stormwater impacts from residential/commercial development, as listed in the table, will be mitigated when there are currently no applicable DFO requirements in the planning process. Similarly, the retrofitting of existing older vintage flood and erosion control infrastructure in Redside Dace habitat, e.g., in the context of development and infrastructure upgrades in Morningside Creek, should be looked at as an opportunity to achieve habitat improvements. Hydrological impacts can be the fundamental driver of critical habitat destruction and define overall habitat conditions. These impacts are largely within the management control of municipalities.</p> <p>Permits are required to sample for the species and assess their presence and for recovery work, yet they are not required for activities that can alter habitat quality and condition (e.g., stormwater infrastructure installation, chloride loading). These external factors impact the habitat outside of the 30 m protected area and limit the species' ability to survive or be recovered.</p>

Section	Page #	TRCA Comment
		<p>Recommendation:</p> <p>For activities that may result in the destruction or degradation of critical habitat, the Strategy should state explicitly what DFO will require for future habitat alterations at the site, block, and subwatershed level.</p>
<p>7.3 Narrative to support the implementation tables</p> <p>Approach: habitat protection</p>	34	<p>Due to legislative changes and approval of Provincial Ministerial Zoning Orders (MZOs), the protection of contributing Redside Dace habitat and upstream fish habitat through means other than the <u>Fisheries Act</u> or SARA has become challenging. It is uncertain whether the impacts associated with MZOs and large-scale infrastructure projects on contributing habitat particularly, in the Humber and Rouge watersheds have been taken into account in the Strategy.</p> <p>Recommendation:</p> <p>A more detailed examination of MZO approvals and proposed infrastructure should be undertaken in parallel with finalizing the Strategy. Taking into account the impacts of recent approvals and proposed removals of upstream habitat, clear direction on the management of contributing and upstream habitat should be provided in the Strategy. This should recognize the role these habitats play in supporting critical habitat immediately downstream and the impacts the removal of critical habitats would have.</p>
<p>8.1 Identification of Redside Dace Critical Habitat</p>	39	<p>TRCA is supportive of the definition of critical habitat presented in the Strategy. It aligns with the Province's current definition of regulated habitat under the <u>Endangered Species Act</u>.</p> <p>We note that the Strategy does not include a timeline for which habitat is no longer considered critical habitat. Therefore, while the Strategy's critical habitat protection is permanent, regulated habitat at the provincial level changes based on occurrence records (new, or removal of "absent" watercourses after 20 years). This discrepancy creates ongoing inconsistencies between federal and provincial regulated habitats.</p> <p>Recommendation:</p> <p>We recommend that the Strategy identifies how the federal and provincial approaches to regulating and permitting Redside Dace habitat will be harmonized within Ontario.</p>
<p>7.2 Measures to be taken to implement the recovery</p>	24	<p>A clearer understanding by all stakeholders is needed of how implementation in the planning process is to be coordinated at a local level, including clarifying the roles of key stakeholders through each stage of the process. Of benefit to all stakeholders</p>

Section	Page #	TRCA Comment
<p>strategy and action plan:</p> <p>Table 5 Measures to be undertaken by Fisheries and Oceans Canada for the Redside Dace</p>		<p>in the planning process would be DFO guidance specific to land use planning and development, inclusive of larger scale infrastructure proposals, with a view for clarity and certainty in requirements and for avoiding delays.</p> <p>Recommendation:</p> <p>Consider providing tools and specific direction promoting coordination and ensuring early consultation among federal, provincial, and municipal agencies in the early stages of the planning process. Establish an implementation framework that incorporates protocols, best practices, and metrics, to integrate into standard procedures tailored to meet the objectives for the species. It would be helpful for the federal government to work with TRCA and partners in subwatershed planning, larger scale infrastructure plans and official plan secondary plan processes to ensure all stakeholders are aware of requirements and opportunities to meet the objectives for the species in the context of such proposals.</p>
<p>7.3 Narrative to support the implementation tables</p> <p>2) Broad strategy: inventory and monitoring</p>	35	<p>Recent provincial decisions to limit permit approval for targeted Redside Dace surveys prevent TRCA from completing the recommended inventory and monitoring studies. Further, the ability to identify critical habitat requires monitoring of the focal species, which is challenging due to the same permitting issues along with a lack of dedicated financial resources. For example, in the absence of targeted monitoring it is not possible to confirm the presence or absence of Redside Dace, which hinders efforts to mitigate, conserve and recover populations.</p> <p>When monitoring is permitted, many organizations use different methods with different detection probabilities. For resourcing, many grants put more value on implementation actions and less value on monitoring actions. Without monitoring resources, it makes it difficult to assess the impact of actions and understand where and when actions may be needed.</p> <p>Recommendation:</p> <p>Harmonize permitting and monitoring requirements, funding priorities and opportunities, and critical habitat identification methods among federal and provincial jurisdictions. TRCA is supportive of DFO's commitment to refine and implement a standardized monitoring protocol for Redside Dace; however, Provincial permitting for targeted sampling is necessary for TRCA to be able to fully participate in extensive Redside Dace monitoring.</p>

Section	Page #	TRCA Comment
8.1.2 Information and methods used to identify critical habitat	39-40	<p>Up-to-date information sharing would enable consistent implementation across jurisdictions.</p> <p>Recommendation:</p> <p>To guarantee the identification and consideration of critical and contributing habitats in the development planning process, stakeholders and agencies must have up-to-date resources, such as guidelines, mapping tools, consultation platforms, incentives, and monitoring databases.</p>
8.1.3 Identification of critical habitat Table 6 Measures to be undertaken collaboratively between Fisheries and Oceans Canada and its partners for the Redside Dace (Item 3) Table 8 Coordinates locating the boundaries of the bounding boxes within which critical habitat is found for Redside Dace	25 and 40	<p>Across all levels of government, data discovery, accessibility, and harmonization of Redside Dace presence/abundance records continue to prove challenging within our jurisdiction. Data discovery and accessibility are critical for transparency and understanding to implement the recovery strategy. Ultimately, this makes it difficult to understand where (and potentially when – important to Ontario regulations) regulated reaches are present or should be present on the landscape.</p> <p>Ontario Streams, an NGO, currently manages a combined DFO / Ontario occurrence database that has limited access and is not shared with CAs, including TRCA. Ontario’s Government Response Statement says a provincial government-led action is to “Maintain a database of Redside Dace distribution and ensure that information on the currently occupied range of the species is available to appropriate planning authorities.” However, there is no single database to access records and no timeline for adding new occurrence records.</p> <p>Recommendation:</p> <p>The Strategy should outline clear objectives for harmonizing the provincial and federal occurrence records to ensure all parties and stakeholders are working with the same information.</p>
10 Measuring progress	92-93	<p>The Strategy provides three performance indicators to evaluate if actions are achieving the population and distribution objectives:</p> <ol style="list-style-type: none"> 1. The continued presence of Redside Dace throughout its current distribution by 2030

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		<p>2. Status of Redside Dace in Bronte Creek, Irvine Creek, and Spencer Creek determined by 2025</p> <p>3. Redside Dace detected in 20% of formerly unoccupied reaches within historical range by 2035 (that is, evidence of expansion)</p> <p>The provincial restrictions (i.e., denied sampling permits) placed on CAs and partners to perform targeted sampling for Redside Dace will greatly limit DFO's ability to evaluate the proposed performance indicators. The timelines necessary to acquire both a SARA and ESA permit can be prohibitive to completing targeted sampling if applicable.</p> <p>Recommendation:</p> <p>DFO should finalize a one-window approach to federal and provincial permitting for inventory and monitoring studies for Redside Dace within Ontario.</p>

Thank you again for the opportunity to review the proposed Draft Recovery Strategy and Action Plan for the Redside Dace. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

Enclosure

Cc: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Anil Wijesooriya, Director, Restoration & Infrastructure



February 20, 2024

CFN 70873

BY E-MAIL ONLY
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Public Input Coordinator
Species at Risk Protection Policy Section
300 Water Street, 5th Floor, North Tower
Peterborough, ON
K9J 3C7, Canada

Re: Regulatory changes under the Endangered Species Act to improve implementation of the species at risk program (ERO 019-8016)

Thank you for the opportunity to provide comments on the “Regulatory changes under the Endangered Species Act, 2007, to improve the implementation of the species at risk program” (019-8016) posted on the Environmental Registry of Ontario (ERO) by the Ministry of Environment, Conservation and Parks (MECP). Toronto and Region Conservation Authority (TRCA) staff appreciated MECP’s webinar on January 30, 2024, to explain this proposal and answer questions posed by attendees.

TRCA supports our provincial and municipal partners in the research and science of watershed health and protecting and restoring habitat, through our mandate under the Conservation Authorities Act and associated regulations.

Government Proposal

We understand that MECP is proposing to amend regulations under the Endangered Species Act (ESA) to improve the effectiveness and implementation of the species at risk (SAR) program. Regulatory amendments are being proposed under the following categories:

- Habitat Protections for Redside Dace (O. Reg. 832/21)
- Select conservation fund species and related administrative changes (O. Reg. 829/21 and O. Reg. 830/21).
- Adding newly listed species to existing conditional exemptions and other administrative changes (O. Reg. 242/08).
- Amendments to the conditional exemption for early exploration mining (O. Reg. 242/08).

TRCA Comments

Our comments on two of the above categories are informed by TRCA's technical expertise in terrestrial and aquatic ecology and our ongoing watershed monitoring, research, and ecological restoration works. In addition, TRCA staff are members of the Redside Dace Recovery Implementation Team.

TRCA notes that Ontario's biodiversity continues to decline, and more conservation efforts are needed for SAR to halt and reverse this decline. For your reference, we have bolded our main recommendations for contributing to the recovery of species under the ESA and applicable regulations.

Proposed Regulatory Amendments category	TRCA Detailed Comments
Amendments regarding the habitat protections for Redside Dace (O. Reg. 832/21)	<p>The proposed amendment aiming to modify how "recovery" habitat is determined under subparagraph 2, poses limitations on potential areas for the conservation and rehabilitation of Redside Dace. Specifically, the proposed amendment, which defines suitable areas as those "<i>currently</i> suitable for Redside Dace to carry out its life processes," relies on present data and existing conditions. This would overlook areas where recovery opportunities exist, such as through overall benefit and restoration projects, including provincially funded stewardship projects. Therefore, the amendment as proposed would not capture numerous potential sites where Redside Dace, if subjected to restoration efforts, could carry out life processes.</p> <p>The proposed amendments would also determine recovery habitat to be streams or other watercourses "directly adjacent" to occupied habitat. Sections of a watershed, even if not directly adjacent to a currently occupied Redside Dace habitat, could transform into "suitable" habitat in the future through restoration/compensation initiatives. TRCA recommends that the amendment to the definition of habitat be revised to recognize restoration opportunities and projects currently being planned and implemented.</p> <p>Further, a defined methodology and monitoring program to assess "areas that are currently suitable for Redside Dace to carry out its life processes" is unavailable. Instead, these watercourses should be evaluated using scientific protocols to assess conditions to ensure they meet the biological requirements of the species. Assessing these watercourses as opportunities for research, habitat restoration and future reintroductions of the species is encouraged as they play an important role in providing knowledge for species recovery actions.</p> <p>The proposed amendment to reduce the timeframe from 20 years to 10 years to qualify as "occupied" Redside Dace habitat under the regulation, will result in many stream reaches being removed from the protected list, including several watercourses in TRCA's jurisdiction.</p> <p>This would ultimately decrease habitat protections for Redside Dace under the ESA. Removing non-qualifying watercourses reduces</p>

Proposed Regulatory Amendments category	TRCA Detailed Comments
	<p>opportunities for the survival of the species. Changing the timeframe in determining occupancy is further complicated by other issues including the following:</p> <p><u>Monitoring Availability</u></p> <ul style="list-style-type: none"> • There have been decreasing opportunities for monitoring Redside Dace and SAR overall, due to a lack of funding and resources (e.g., SAR Research Fund, SAR Stewardship Fund). • Further to the above, targeted SAR Stewardship funding focuses primarily on habitat project implementation and success monitoring. Limited funds are directed to monitoring focused on updating occurrences and identifying occupied and recovery habitats, resulting in a significant science gap for the species. • Permitting requirements currently in place under the ESA require Minister approval to assess populations of Redside Dace. This results in delays and extended timelines, which impact the ability to adequately survey for the species and in turn, lengthens project timelines for proponents. One mitigative measure would be for stakeholders to be made aware of when and where monitoring is occurring and be given access to updated records. <p><u>Monitoring Methodology</u></p> <ul style="list-style-type: none"> • There is currently no standardized methodology or monitoring program in place for the species. Given the specific sampling methodologies, seasonality, and equipment required to adequately sample Redside Dace, there is significant concern that sampling to confirm occupancy, without a science-based protocol specific to the species, will be inadequate and result in false non-occupancy status. A long-term sampling protocol should be required to adequately monitor endangered species; this would enhance certainty and clarity for all stakeholders. • While eDNA is a straightforward and efficient tool in identifying species presence, this tool is not yet considered a provincially acceptable means of confirming occupancy. Nonetheless, numerous watercourses with suitable habitat have resulted in positive eDNA results despite no physical specimen. Until such time that a standardized methodology and/or monitoring program is available to confirm occupancy using eDNA, reaches with positive eDNA results but no physical specimens captured should remain classified as occupied habitat until they can be proven otherwise.
Amendments regarding select conservation fund	The proposed amendment, seeking to remove the 30-day waiting period between the submission of a Butternut Health Expert Report and the

Proposed Regulatory Amendments category	TRCA Detailed Comments
species and related administrative changes (O. Reg. 830/21)	<p>registration of an eligible activity, raises concerns regarding the restricted definition of impactful action solely to the specified tree(s).</p> <ul style="list-style-type: none"> • The concern stems from the possibility that the applicant may engage in eligible activities adjacent to/surrounding the tree, such as vegetation removal or grading, which could have indirect consequences for the overall community where the butternut is situated. Should the assessment results indicate the tree's importance/requirement for preservation, previously approved eligible activities may increase its vulnerability and long-term health. • To address this issue, eligible activities should consider the potential impacts on butternut trees beyond what is explicitly defined as impactful action under O. Reg. 830/21. This broader perspective would help safeguard the overall well-being of the butternut community and prevent potential risks associated with isolated preservation efforts.

Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at (437) 880-2282 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
 Director, Policy Planning

Cc: John MacKenzie, Chief Executive Officer, TRCA
 Sameer Dhalla, Director, Development Services, TRCA
 Anil Wijesooriya, Director, Restoration & Infrastructure, TRCA