

**MINUTES**  
**INTERNATIONAL JOINT COMMISSION**  
**Executive Meeting**  
**Washington, DC**  
**December 10-12, 2019**

The International Joint Commission met in Executive Session at the U.S. Section Office in Washington, DC, December 10-11, 2019, from 8:30 AM to 5:00 PM EST, and on December 12, 2019, from 8:30 AM to 11:00 EST with Jane Corwin in the Chair

**COMMISSIONERS**

Jane Corwin	Chair, U.S. Section
Pierre Beland	Chair, Canadian Section
Lance Yohe	Commissioner, U.S. Section
Henry Lickers	Commissioner, Canadian Section
Rob Sisson	Commissioner, U.S. Section
Merrell-Ann Phare	Commissioner, Canadian Section

**SECTION STAFF**

Chuck Lawson	Secretary, U.S. Section
Camille Mageau	Secretary, Canadian Section
Paul Allen	Manager, Policy and Communications, Canadian Section
Frank Bevacqua	Public Information Officer, U.S. Section
Christine Blanchet	Legal Advisor, Canadian Section
Kevin Bunch	Writer-Communications Specialist, U.S. Section
Pierre-Yves Caux	Director, Science and Engineering, Canadian Section
Christina Chiasson	Policy and Communications Analyst, Canadian Section
Mark Colosimo	Engineering Advisor, U.S. Section
Caron de Mars	Senior Policy Advisor, U.S. Section
Susan Daniel	Legal Advisor, U.S. Section
Antionette Dunston	Special Assistant, U.S. Section
Anthony Frio	Policy Advisor, Canadian Section
Adam Greeley	AAAS Fellow, U.S. Section
Nick Heisler	Policy Advisor, Canadian Section
Wayne Jenkinson	Senior Engineer Advisor, Canadian Section
Jeff Laberge	Information Management Analyst, Canadian Section
Tristan Lecompte	Environmental Officer, Canadian Section
Catherine Lee-Johnston	Environmental Officer, Canadian Section
Mark Leiva	Network Specialist, U.S. Section
Robert Phillips	Senior Water Quality and Ecosystem Adviser, Canadian Section
Isabelle Reid	Executive Assistant, Canadian Section

Victor Serveiss	Environmental Advisor, U.S. Section
Carole Smith	Policy & External Relations, Canadian Section
John Yee	Chief, IM/IT Services, Canadian Section
Shane Zurbrigg	Legal Advisor, Canadian Section

#### **GREAT LAKES REGIONAL OFFICE STAFF**

David Burden	Director
Antonette Arvai	Physical Scientist
Raj Bejankiwar	Physical Scientist
Jennifer Boehme	Physical Scientist
Mark Burrows	Physical Scientist
Matthew Child	Physical Scientist
Sally Cole-Misch	Public Affairs Officer
Ryan Graydon	Sea Grant Fellow
Diane Varosky	Administrative Coordinator
Allison Voglesong-Zejnati	Communications Advisor
John Wilson	Physical Scientist

#### **APPROVAL OF THE AGENDA**

1. Commissioners approved the agenda as submitted.

#### **MINUTES OF THE OCTOBER 21-25, 2019, SEMI-ANNUAL MEETING**

2. Commissioners approved the minutes of the October 21-25, 2019 Semi-Annual meeting.

#### **OUTSTANDING CORRESPONDENCE**

3. Commissioners reviewed the list of unanswered IJC letters to governments and any letters addressed to the IJC requiring response. Commissioners requested that draft a response to the October 21, 2019, letter from DOS concerning the Shoal Lake diversion be prepared for their consideration.

#### **ACTION ITEM LIST, COMMUNICATIONS ACTIVITIES LIST, AND COORDINATED CALENDAR**

4. Commissioners reviewed the updated IJC Action Item List, the coordinated calendar, Communications activities and requested that an update on the IM IT strategy implementation be included on the January Executive meeting agenda. Commissioners confirmed their attendance at board and public meetings over the next few months

#### **SEMI-ANNUAL MEETINGS**

5. Commissioners discussed a number of options for structuring future semi-annual meeting to increase their effectiveness and allow for more in depth exchanges with the boards.

They agreed that for the spring 2020 Semi-Annual meeting board appearances that discussion of the boards past activities and annual reports should be limited to clarifying questions so that more time can be spent in strategic discussions between the Boards and Commissioners. Commissioners also agreed that the Executive portion of the week's agenda will be limited to one day, with the board appearances staggered over three days to enable more discussion time with the boards. The Friday will remain dedicated to discussions with governments, including informal discussions between DOS, GAC and the Commissioners, and a more formal meeting with IJC and government staff.

## **RECOMMENDATIONS IN COMMISSION REPORTS**

6. Commissioners received a summary on past efforts to assess the implementation success of IJC recommendations to governments. Commissioners requested that staff develop guidance and criteria to assist the IJC and its boards in formulating more effective recommendations. Commissioners also offered a number of analytical criteria that could be used to craft recommendations that would be more likely to be taken up by governments.

## **2020 TRIENNIAL ASSESSMENT OF PROGRESS**

### **7. A. Public Consultations on the PROP**

Commissioners reviewed a summary of IJC public consultations on the Progress Report of the Parties and of key issues raised.

### **B. 2020 Triennial Assessment of Progress Report**

Commissioners received an update on preparations for the IJC's 2020 Triennial Assessment of Progress Report. Commissioners noted that in the absence of the Parties' State of the Great Lakes Report and other relevant information, it was not possible to accurately assess progress as envisaged in Article 7(1)(k) of the Great Lakes Water Quality Agreement. On the question of timeline for completion of the TAP report, Commissioners indicated they would defer that question until advisors submit more a complete work plan for the report.

## **GREAT LAKES WATER QUALITY AGREEMENT COMMUNICATIONS STRATEGY**

8. Commissioners received a briefing on a proposed 2020-2023 communications strategy for the IJC's Great Lakes Water Quality Agreement activities and discussed how this proposed GLWQA focused strategy and associated resource requirements fit with overall IJC communications priorities and needs. Commissioners requested that communications advisors in the three offices focus their efforts on developing an overarching IJC-wide communication strategy that addresses the Commission's overall priorities. With respect to the Great-Lakes water quality aspect of the overall communications strategy, Commissioners suggested that the messaging should be more focused on the science being done and how it applies to water quality-related policy challenges confronting governments in the Great Lakes.

## **LAKE CHAMPLAIN-RICHELIEU RIVER FLOODING STUDY**

9. Commissioners received a presentation by members of the study's Socio-Political Economic (SPE) technical work group. Commissioners expressed an interest in the development of a guidance document for all IJC boards and studies. Such a document would build on the lessons learned during the LCRR flooding study and assist the IJC in incorporating socio-political and cultural considerations in future recommendations.

## **ST. CROIX RIVER WATERSHED BOARD**

10. Commissioners received a read out of the board's December 4-5, 2019, meeting and an update on New Brunswick Power's plans for decommissioning the Milltown Dam. Commissioners requested that staff prepare a response to New Brunswick Power's November 20, 2019, letter to engage it in a meaningful discussion about the IJC's role in a potential decommissioning process as it related to the terms and Conditions of the 1934 Order of Approval for the Milltown Dam.

## **ST. MARY AND MILK RIVERS**

11. Commissioners reviewed the Accredited Officers' updated estimates for the cost of undertaking detailed investigations needed to identify options for improved operation of the system. Commissioners approved a draft letter, as amended, transmitting the AO's report and recommendations to governments. Commissioners expressed an interest in meeting with the Blackfeet Nation during their field visit to the St Mary-Milk watershed in the spring of 2020.

## **INTERNATIONAL RED RIVER BOARD**

12. Commissioners requested that advisors draft a response to the Minnesota municipalities' questions about the IRRB's nutrient management strategy informing them that the IJC will be holding a public hearing on the IRRB's Nutrient Management Strategy in Fargo ND, on January 16, 2020. The letter is also to encourage them to attend the IRRB annual open public meeting on the same day, as well as the hearing, which will take place the evening of the 16<sup>th</sup> and will focus specifically on the Nutrient Management Study.

## **LAKE ONTARIO-ST LAWRENCE RIVER**

13. **A. Lake Ontario-St. Lawrence River Conditions**  
Commissioners received an update on conditions in the Lake Ontario-St. Lawrence River basin and on the status of the International Lake Ontario-St. Lawrence River Board's discussions on outflow strategies for the coming months. Commissioners received a read out of the December 9<sup>th</sup> webinars for elected officials. Commissioners discussed engaging with governments and the St. Lawrence Seaway Corporations to support the

Board's request for technical information needed to develop flow options for spring of 2020 and over the longer term.

#### **B. Lake Ontario-St. Lawrence River Communications**

Commissioners received an update Lake Ontario-St. Lawrence River communications and discussed emergency preparedness response and communication options that might be considered when extreme water level conditions are forecast.

### **GREAT LAKES ADAPTIVE MANAGEMENT COMMITTEE**

14. Commissioners received a read out on the GLAM Committee's November 4-5, 2019, commercial navigation workshop and received an update on GLAM Committee plans for the expedited evaluation of the performance of Plan 2014.

### **FLOODING OUTLOOK**

15. Commissioners received updated information on the potential for flooding in basins that are at risk - the Great Lakes, the Rainy-Lake of the Woods basin, the Red River, and the Souris River.

### **STRATEGIC PLANNING**

16. Commissioners provided advisors with a list of the five topics that Commissioners agreed would be their priorities during their tenures. Commissioners noted that these priorities should be reflected, as appropriate, in the work of the IJC and its boards when carrying out the IJC's responsibilities under the Boundary Waters Treaty, the Great Lakes Water Quality Agreement, and the other treaties and agreements for which the IJC has some responsibilities. Commissioners agreed to sharing the document with IJC boards with the caveat that the document is a living document as it would form the basis of ongoing discussions vis-a-vis implementation.

### **INDIGENOUS PEOPLES ENGAGEMENT**

17. Commissioners reviewed and approved, as amended, a draft letter to the Mohawk Council of Akwesasne addressing the Council's concerns regarding the management of the St. Lawrence Area of Concern and received an update on Indigenous Peoples engagement activities, including: the Indian Water Law Workshop hosted by the US Bureau of Reclamation during which participating Commissioners and staff increased their understanding of the legal frameworks for water rights in the United States and the challenges faced by many US Tribes in securing them. Commissioners discussed the International Souris River Study Board's Indigenous Peoples' Workshop, and agreed in principle to consider a proposal to formalize an Indigenous Advisory Group for the study and for the permanent Board. Commissioners agreed to accept Grand Council Treaty #3's invitation to meet in February 2020 and requested that an agenda and background documentation be submitted for review at the January Executive meeting. Commissioners requested that advisors identify regional and national-scale Indigenous

organizations that encompass many individual Nations and Tribes, including their interests and involvement in transboundary water issues. A presentation by a US Tribal consultant will be scheduled on the margins of the March 2020 Executive meeting in Windsor, with a complementary Canadian presentation to be scheduled for June 2020.

## **18. OTHER BUSINESS**

### **A. Detroit Bulk Storage Dock Collapse**

Commissioners reviewed incoming correspondence from Canadian MP Brian Masse concerning the dock collapse at the former Revere Copper and Brass facility and approved a draft response subject to legal advisors' review

## **DECISIONS TAKEN VIA POLLING**

### **International Lake Superior Board of Control**

On December 9, 2019, Commissioners approved the Board's request that it be authorized to deviate from Lake Superior Plan 2012 flows from December 2019 to April 2020 and a letter informing the Board of the Commission's approval.

### **International Lake Ontario-St. Lawrence River Board**

On November 26, 2019, Commissioners endorsed the International Lake Ontario St. Lawrence Board's current regime of flowing 200 cubic meters per second above the L limit (the navigation limit defined in Plan 2014) through the Moses-Saunders Dam until the close of the 2019 St. Lawrence Seaway navigation season. In light of the present extraordinary conditions, Commissioners reaffirmed the authority provided in the Commission's October 9, 2019, letter to the Board for the Board to continue deviating from Plan 2014 after Lake Ontario water levels fall below the H14 trigger level until Lake Ontario levels peak in summer 2020 to try to reduce the risk of flooding in 2020.

### **Lake Ontario-St. Lawrence River**

On November 25, 2019, Commissioners approved responses to a letter from Minnesota Governor Tim Walz and a joint letter from Ohio Governor Mike DeWine and Indiana Governor Eric Holcomb in which the governors expressed concern about increasing outflows from Lake Ontario to a level that would require navigation in the St. Lawrence Seaway to stop earlier than usual.

### **Great Lakes Water Quality Agreement**

On November 12, 2019, Commissioners approved transmitting the Science Advisory Board's advice on the Parties' draft Priorities for Science to the U.S. Environmental Protection Agency and Environment and Climate Change Canada.

**International Lake Superior Board of Control**

On November 8, 2019, Commissioners approved the reappointment of Mr. Jean-Francois Cantin as the Canadian Co-Chair of the International Lake Superior Board of Control for a three-year term, effective from November 1, 2019, to October 31, 2022.

**International Osoyoos Lake Board of Control**

On November 5, 2019, Commissioners approved the appointment of Mr. Arnie Marchand to be a U.S. board member for a three-year term effective from November 1, 2019, through October 31, 2022; and the reappointment of Mr. John Arterburn as a U.S. board member for a three-year term, effective from September 17, 2019, through September 16, 2022.



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Charles A. Lawson  
Secretary  
U.S. Section



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Camille Mageau  
Secretary  
Canadian Section