



Review of Nutrient Water Quality Objectives Proposed by the International Joint Commission's International Red River Board

Manitoba Metis Federation

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1.0 Introduction

The Manitoba Metis Federation (MMF) has outlined throughout this report the effects of the Red River's water quality on the Métis Nation's Manitoba Métis Community.

The International Joint Commission's (IJC) International Red River Board (IRRB) was established to assist with reporting on the water quality of the Red River and to recommend amendments or additions to the water quality objectives. The IRRB water quality objectives were approved at the US/Canada boundary by the U.S. and Canadian governments in 1968. In 1969 the IRRB received authorization from the governments to establish continuous supervision over the quality of the waters crossing the boundary in the Red River and to recommend amendments or additions to the objectives.

More recently, nutrients became a focus in the 2000's when the IRRB identified nutrients as an issue of concern and in response developed a Water Quality Committee in 2011. The purpose of the Water Quality Committee is to propose nutrient objectives and loading targets for phosphorus and nitrogen on the Red River at the US/Canada boundary. In September 2019 the IJC's IRRB passed a motion recommending nutrient objectives and nutrient load targets. The MMF and the Métis Nation's Manitoba Métis Community are invested regarding nutrient levels throughout the Red River and the effects they have on downstream Lake Winnipeg.

1.1 Proposed Nutrient Objectives

In September 2019 the IRRB agreed to recommend the following nutrient concentration objectives and nutrient load targets for the Red River at the boundary between U.S. and Canada. The IJC and IRRB agreed in December 2019 to forward the request of nutrient objectives to the Canadian and American governments. Nutrient concentration and loading objectives are to protect the Red River and downstream waterbodies including Lake Winnipeg.

<i>Nutrient Concentration Objectives</i>	Milligrams/Liter
<i>Total Phosphorus</i>	0.15
<i>Total Nitrogen</i>	1.15

<i>Nutrient Load Targets</i>	Tonnes/Year
<i>Total Phosphorus</i>	1,400

2.0 Manitoba Métis Community

2.1 History and Identity

The Métis Nation—as a distinct Indigenous people—evolved out of relations between European men and First Nations women who were brought together as a result of the early fur trade in the Northwest. In the eighteenth century, both the Hudson Bay Company and the Northwest Company created a series of trading posts that stretched across the upper Great Lakes, through the western plains, and into the northern boreal forest. These posts and fur trade activities brought European and Indigenous peoples into contact. Inevitably, unions between European men—explorers, fur traders, and pioneers—and Indigenous women were consummated. The children of these families developed their own collective identity and political community so that “[w]ithin a few generations, the descendants of these unions developed a culture distinct from their European and Indian forebears” and the Métis Nation was born—a new people, indigenous to the western territories (*Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, [2011] 2 SCR 670 at para. 5; *R. v. Goodon*, 2008 MBPC 59 at para. 25; *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, [2013] 1 SCR 623 at para. 2).

The Métis led a mixed way of life. “In early times, the Métis were mostly nomadic. Later, they established permanent settlements centered on hunting, trading and agriculture” (*Alberta v. Cunningham*, at para. 5). The Métis were employed by both of the fur trades’ major players, the Hudson’s Bay and Northwest companies. By the early 19th century, they had become a major component of both firms’ workforces. At the same time, however, the Métis became extensively involved in the buffalo hunt. As a people, their economy was diverse; combining as it did, living off the land in the Aboriginal fashion with wage labour (*MMF Inc. v. Canada*, at para. 29).

It was on the Red River, in reaction to a new wave of European immigration, that the Métis Nation first came into its own. Since the early 1800s, the Manitoba Métis Community—as a part of the larger Métis Nation—has asserted itself as a distinct Indigenous collective with rights and interests in its Homeland. The Manitoba Métis Community shares a language (Michif), national symbols (infinity flags), culture (i.e., music, dance, dress, crafts), as well as a special relationship with its territory that is centered in Manitoba and extends beyond the present-day provincial boundaries.

The Manitoba Métis Community has been recognized by the courts as being a distinctive community, with rights that are protected in section 35 of the *Constitution Act, 1982*. In *Goodon*, the Manitoba courts held that

The Métis community of Western Canada has its own distinctive identity [...] the Métis created a large inter-related community that included numerous settlements located in present-day southwestern Manitoba, into Saskatchewan and including the northern Midwest United States. This area was one community [...] The Métis community today in Manitoba is a well-organized and vibrant community (paras. 46-47; 52).

This proud independent Métis population constituted a historic rights-bearing community in present day Manitoba and beyond, which encompassed “all of the area within the present boundaries of southern Manitoba from the present-day City of Winnipeg and extending south to the United States” (*R. v. Goodon*, at para. 48).

The heart of the historic rights-bearing Métis community in southern Manitoba was the Red River Settlement; however, the Manitoba Métis also developed other settlements and relied on various locations along strategic fur trade routes. During the early part of the 19th century, these included various posts of varying size and scale spanning the Northwest Company and the Hudson Bay Company collection and distribution networks.

More specifically, in relation to the emergence of the Métis—as a distinct Aboriginal group in Manitoba—the Supreme Court of Canada wrote the following in the *MMF Inc. v. Canada* case:

[21] The story begins with the Aboriginal peoples who inhabited what is now the province of Manitoba—the Cree and other less populous nations. In the late 17th century, European adventurers and explorers passed through. The lands were claimed nominally by England which granted the Hudson’s Bay Company, a company of fur traders operation of out London, control over a vast territory called Rupert’s Land, which included modern Manitoba. Aboriginal peoples continued to occupy the territory. In addition to the original First Nations, a new Aboriginal group, the Métis, arose—people descended from early unions between European adventurers and traders, and Aboriginal women. In the early days, the descendants of English-speaking parents were referred to as half-breeds, while those with French roots were called Métis.

[22] A large—by the standards of the time—settlement developed at the forks of the Red and Assiniboine Rivers on land granted to Lord Selkirk by the Hudson’s Bay Company in 1811. By 1869, the settlement consisted of 12,000 people, under the governance of Hudson’s Bay Company.

[23] In 1869, the Red River Settlement was a vibrant community, with a free enterprise system and established judicial and civic institutions, centred on the retail stores, hotels, trading undertakings and saloons of what is now downtown Winnipeg. The Métis were the dominant demographic group in the Settlement, comprising

around 85 percent of the population [approximately 10,000 Métis], and held leadership positions in business, church and government.

The fur trade was vital to the ethnogenesis of the Métis and was active in Manitoba from at least the late 1770s, and numerous posts and outposts were established along cart trails and waterways throughout the province. These trails and waterways were crucial transportation networks for the fur trade (Jones 2014; Figure 1) and were the foundation of the Manitoba Métis Community's extensive use of the lands and waters throughout the province. In the early 20th century, the Manitoba Métis Community continued to significantly participate in the commercial fisheries and in trapping activities, which is well documented in Provincial government record.

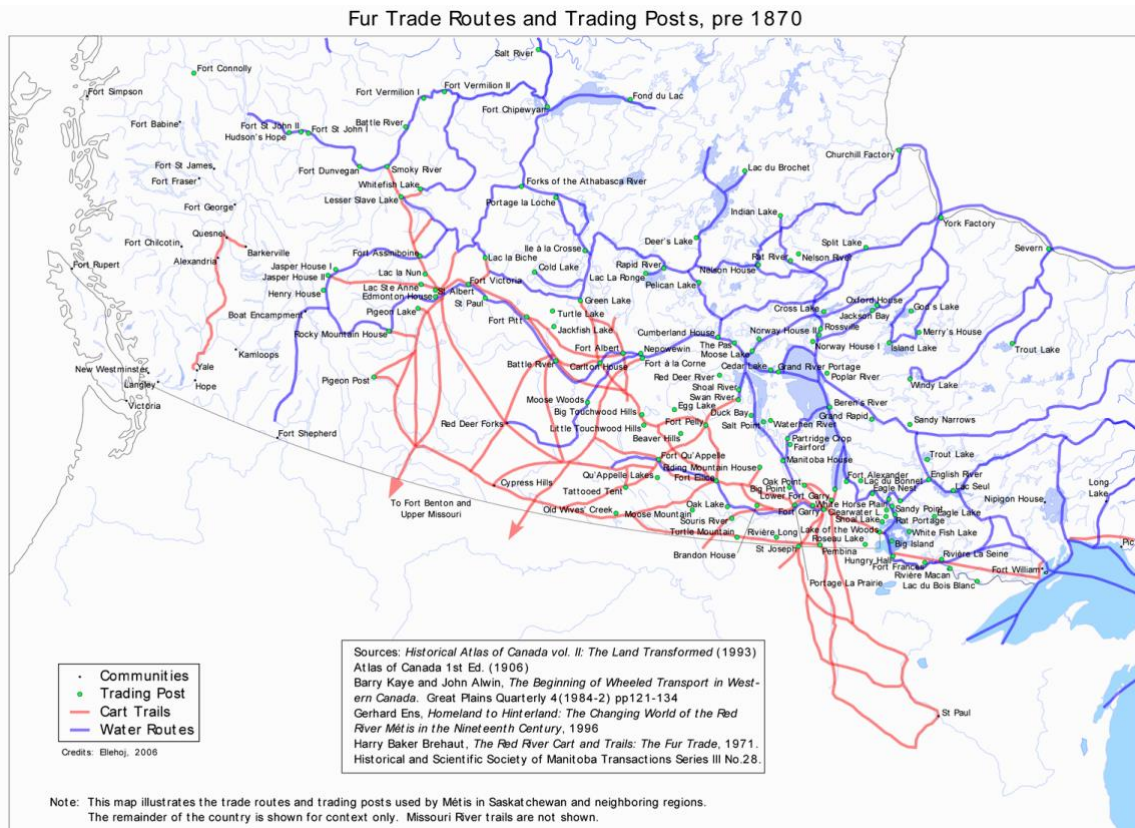


Figure 1: The Fur Trade Network: Routes and Posts Prior to 1870

2.2 Manitoba Metis Federation

The Manitoba Metis Federation (MMF) is the democratically elected government of the Métis Nation's Manitoba Métis Community (Manitoba Métis Community). The MMF is duly authorized by the members of the Manitoba Métis Community for the purposes of dealing with Manitoba Métis rights, claims, and interests, including conducting consultations and negotiating accommodations (as per MMF Resolution No. 8, see Section 2.3). While the MMF was initially formed in 1967, its origins lie in the 18th century with the birth of the Manitoba Métis Community and in the legal and political structures that developed with it. Since the birth of the Métis people in the Red River Valley in the early 1800s, the Manitoba Métis Community—as a part of the larger Métis Nation—has asserted and exercised its inherent right of self-government. Over the last 50 years, the MMF has represented the Manitoba Métis Community at the provincial and national levels.

During this same period, the MMF has built a sophisticated, democratic and effective Métis governance structure that represents the Manitoba Métis Community at the local, regional,

and provincial levels throughout Manitoba. The MMF was created to be the self-government representative of the Manitoba Métis Community—as reflected in the Preamble of the MMF’s Bylaws, which are agreed to by its members as a part of registering with the MMF:

WHEREAS, the Manitoba Metis Federation Inc. has been created to be the democratic and self-governing representative body of the Manitoba Métis Community.

In addition, the purpose “to provide responsible and accountable governance on behalf of the Manitoba Métis Community using the constitutional authorities delegated by its members” is embedded within the MMF’s objectives, as set out in the MMF Bylaws. These objectives mandate the MMF to advance the cultural, legal, constitutional, social, economic, and political rights and interests of the Manitoba Métis Community. The objectives of the MMF, as set out in the MMF Bylaws, are as follows:

1. To promote and instill pride in the history and culture of the Métis people
2. To educate members with respect to their legal, political, social and other rights
3. To promote the participation and representation of the Métis people in key political and economic bodies and organizations
4. To promote the political, legal, social and economic interests and rights of its members
5. To provide responsible and accountable governance on behalf of the Manitoba Métis community using the constitutional authorities delegated by its members

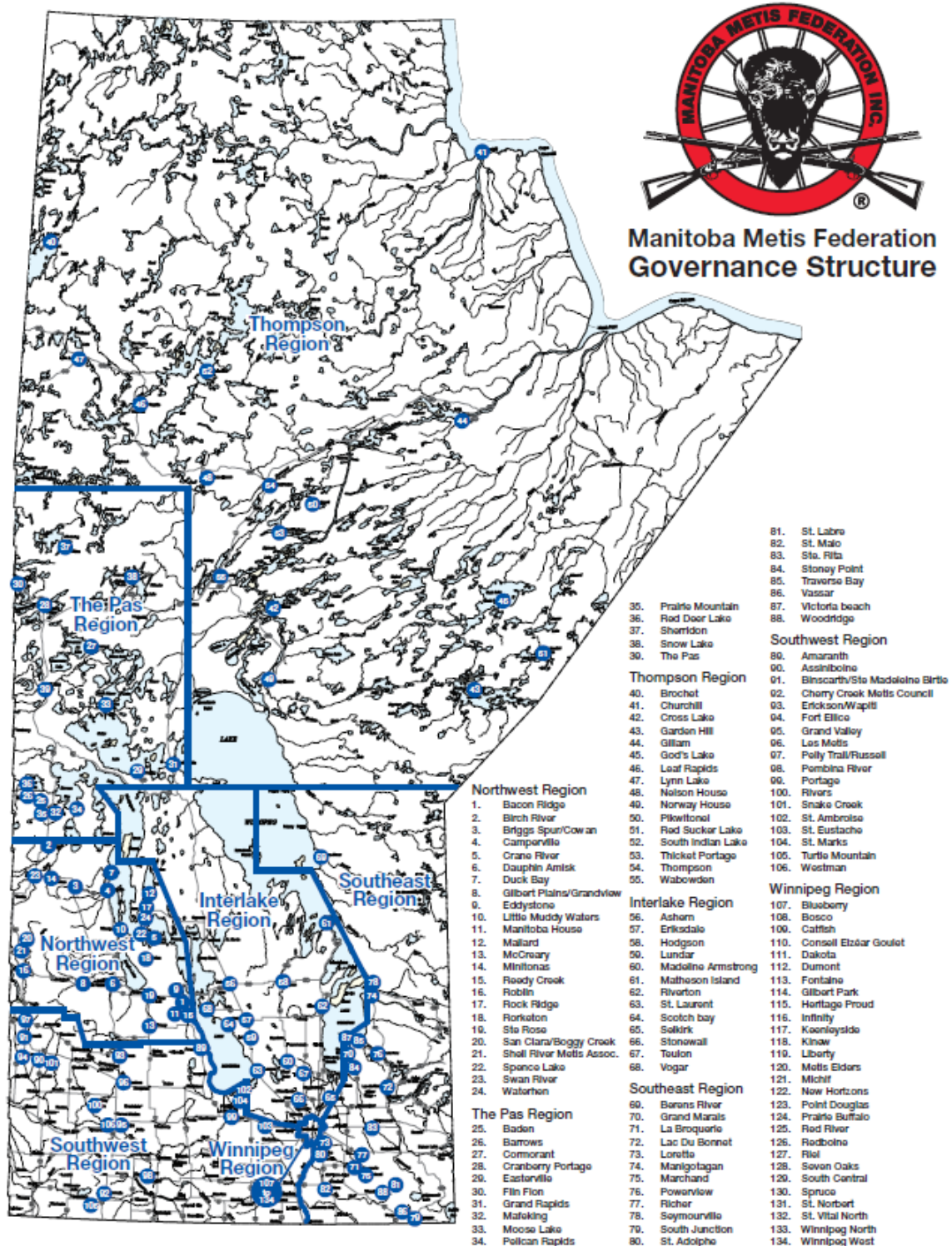
The MMF is organized and operated based on centralized democratic principles, some key aspects of which are described below.

President: The President is the Chief Executive Officer, leader and spokesperson of the MMF. The President is elected in a province-wide ballot-box election every four years and is responsible for overseeing the day-to-day operations of the MMF.

Board of Directors: The MMF Board of Directors, or “MMF Cabinet” leads, manages and guides the policies, objectives and strategic direction of the MMF and its subsidiaries. All 23 members are democratically elected by the membership.

Regions: The MMF is organized into seven regional associations or “Regions” throughout the province (Figure 2): The Southeast Region, the Winnipeg Region, the Southwest Region, the Interlake Region, the Northwest Region, the Pas Region, and the Thompson Region. Each Region is administered by a vice-president and two executive officers, all of whom sit on the MMF’s Cabinet. Each Region has a separate office which delivers programs and services to their specific geographic area.

Locals: Within each Region are various area-specific "Locals" which are administered by a chairperson, a vice-chairperson and a secretary-treasurer. Locals must have at least nine members and meet at least four times a year to remain active. There are approximately 140 MMF Locals across Manitoba.



2.3 MMF Resolution No. 8

Among its many responsibilities, the MMF is authorized to protect the Aboriginal rights, claims and interests of the Manitoba Métis Community, including as related to harvesting resources, traditional culture, and economic development.

In 2007, the MMF Annual General Assembly unanimously adopted Resolution No. 8 that sets out the framework for engagement, consultation, and accommodation to be followed by Federal and Provincial governments, industry, and others when making decisions and developing plans and projects that may impact the Manitoba Métis Community. Under MMF Resolution No. 8, direction has been provided by the Manitoba Métis Community for the MMF Home Office to take the lead and be the main contact on all consultation affecting the Manitoba Métis Community. Resolution No. 8 reads, in part that:

...this assembly continue[s] to give the direction to the Provincial Home Office to take the lead and be the main contact on all consultations affecting the Métis community and to work closely with the Regions and Locals to ensure governments and industry abide by environmental and constitutional obligations to the Métis...

The MMF Home Office works closely with the Regions and Locals to ensure the rights, interests, and perspective of the Manitoba Métis Community are effectively represented in matters related to consultation and accommodation.

Resolution No. 8 has five phases:

Phase 1: Notice and Response

Phase 2: Funding and Capacity

Phase 3: Engagement or Consultation

Phase 4: Partnership and Accommodation

Phase 5: Implementation

Each phase is an integral part of the Resolution No. 8 framework and proceeds logically through the stages of consultation.

2.4 Manitoba Métis Community Rights, Claims, and Interests

The Manitoba Métis Community possesses Aboriginal rights, including pre-existing Aboriginal collective rights and interests in lands protected by section 35 of the *Constitution Act, 1982*, throughout Manitoba. Indeed, Manitoba courts recognized these pre-existing, collectively held Métis rights in *R. v. Goodon* (at paras. 58; 72):

I conclude that there remains a contemporary community in southwest Manitoba that continues many of the traditional practices and customs of the Métis people.

I have determined that the rights-bearing community is an area of southwestern Manitoba that includes the City of Winnipeg south to the U.S. border and west to the Saskatchewan border.

As affirmed by the Supreme Court of Canada, such rights are “recognize[d] as part of the special aboriginal relationship to the land” (*R. v. Powley*, 2003 SCC 43, at para. 50) and are grounded on a “communal Aboriginal interest in the land that is integral to the nature of the Métis distinctive community and their relationship to the land” (*MMF Inc. v. Canada*, at para. 5). Importantly, courts have also recognized that Métis harvesting rights may not be limited to Unoccupied Crown Lands (*R. v. Kelley*, 2007 ABQB 41, para. 65).

The Crown, as represented by the Manitoba government, has recognized some aspects of the Manitoba Métis Community’s rights through a negotiated agreement: The *MMF-Manitoba Harvesting Agreement (2012)*. This Agreement was signed at the MMF’s 44th Annual General Assembly and “recognizes that collectively-held Métis Harvesting Rights, within the meaning of s. 35 of the *Constitution Act, 1982*, exist within the [Recognized Métis Harvesting Zone], and that these rights may be exercised by Métis Rights Holders consistent with Métis customs, practices and traditions...” (*MMF-Manitoba Harvesting Agreement*, section 1). In particular, the *MMF-Manitoba Harvesting Agreement* recognizes that Métis rights include “hunting, trapping, fishing and gathering for food and domestic use, including for social and ceremonial purposes and for greater certainty, Métis harvesting includes the harvest of timber for domestic purposes” throughout an area spanning approximately 169,584 km² (the “Métis Recognized Harvesting Area”) (*MMF-Manitoba Harvesting Agreement*, section 2; Figure 3 below). The MMF further asserts rights and interests beyond this area, which require consultation and accommodation as well.

Beyond those rights already established through litigation and recognized by agreements, the Manitoba Métis Community claims commercial and trade-related rights. Courts have noted that Métis claims to commercial rights remain outstanding (*R. v. Kelley* at para. 65). These claims are strong and well-founded in the historical record and the customs, practices, and

traditions of the Manitoba Métis Community, and it is incumbent on the Crown and Proponents to take them seriously.

The Manitoba Métis Community has its roots in the western fur trade (*R. v. Blais*, 2003 SCC 44 at para. 9 [*Blais*]; *R. v. Goodon* at para. 25). The Métis in Manitoba are descendants of early unions between Aboriginal women and European traders (*MMF Inc. v. Canada* at para. 21). As a distinct Métis culture developed, the Métis took up trade as a key aspect of their way of life (*R. v. Powley* at para. 10). Many Métis became independent traders, acting as middlemen between First Nations and Europeans (*R. v. Goodon* at para. 30). Others ensured their subsistence and prosperity by trading resources they themselves hunted and gathered (*R. v. Goodon* at para. 31, 33, & 71). By the mid-19th century, the Métis in Manitoba had developed the collective feeling that “the soil, the trade and the Government of the country [were] their birth rights.” (*R. v. Goodon* at para. 69(f)). Commerce and trade are and always have been integral to the distinctive culture of the Manitoba Métis Community. Today, the Manitoba

Expansion of the Recognized Metis Harvesting Area

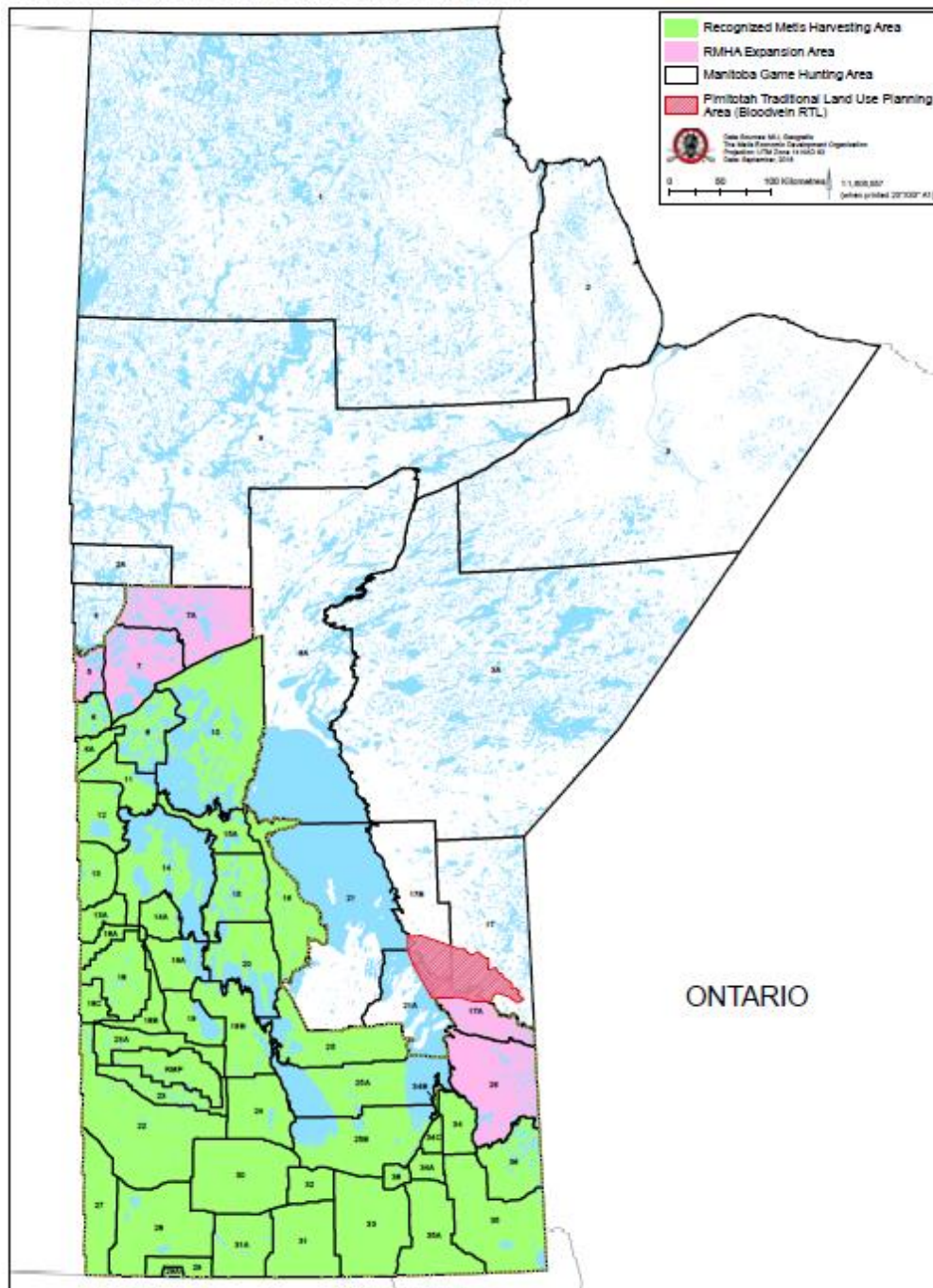


Figure 3. MMF–Manitoba Harvesting Agreement Recognized Manitoba Métis Harvesting Zones (Green and Pink)

Métis have an Aboriginal, constitutionally protected right to continue this trading tradition in modern ways to ensure that their distinct community will not only survive, but also flourish.

Unlike First Nations in Manitoba, whose commercial rights were converted and modified by treaties and the *Natural Resources Transfer Agreement* (“NRTA”) (*R. v. Horseman*, [1990] 1

SCR 901), the Métis’ pre-existing customs, practices, and traditions—including as they relate to commerce and trade—were not affected by the *NRTA* (*R. v. Blais*) and continue to exist and be protected as Aboriginal rights. First Nations’ treaty rights in Manitoba are, for example, inherently limited by the Crown’s power to take up lands (*Mikisew Cree First Nation v Canada* (*Minister of Canadian Heritage*), [2005] 3 SCR 388 at para 56). Métis rights, in contrast, are not tempered by the “taking up” clauses found in historic treaties with First Nations. Métis rights must be respected as they are, distinct from First Nations’ rights and unmodified by legislation or agreements.

In addition to the abovementioned rights to land use that preserve the Métis culture and way of life, the MMF has other outstanding land related claims and interests with respect to lands outside of the ‘old postage stamp’ province of Manitoba. Specifically, these claims relate to the federal Crown’s constitutional promise to all Aboriginal peoples, including Manitoba Métis, as set out in the Order of Her Majesty in Council Admitting Rupert’s Land and the North-Western Territory into the Union (the “1870 Order”) which provides

that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

The manner in which the federal Crown implemented this constitutional promise owing to the Manitoba Métis—through the *Dominion Lands Act* and the resulting Métis scrip system—effectively defeated the purpose of the commitment. Accordingly, the MMF claims these federal Crown actions constituted a breach of the honour of the Crown, which demand negotiations and just settlement outside of the ‘old postage stamp province’ within Manitoba as well.

The MMF also claims that the *Dominion Lands Act* and the resulting Métis scrip system were incapable of extinguishing collectively held Métis title in specific locations where the Manitoba Métis Community is able to meet the legal test for Aboriginal title as set out by the Supreme Court of Canada. These areas in the province, which the Manitoba Métis exclusively occupied—as an Indigenous people—prior to the assertion of sovereignty, establish a pre-existing Métis ownership interest in these lands.

The MMF has an outstanding legal claim within what was the ‘old postage stamp province’ relating to the 1.4 million acres of land promised to the children of the Métis living in the Red River Valley, as enshrined in s. 31 of the *Manitoba Act, 1870* (*MMF Inc. v. Canada* at para 154).

This land promised was a nation-building, constitutional compact that was meant to secure a “lasting place in the new province [of Manitoba]” for future generations of the Métis people (*MMF Inc. v. Canada* at para 5). This “lasting place” was to have been achieved by providing the Manitoba Métis Community a “head start” in securing lands in the heart of the new province (*MMF Inc. v. Canada* at paras 5-6).

Instead, the federal Crown was not diligent in its implementation of s. 31, which effectively defeated the purpose of the constitutional compact.

In March 2013, the Supreme Court of Canada found that the federal Crown failed to diligently and purposefully implement the Métis land grand provision set out in s. 31 of the *Manitoba Act, 1870* (*MMF Inc. v. Canada* at para 154). This constituted a breach of the honour of the Crown. In arriving at this legal conclusion, the Court wrote

What is at issue is a constitutional grievance going back almost a century and a half. So long as the issue remains outstanding, the goal of reconciliation and constitutional harmony, recognized in s. 35 of the *Charter* and underlying s. 31 of the *Manitoba Act*, remains unachieved. The ongoing rift in the national fabric that s. 31 was adopted to cure remains unremedied. The unfinished business of reconciliation of the Métis people with Canadian sovereignty is a matter of national and constitutional import (*MMF Inc. v. Canada* at para 40).

This constitutional breach is an outstanding Métis claim flowing from a judicially recognized common law obligation which burdens the federal Crown (*MMF Inc. v. Canada* at paras 156; 212). It can only be resolved through good faith negotiations and a just settlement with the MMF (see for example: *R v Sparrow*, [1990] 1 SCR 1075 at paras 51–53; *R v Van der Peet*, [1996] 2 SCR 507 at paras 229, 253; *Haida* at para 20; *Carrier Sekani* at para 32). Lands both within the ‘old postage stamp province’ as well as in other parts of Manitoba—since little Crown lands remain within the ‘old postage stamp province’—may need to be considered as part of any future negotiations and settlement in fulfillment of the promise of 1.4 million acres.

On November 15, 2016, the MMF and Canada concluded a *Framework Agreement for Advancing Reconciliation* (the “Framework Agreement”). The Framework Agreement serves as the basis for ongoing negotiation aimed at implementing the Supreme Court of Canada’s decision in *MMF Inc. v. Canada* and advancing the process of reconciliation between the Crown and the MMF. It provides for negotiations on various topics including, but not limited to, the “quantum, selection and management of potential settlement lands.” Negotiations under the Framework Agreement are active and ongoing.

3.0 Nutrient Concentrations and Loading to the Red River

3.1 Impacts to the Manitoba Métis Community

The Manitoba Métis Community has always been very connected to the environment, with a focus on conservation and sustainability. Métis citizens have the right to harvest throughout their traditional territory. Métis harvest refers to hunting, trapping, fishing, and gathering of food and resources for domestic use, including the sharing of these resources for social and ceremonial purposes. Harvested species include fish, large mammals, furbearers, gamebird (upland and migratory), berries, mushrooms, medicinal and other plants including wild rice, and firewood or timber (MMF, 2016). The Manitoba Métis Community values access to areas used for harvesting or other traditional land uses, as well as the quality, safety, and availability of medicinal plants and country foods for consumption, as part of their traditional culture and diet. Therefore, factors that potentially affect Métis harvest, significantly impact the Manitoba Métis Community and the rights, claims and interests of the citizens and harvesters in fundamental ways.

Commercial fishing is a major driver of the Manitoba economy. The vast majority of commercial fishers in Manitoba are Indigenous and the majority of these Indigenous fishers are Métis citizens. The Métis government in Manitoba regularly consults with citizens on issues of resource management, impacts to the environment, and climate change targets. Water quality is among the priorities identified by the citizens at these consultations and the MMF is often tasked with working with the provincial and federal Crown on issues of water governance. Our Manitoba Métis Community is deeply concerned with the health and current state of Lake Winnipeg, notably increasing nutrients causing eutrophication. Nutrients of specific concern are phosphorus and nitrogen, because they are key nutrients leading to algal blooms and eutrophication. Algal blooms and eutrophication lead to decreased water quality and can therefore impact the Manitoba Métis Community's rights, claims, and interests in a healthy and productive ecosystem. As such the MMF supports the IRRB's proposal to add nitrogen and phosphorus to the list of objectives that the IJC monitors. Nutrient loading in the Red River undoubtedly influences lakes and rivers within the Red River Basin, including downstream Lake Winnipeg. Limiting nutrients to help protect Lake Winnipeg is a high priority for the MMF as Lake Winnipeg's water quality is a concern of the Manitoba Métis Community.

The Métis government in Manitoba remains committed to protecting the environment. It is vital to the citizens and harvesters of the Manitoba Métis Community to ensure traditional harvesting areas are safeguarded and wildlife populations are sustainable and healthy for generations to come. The inclusion of the Métis in section 35 of the *Constitution Act, 1982*, and the constitutional protection of distinct Métis section 35 rights represents a promise to the Métis that their rights, claims, and interests will be recognized, and their unique way of life will be protected for future generations. This requires that steps be taken to protect and preserve Métis customs, practices, and traditions where there are potential actions or decisions that may adversely impact those rights or interests.

3.2 Manitoba Metis Federation -

Nutrient Recommendations

The MMF recommends nutrient concentrations that align with objectives for Lake Winnipeg; (1) nutrient objectives should be stricter: the MMF recommends total phosphorus concentrations of 0.05 milligrams per liter and total nitrogen concentrations of 0.75 milligrams per liter; and (2) all applicable nutrients should be monitored (i.e. both nitrogen and phosphorus) as covariation exists between parameters within aquatic ecosystems.

The MMF appreciates the opportunity to review the independent peer review of the 2016 RESPEC report: “The Development of a Stressor-Response Model for the Red River of the North” (RESPEC Report) and the Proposed Nutrient Concentration Objectives and Loading Targets for the Red River at the US/Canada Boundary. Based on the conclusions in the RESPEC Report the MMF questions why the suggested targets are “in excess of nutrient criteria proposed for the Canadian Prairies” (Chambers et al. 2012; TP: ~0.1 mg/L, TN: 0.39-0.98 mg/L) (Bunting et al. 2011; TP: ~0.05 mg/L, TN: 0.75). The MMF is very concerned about downstream Lake Winnipeg and as stated in the RESPEC Report “the values of TP exceed those expected for hypereutrophic conditions in lakes and TN are close to or exceed those values”. If the goal is for Lake Winnipeg to return to nutrient levels pre-anthropogenic influence, then the proposed nutrient objectives must be stricter. In the absence of anthropogenic influences, concentrations of phosphorus would be ranging from 0.013-0.54 mg/L and nitrogen would range from 0.165-0.589 mg/L (RESPEC Report: Smith et al. (2003) and Dodds and Oakes (2004)). These data suggest the objective concentrations for phosphorus (0.15 mg/L) and nitrogen (1.15 mg/L) are not below the expected range for protection of rivers in the region. It is pertinent that nutrient concentrations are monitored and restricted, because the Red River is the largest contributor of eutrophication in Lake Winnipeg.

As outlined in the International Red River Board – Water Quality Committee document titled: “Proposed Nutrient Concentration Objectives and Loading Targets for the Red River at the US/Canada Boundary” the MMF recommends nutrient concentrations that align with nutrient objectives for Lake Winnipeg of total phosphorus concentrations of 0.05 milligrams per liter and total nitrogen concentrations of 0.75 milligrams per liter. Within aquatic ecosystems there is covariation between variables that subsequently influence algal production.

3.3 Manitoba Metis Federation - Recommendations to the IRRB

Among the MMF's conservation and resource management priorities are the health and well-being of the aquatic ecosystems in Manitoba and across the Homeland of the Métis Nation. The citizens and harvesters of the Métis Nation's Manitoba Métis Community are deeply committed to the land and the protection of our traditional and ecological knowledge. Issues related to nutrient loading, the general health of lakes, rivers and streams including the Red River, the restoration of wetlands in the basin and the ecosystems they support is vital to the continuation of the exercise of Métis rights and our way of life. As such, the protection of downstream lakes, including Lake Winnipeg, is integral to the long-term vision and strategic approach of the Métis government on issues related to water quality and aquatic health.

The MMF recommends the IRRB (1) minimize nutrients and (2) prevent the spread of aquatic invasive species.

1. Minimizing nutrients in the Red River is a priority for the MMF as it is crucial to help protect downstream Lake Winnipeg and other water resources within the basin. Among its various programming and projects within the Energy, Infrastructure, and Resource Management team, the MMF has a community-based climate monitoring program. To ensure desired nutrient objectives the MMF would help monitor nutrients (i.e. total phosphorus and total nitrogen) in the Red River. It is a high priority of our Manitoba Métis Community to ensure that eutrophication in Lake Winnipeg is reduced in the short term and prevented over the long term. Nutrient limitations at the US/Canada border is the first step to minimizing nutrient flow into Lake Winnipeg. Overall, the MMF supports the IRRB's proposal to add nitrogen and phosphorus to the list of objectives that the IJC monitors but strongly recommends stricter regulations.
2. The MMF recommends the IRRB include aquatic invasive species into their list of objectives for preventing transfer from the United States into Canada. Minnesota has many invasive species including species of snails, carp, shrimp, crayfish, goby, lamprey, water flea, perch, and the notable zebra mussel (not including aquatic diseases or invasive plants). Manitoba does not have as many aquatic invasive species as Minnesota. Our Manitoba Métis Community stresses the importance of keeping aquatic invasive species out of Manitoba waters. The most notable invasive species, the zebra mussel, has spread to many lakes and rivers in Manitoba which has had devastating impacts on beaches and shorelines throughout infested areas in Manitoba. It is pertinent to prevent the introduction of all aquatic invasive species; eradication is much more complicated than prevention.

4.0 Métis Recommendations to the IJC

The MMF has recommendations for the IJC regarding its enforcement of nutrient objectives, aquatic invasive species, and its process for Indigenous engagement.

The MMF questions why the IJC does not enforce nutrient objectives or penalize countries for nutrient exceedances. With every nutrient exceedance downstream lakes, rivers, and overall aquatic ecosystem health is negatively impacted. Without some sort of penalty, the MMF is concerned that both Canada and the United States will not take these objectives seriously as both countries often exceed nutrients objectives as outlined by the IJC's various boards. These nutrient objectives are put in place for a reason and should be strictly followed.

Since MMF's citizens are concerned with aquatic ecosystems. The MMF would be happy to partner with the IJC to monitor nutrient concentrations throughout lakes and rivers in Manitoba. Increasing the number of monitoring sites would benefit both the Manitoba Métis Community and the IJC. This would help ensure that nutrient objectives are met, and the health of aquatic ecosystems is maintained.

The IJC should include aquatic invasive species (i.e. fish, plants, and invertebrates) objectives on all boards to prevent the transfer of aquatic invasive species across the United States and Canada border. Aquatic invasive species do not have natural predators in their new environment, proliferate quickly, and outcompete native species. Aside from outcompeting native species and altering aquatic food webs, aquatic invasive species also have the ability to alter habitats for native and at-risk species.

The MMF recommends the IJC update its process regarding Indigenous engagement and consultation. The process followed by the IJC is outdated and is not leading to meaningful reconciliation. The MMF is concerned with the lack of Indigenous representation, specifically Métis representation on the IJC Board's. The IJC should encourage Indigenous participation in the process by providing a Participant Funding Program to help cover the cost of involvement. The IJC should acknowledge that many waterways that it manages are located entirely within our traditional Métis territory. Our citizens, including harvesters, continue to use and rely on this area to exercise their Métis rights. Given this, it is expected that changes to water quantity and quality will have an impact on the rights, claims, and interests of the Manitoba Métis Community. As such, consultation and engagement with the MMF is required to ensure ongoing recognition of the importance of reconciliation with Indigenous peoples, recognition of section 35 rights, and Métis specific traditional knowledge gathering.

5.0 Summary and Recommendations

In conclusion the MMF stresses the importance of enforcing nutrient objectives, aquatic invasive species prevention, water monitoring, and increasing indigenous representation and participation.

The MMF recommends stricter nutrient objectives of 0.05 milligrams per liter for total phosphorus and 0.75 milligrams per liter for total nitrogen concentrations. Lower stricter objectives are required to return nutrient levels to pre-anthropogenic influence. The goal should be to reach concentrations ranging from 0.013-0.54 milligrams per liter for total phosphorus and 0.165-0.589 milligrams per liter for total nitrogen. The current proposed objectives are not stringent enough to reach the intended goal. Our Manitoba Métis Community is concerned with aquatic ecosystems, increasing eutrophication, algal blooms, aquatic invasive species, and declines in fish health in some lakes including Lake Winnipeg. In response the MMF strongly recommends stricter nutrient objectives to be proposed and accepted. And recommends putting penalties for exceeding nutrient targets in place. Penalties would make both parties Canada and United States abide by nutrient targets by making them more accountable for their actions.

The MMF recommends the IJC include aquatic invasive species objectives on all boards to prevent the transfer aquatic invasive species across the United States and Canada border.

The MMF recommends the IJC encourage Indigenous participation on boards and at meetings. To help ensure participation by Indigenous Nations, the MMF recommends the IJC implement participant funding.

The MMF looks forward to your response and to working collaboratively with you to protect our waterways to ensure Métis-specific information and concerns are incorporated into a full, proper, and meaningful consultation process with the Manitoba Métis Community.

6.0 References

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