

# FIVE THINGS THE FEDERAL GOVERNMENT MUST DO FOR LAKE WINNIPEG

~~MARCH 2022~~

*Revised April 2022*

# REPORT CARD YEAR ONE

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In December 2020, the Lake Winnipeg Foundation (LWF) and the Lake Winnipeg Indigenous Collective (LWIC) jointly released *Five Things the Federal Government Must Do for Lake Winnipeg*, a discussion paper presenting concrete and tangible actions to improve the health of Lake Winnipeg. Each action is achievable in five years or less.

The 2020 paper emphasized the importance of leveraging the tools and systems already in place to protect fresh water in Canada – strengthening established programs, enforcing existing laws and regulations, integrating evidence from both science and Indigenous knowledge into decision making, and following through on long-standing federal commitments.

One year later, we're reviewing the federal government's progress.

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# HOW WE GRADED

## the federal government's performance

LWF and LWIC assigned grades for each immediate action in *Five Things the Federal Government Must Do for Lake Winnipeg*.<sup>1</sup> We reviewed publicly available documents and statements related to federal commitments for Lake Winnipeg. Our assessment considers the five-year timeline in which the actions presented must be achieved.

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Fulfilled with evidence of meaningful impact for Lake Winnipeg



On track towards fulfillment with opportunities for improvement



Specific commitments have been made;  
No concrete action taken



Little to no commitment articulated



Missed opportunity;  
Unlikely to be fulfilled within five years

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<sup>1</sup> Lake Winnipeg Foundation and Lake Winnipeg Indigenous Collective, 2020. *Five Things the Federal Government Must Do for Lake Winnipeg*.



# RECOGNIZE PHOSPHORUS

as the cause of blue-green algal blooms on Lake Winnipeg

## **1.1 >> Accept the International Joint Commission’s recommendation of an annual phosphorus-loading target for the Red River to combat the eutrophication of Lake Winnipeg. Request further evidence to justify the proposed nitrogen-loading target.**

Phosphorus-load targets for the Red River are still under review by the federal government.<sup>2</sup> In other provinces, both the International Joint Commission<sup>3</sup> and Environment and Climate Change Canada<sup>4</sup> maintain focus on phosphorus reduction to address freshwater eutrophication. The chair of the federal Standing Committee on Environment and Sustainable Development, Liberal MP Francis Scarpaleggia, acknowledged in the House of Commons that research at the Experimental Lakes Area identified phosphorus as the cause of freshwater algal blooms. This evidence has prevented “massively expensive yet futile investments to upgrade waste-water treatment plants across the country to deal with nitrogen.”<sup>5</sup> While used elsewhere in Canada, there is no indication that this robust body of evidence supporting phosphorus reduction will be applied in Manitoba to reduce algal blooms on Lake Winnipeg.

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## **1.2 >> Set limits for phosphorus in sewage effluent within updated Wastewater Systems Effluent Regulations under the renewed Fisheries Act.**

In February 2021, Conservative MP Andrew Scheer introduced Private Members’ Bill C-269, *An Act to amend the Fisheries Act (prohibition – deposit of raw sewage)*.<sup>6</sup> The bill was intended to “entirely prohibit” any deposit of raw sewage in water frequented by fish. The bill was defeated at second reading on June 23, 2021. In debate, Liberal MP Francis Scarpaleggia argued that “the conventional wisdom at one point was that nitrogen from waste water was likely causing algal blooms in lakes... However, a 37-year real-time, real-life experiment at the Experimental Lakes Area found that this was not the case and that the culprit was rather phosphorous.”<sup>7</sup> Scarpaleggia called for “more serious and well-informed attention” with “the benefit of appropriate expertise.” With consultations on Fisheries Act regulations currently underway,<sup>8</sup> the federal government must commit to using appropriate expertise from the Experimental Lakes Area to set evidence-based phosphorus limits for sewage effluent.

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<sup>2</sup> International Red River Watershed Board, 2021. *Twenty Second Annual Progress Report, October 2021*.

<sup>3</sup> International Rainy-Lake of the Woods Watershed Board, 2022. *Water Quality FAQs*.

<sup>4</sup> Lake of the Woods Water Sustainability Foundation, 2021. *What we heard: Summary from Environment and Climate Change Canada’s 2021 Public Engagement on Ecosystem Objectives and Phosphorus Reduction Scenarios for Lake of the Woods*.

<sup>5</sup> House of Commons, May 10, 2021. *Debates: 43rd Parliament, 2nd Session*. Edited Hansard No. 098.

<sup>6</sup> *Bill C-269: An Act to amend the Fisheries Act (prohibition – deposit of raw sewage)*, 2021.

<sup>7</sup> House of Commons, May 10, 2021. *Debates: 43rd Parliament, 2nd Session*. Edited Hansard No. 098.

<sup>8</sup> Fisheries and Oceans Canada, 2021. *Fish and Fish Habitat Protection Program Engagement Platform*.

# USE EVIDENCE TO GUARANTEE IMPACT

from every federal government dollar spent to reduce phosphorus loading to Lake Winnipeg



## 2.1 >> Renew the Lake Winnipeg Basin Program in Budget 2022. Strengthen accountability in funding arrangements to achieve program objectives.

The Liberal Party's 2021 federal election platform commits to a 10-year, \$1 billion Freshwater Action Plan to "provide essential funding to protect and restore large lakes and river systems," including Lake Winnipeg.<sup>9</sup> This commitment is reiterated in the December 2021 mandate letter of the Minister of Environment and Climate Change.<sup>10</sup> Terry Duguid, Parliamentary Secretary to the Minister of Environment and Climate Change, has personally committed to ensuring the renewal of the Lake Winnipeg Basin Program in the 2022 federal budget.<sup>11</sup>

**FAILED**



## 2.2 >> Target the Lake Winnipeg Basin Program and relevant Agriculture and Agri-Food Canada funding programs to known phosphorus hotspots where phosphorus reduction is required.

The Lake Winnipeg Community-Based Monitoring Network (LWCBMN) is nationally recognized as a cost-effective means to generate useful and robust evidence to identify phosphorus hotspots.<sup>12</sup> Terry Duguid, Parliamentary Secretary to the Minister of Environment and Climate Change, has committed to using LWCBMN data to target federal investments in phosphorus hotspots, and to providing financial support for long-term LWCBMN phosphorus data collection.<sup>13</sup> We will be watching for a demonstrated use of LWCBMN phosphorus hotspot data in any new programs for Lake Winnipeg that are launched under the federal Freshwater Action Plan.



## 2.3 >> Conduct robust, site-specific water monitoring of all federally funded phosphorus-reduction projects to quantify outcomes and evaluate program performance.

In November 2021, the Office of the Auditor General of Canada called on Environment and Climate Change Canada and Agriculture and Agri-Food Canada to explicitly link their water monitoring and best-management-practice research, respectively, in order to "contribute to more strategic and targeted actions to address water-quality issues."<sup>14</sup> Both departments agreed with the auditor's findings, and committed to "discuss opportunities for coordinated research plans." Such a coordinated approach must include performance evaluation of funded projects to determine if they are actually working to achieve phosphorus-reduction objectives.



<sup>9</sup> Liberal Party of Canada, 2021. *Forward. For Everyone.*

<sup>10</sup> Canada, Office of the Prime Minister, 2021. *Minister of Environment and Climate Change Mandate Letter.*

<sup>11</sup> Lake Winnipeg Foundation, 2021. *Federal Candidates Respond to Lake Winnipeg Questions.*

<sup>12</sup> International Institute for Sustainable Development, 2021. *A Business Case for Investment in Canadian Community-Based Water Monitoring.*

<sup>13</sup> Lake Winnipeg Foundation, 2021. *Federal Candidates Respond to Lake Winnipeg Questions.*

<sup>14</sup> Office of the Auditor General of Canada, 2021. *Scientific Activities in Selected Water Basins.* Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada.



## SUPPORT INDIGENOUS PEOPLES

in reclaiming and restoring their relationship with water

### 3.1 >> Co-develop legislation with Indigenous peoples to adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The federal *Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples* received royal assent in June 2021.<sup>15</sup> The Act requires the designated federal minister, in consultation and cooperation with Indigenous peoples, to “take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.” Yet the federal government continues to ignore opportunities to address inconsistencies between Canadian law and the Declaration. For example, in late 2021 and early 2022, the federal government did not intervene to prevent the provincial government of British Columbia from forcefully removing Wet’suwet’en peoples from their lands,<sup>16</sup> despite legal obligations for the federal government to uphold Indigenous rights even in disputes between Indigenous peoples and provincial crown governments.<sup>17</sup> This sets a dangerous precedent for ongoing disputes in other Canadian provinces, including on lands within the Lake Winnipeg watershed.<sup>18</sup>

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### 3.2 >> Establish and fund an Indigenous task force to ensure meaningful inclusion of Indigenous knowledge alongside science in the third and subsequent editions of the State of Lake Winnipeg report.

Parliamentary Secretary Terry Duguid and Minister Dan Vandal expressed support for engagement with Indigenous knowledge holders during the 2021 federal election.<sup>19</sup> Minister Vandal noted that “we are committed to working with Indigenous peoples to ensure that their knowledge is respected and included.” Environment and Climate Change Canada has identified “inclusion of Indigenous knowledge in ecosystem health reporting” as a future priority.<sup>20</sup> We emphasize that this goal can only be achieved through early and meaningful engagement with knowledge holders around the lake. For example, the intergovernmental Mackenzie River Basin Board dedicated nine years to building relationships with Indigenous knowledge holders, after recognizing a gap in its 2012 State of the Aquatic Ecosystem Report. As a result, the board made progress in “braiding” knowledge systems and including important and valuable Indigenous knowledge in the 2021 edition of the report.<sup>21</sup>

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<sup>15</sup> [United Nations Declaration on the Rights of Indigenous Peoples Act, 2021.](#)

<sup>16</sup> Wet’suwet’en Hereditary Chiefs, Nov. 19, 2021. [Letter of Support for Widzin Kwe.](#)

<sup>17</sup> Indigenous rights to land and jurisdiction over decision-making processes are enshrined in the [Canadian Charter of Rights and Freedoms](#), through the landmark Supreme Court case [Delgamuukw v. British Columbia](#), and through the federal government’s own UNDRIP legislation. See also the 1998 parliamentary report, [Aboriginal Title: The Supreme Court of Canada Decision in Delgamuukw v. British Columbia](#), or the BC Treaty Commission factsheet [A Lay Person’s Guide to Delgamuukw](#).

<sup>18</sup> Recent examples include lack of federal action to: address the [mercury-contaminated waters of Asubpeeschoseewagong Netum Anishinabek \(Ontario\)](#); resolve the [dispute over the Sipekne’katik First Nation lobster fishery \(Nova Scotia\)](#); conduct proper consultations prior to [mining development in the Ring of Fire \(Ontario\)](#); ensure thorough consultation prior to [proceeding with pre-construction of the Lake Manitoba and Lake St. Martin outlet channels \(Manitoba\)](#).

<sup>19</sup> Lake Winnipeg Indigenous Collective, 2021. [Federal Candidates on Lake Winnipeg.](#)

<sup>20</sup> Environment and Climate Change Canada, Jan. 18-20, 2022. [Lake Winnipeg Basin Program: Virtual Symposium.](#)

<sup>21</sup> Mackenzie River Basin Board, 2021. [State of the Aquatic Ecosystem Report.](#)



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## INCREASE ENFORCEMENT

of evidence-based policy and practices for freshwater health

### 4.1 >> Promote coordinated, well-monitored and evidence-based approaches to wetland protection across the Prairie provinces.

The Liberal Party's 2021 federal election platform committed to "restore and enhance more wetlands, grasslands and peatlands,"<sup>22</sup> yet the mandate letter for the Minister of Environment and Climate Change makes no mention of wetlands.<sup>23</sup> In June 2021, Environment and Climate Change Canada released a summary of public feedback on a new Canada Water Agency.<sup>24</sup> Panelists and participants throughout the country noted concerns about wetland loss and phosphorus loading to waterways. We contend that coordinated federal action for wetland protection should begin immediately to prevent ongoing losses and restore watershed resilience.

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### 4.2 >> Increase and monitor enforcement of the recently renewed Fisheries Act, Impact Assessment Act and Navigation Protection Act.

In December 2021, newly appointed Minister of Fisheries and Oceans Joyce Murray stated in the House of Commons that "the protection and restoration of fish habitats and fish in our waters is a top priority... we will hold any individuals who violate this act to account."<sup>25</sup> Annual reports on Fisheries Act enforcement, required by legislation, have not been released for 2019, 2020 or 2021. The Environmental Offenders Registry<sup>26</sup> reports a single offence in the last two years in the entire Lake Winnipeg watershed, while the Fisheries Act Registry<sup>27</sup> shows only six new authorizations under the Act in the same area. The underwhelming number of registered offences and authorized projects across the entire watershed suggests that the Act is not well enforced. Without enforcement, recent amendments made to modernize environmental legislation will be ineffective in strengthening environmental protection.

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### 4.3 >> Develop and implement an evidence-based process with provincial regulators to prevent the establishment and spread of aquatic invasive species in the Lake Winnipeg watershed.

In July 2021, invasive zebra mussels were found in Lake Manitoba.<sup>28</sup> Within the Lake Winnipeg watershed, zebra mussels have also been identified in Lake Winnipeg, the Red River, Cedar Lake, the Nelson River, Assen Lake and Lake of the Woods. It is unclear how the five-year federal investment of \$43.8 million in Budget 2017<sup>29</sup> has been used to prevent the further spread of zebra mussels and the arrival of their more-invasive cousin, quagga mussels, currently spreading in watersheds east of Lake Winnipeg.

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<sup>22</sup> Liberal Party of Canada, 2021. *Forward. For Everyone.*

<sup>23</sup> Canada, Office of the Prime Minister, 2021. *Minister of Environment and Climate Change Mandate Letter.*

<sup>24</sup> Environment and Climate Change Canada, 2021. *Toward the Creation of a Canada Water Agency – Stakeholder and Public Engagement: What We Heard.*

<sup>25</sup> House of Commons, Dec. 2, 2021. *Debates: 44th Parliament, 1st Session. Edited Hansard No. 009.*

<sup>26</sup> Environment and Climate Change Canada, 2022. *Environmental Offenders Registry – Pollution Prevention Provisions under the Fisheries Act.*

<sup>27</sup> Fisheries and Oceans Canada, 2022. *Fisheries Act Registry.*

<sup>28</sup> Manitoba, 2021. *Aquatic Invasive Species: Zebra Mussels in Manitoba.*

<sup>29</sup> Canada, 2017. *Building a Strong Middle Class: #Budget2017.*





## FULFILL JURISDICTIONAL RESPONSIBILITIES

through concrete action and strengthened accountability

### 5.1 >> Include Indigenous governments as signatories to the Canada-Manitoba Memorandum of Understanding Respecting Lake Winnipeg and the Lake Winnipeg Basin (the MOU).

The governments of Canada and Manitoba renewed their memorandum of understanding on Lake Winnipeg in August 2021.<sup>30</sup> Indigenous peoples were not included as signatories – instead, crown governments pledged only to “make efforts to work with Indigenous peoples... where those opportunities occur and present themselves.” The MOU is set to be renewed again in five years, in August 2026. In the intervening period, the federal government must prioritize establishing intergovernmental relationships with Indigenous nations.

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### 5.2 >> Develop an Intergovernmental Action Plan for Lake Winnipeg jointly with provincial and Indigenous governments, and in alignment with the principles of the MOU.

The renewed federal-provincial MOU commits to “a joint work plan that identifies deliverables and performance indicators.”<sup>31</sup> Environment and Climate Change Canada has stated that “advancing a Lake Winnipeg Adaptive Management Framework” is a priority under the renewed MOU.<sup>32</sup> Lake Winnipeg needs a comprehensive, evidence-based action plan comprised of concrete government actions – similar to the action plan developed for Lake Erie<sup>33</sup> – in order to achieve measurable improvements to its ecological and cultural health.

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### 5.3 >> Recognize Indigenous jurisdiction by supporting Indigenous Protected and Conserved Areas around Lake Winnipeg that are governed by Indigenous law and that affirm Indigenous rights and relationships to the land.

In August 2021, the federal government announced \$340 million to support Indigenous Guardians and Indigenous Protected and Conserved Areas (IPCAs).<sup>34</sup> The mandate letter for the Minister of Environment and Climate Change<sup>35</sup> recommits to “support Indigenous communities to build capacity to establish more IPCAs.” Ongoing support and resources for Lake Winnipeg IPCAs – including Pimachiowin Aki,<sup>36</sup> the Fisher Bay Conservation Area<sup>37</sup> and others in development – will be essential to their success.

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<sup>30</sup> Canada & Manitoba, 2021. [Canada-Manitoba Memorandum of Understanding Respecting Lake Winnipeg and the Lake Winnipeg Basin](#).

<sup>31</sup> Ibid.

<sup>32</sup> Environment and Climate Change Canada, Jan. 18-20, 2022. [Lake Winnipeg Basin Program: Virtual Symposium](#).

<sup>33</sup> Environment and Climate Change Canada & the Ontario Ministry of the Environment and Climate Change, 2018. [Canada-Ontario Lake Erie Action Plan: Partnering on Achieving Phosphorus Loading Reductions to Lake Erie from Canadian Sources](#).

<sup>34</sup> Environment and Climate Change Canada, 2021. [Government of Canada announces \\$340 million to support Indigenous-led conservation](#).

<sup>35</sup> Canada, Office of the Prime Minister, 2021. [Minister of Environment and Climate Change Mandate Letter](#).

<sup>36</sup> [Pimachiowin Aki](#), a UNESCO World Heritage Site, is the largest protected area in the Canadian Boreal Shield. It was established and is governed by Poplar River First Nation, Pauingassi First Nation, Little Grand Rapids First Nation and Bloodvein First Nation.

<sup>37</sup> [Fisher Bay Conservation Area](#) is an initiative led by Fisher River Cree Nation, in partnership with Peguis First Nation and the Canadian Parks and Wilderness Society.



## About the **LAKE WINNIPEG FOUNDATION**

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The Lake Winnipeg Foundation (LWF) advocates for change and coordinates action to improve the health of Lake Winnipeg, now and for future generations.

Combining the expertise of our Science Advisory Council and the commitment of our members, LWF is nationally recognized for our unique capacity to link science and action. Our goal is to ensure policy and practices informed by evidence are implemented and enforced.

LWF is the only membership-based freshwater organization in Manitoba, working collaboratively with non-profit, academic, industry and government sectors, First Nations, and the public to restore and protect our great lake. Our flagship initiative, the Lake Winnipeg Health Plan, identifies eight evidence-based actions to reduce phosphorus loading to Lake Winnipeg – providing a blueprint for cost-effective decision-making and long-term, evidence-based freshwater management.

## About the **LAKE WINNIPEG INDIGENOUS COLLECTIVE**

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The Lake Winnipeg Indigenous Collective works collaboratively to seek healthy and equitable solutions for our waters and people from the diverse communities who have a relationship with our sacred great lake.

The collective was established in 2014 by members of 14 First Nations in partnership with the Lake Winnipeg Foundation. Our vision is that our sacred waters are healthy, traditional livelihoods are restored and Indigenous perspectives are influential in leading the protection and sustainability of Lake Winnipeg as a source of life for all future generations.

Our Creation stories speak of how our people were placed on Mother Earth by the Creator. Our ancestors have inhabited the Lake Winnipeg basin since time immemorial, long before the current political boundaries were drawn. Our spiritual and cultural connections to our Mother Earth are evident by our willingness to embrace the responsibility of protecting and preserving the lands and waters.

# GOING FORWARD

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Canadians too easily take for granted an abundance of fresh water. Lakes and rivers across the nation seem invulnerable.

Yet, increasingly, Canadians are waking up to troubling changes occurring in our waters. Decades of short-sighted decisions, minimal enforcement of protections and disrespect for Indigenous peoples' rights have cumulated. The damage can no longer be ignored.

Reversing these trends is essential and requires meaningful action beyond funding announcements and symbolic gestures. We look to the federal government to muster the political will and leadership to follow through on past commitments, to honour treaties with Indigenous peoples and to base decisions in well-established evidence.

Actions we take now are vital to ensure that future generations can wake up to waters full of life and spirit.

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**REPORT CARD  
YEAR ONE**



Lake Winnipeg Foundation [lakewinnipegfoundation.org](http://lakewinnipegfoundation.org) | Lake Winnipeg Indigenous Collective [lwic.org](http://lwic.org)