

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF EMERGENCY REGULATION OF THE LEVEL OF RAINY LAKE AND OF OTHER BOUNDARY WATERS IN THE RAINY LAKE WATERSHED

SUPPLEMENTARY ORDER

February 27, 2007

To the Consolidated Order Prescribing Method of Regulating the levels of Boundary Waters, dated January 18, 2001.

The Commission was informed by the International Rainy Lake Board of Control on February 2, 2007, that for the past 8 months, the Rainy Lake basin had experienced its most severe drought on record for that period and that there is the possibility that severe drought conditions may persist. The Board of Control recommends conserving water should drought conditions persist in Rainy Lake in the coming months for a variety of purposes, including fish spawning and municipal water supplies.

Currently, outflows from Rainy Lake are 65 cms (2,300 cfs), the minimum authorized by the 2001 Consolidated Order (Order) because the level of Rainy Lake is below the drought level prescribed in the Order. The Board of Control is concerned that should the level of the lake temporarily rise above the drought level, the Order would require an increase in outflows, thereby making conservation of water supplies more difficult in the coming months. In the Board's view, the current situation is one that is not appropriately addressed by the Order.

The Board has recommended that the Commission issue a Supplementary Order to address this temporary critical situation. Specifically, the Board has recommended that it be authorized, at its discretion, to set the Rainy Lake outflow as low as 65 cms (2,300 cfs) whenever the level of Rainy Lake is below its Lower Rule Curve or below elevation 336.8 m (1,105 ft.), whichever is higher, up to June 30, 2007. The Board recognizes that this action might result in Rainy Lake levels being higher than would be the case with regulation in accordance with the Order, but has advised that the risk of such a condition adversely affecting any interests on Rainy Lake or Rainy River is slight given the current water supply conditions in the basin. The International Rainy River Pollution Board has endorsed this recommendation. The Board does not expect the recommended action to have any economic effect on the Companies (Boise Cascade Corp. and Abitibi Consolidated Inc.).

THE COMMISSION THEREFORE ORDERS AND DIRECTS that, notwithstanding the terms of the Commission's Consolidated Order dated January 18, 2001, the International Rainy Lake Board of Control is authorized, at its discretion, to set the Rainy Lake outflow as low as 65 cms (2,300 cfs) whenever the level of Rainy Lake is below its Lower Rule Curve or below elevation 336.8 m (1,105 ft.), whichever is higher, up to June 30, 2007 or such earlier date as the Commission might determine.