

# **Work Plan of the International Lake of the Woods and Rainy River Watershed Task Force**

*Work Plan Finalized November 15, 2010 After Discussion with Stakeholders*

## **Background**

Over the course of the past decade, there has been a growing interest in water quality and quantity issues within the Lake of the Woods and Rainy River basin, with a concern amongst citizens and community groups for the long-term ecological health of this watershed. Issues such as blue-green algae blooms in Lake of the Woods and excessive erosion along its south shore; introduction and impact of aquatic invasive species throughout the watershed; climate change; impacts of fluctuating water levels on traditional practices, shorefront properties and spring sturgeon spawning; effects of mining and hydropower development projects on water quality; and the ecological impacts of application of the 2000 rule curve have raised concerns over water management in the basin.

A significant amount of activity has been initiated in the basin to respond to a number of these issues. The Lake of the Woods Water Quality Forum, held annually since 2003, allows researchers in the watershed to present findings of their work and identify emerging issues. More recently, this forum has extended its area of interest to portions of the basin upstream of Lake of the Woods and the Rainy River. The Lake of the Woods Water Sustainability Foundation was established in 2004 to heighten the awareness of water quality issues and to secure funding for research projects aimed at providing much-needed data. Several local groups and governments have signed resolutions of support to have the International Joint Commission (IJC) become involved in Lake of the Woods water quality issues (see Appendix A). In 2009, a Lake of the Woods Multi-Agency Working Arrangement was signed by nine entities, including seven resource agencies, one non-governmental organization and one U.S. tribe to foster trans-jurisdictional coordination on science and management activities to enhance and restore water quality in the basin. Resource agencies and organizations in the watershed have committed to ongoing and new research projects aimed at identifying sources of nutrients to Lake of the Woods and to the Rainy River and sharing that information. The International Joint Commission's Rainy Boards, working closely with dam operators and provincial, state and federal agency representatives, successfully established a voluntary agreement to limit fluctuations in water flows driven by variations in demand for electricity from hydropower facilities at Fort Frances-International Falls, in order to minimize adverse environmental impacts. These are but a few examples of locally-led activities responding to issues of water quality and quantity in the basin.

In order to ensure the long-term ecological and economic vitality of Lake of the Woods and the Rainy River basin, the Governments of Canada and the United States determined that a review of the bi-national management of this watershed would complement these ongoing activities and contribute to any future approach to addressing new and emerging water quality issues and water management needs. On June 17, 2010, the Governments of Canada and the United States issued letters (Appendix B) to the IJC requesting that it review and make recommendations regarding the bi-national management of the Lake of the Woods and Rainy River Basin and the IJC's potential role in this management. The recommendations should address potential structures and mechanisms for governance, as well as priority issues or activities to be addressed by or through such mechanisms, with adherence to the following principles:

- The review and subsequent recommendations should be in line with the IJC's International Watersheds Initiative, which recognizes the strength in watershed-level solutions to transboundary environmental challenges and encourages collaboration, communication and coordination amongst local stakeholders, and
- The recommendations must respect existing treaties, orders and jurisdictional authorities already in place in this region.

The IJC appointed an International Lake of the Woods and Rainy River Watershed Task Force (Task Force) and assigned it the above mandate in a July 13, 2010 directive (Appendix C.) The IJC appointed the following members and secretaries to the Task Force and directed them to act in their personal and professional capacity, not as representatives of their countries, agencies, organizations, or other affiliations:

Melanie Neilson (Canadian Co-Chair)	James Chandler (U.S. Co-Chair)
Gail Faveri (Canadian Member)	Lee Grim (U.S. Member)
Kelli Saunders (Canadian Secretary)	Lisa Bourget (U.S. Secretary)

The IJC instructed the Task Force to coordinate its investigations and engage federal governments and relevant provinces, First Nations, tribes and states, as well as the wider body of stakeholders and the public, and to consult with the International Rainy Lake Board of Control and International Rainy River Water Pollution Board. On July 13, the IJC authorized the Task Force to begin its work immediately and instructed it to submit its final report no later than July 15, 2011. The IJC specified that a public engagement plan shall discuss how the Task Force will engage federal governments, provinces, First Nations, tribes and states, as well as the wider body of stakeholders and the public. The IJC requested a work plan with associated schedule of activities and budget for the IJC's approval as soon as practicable, and to include a proposal that will describe how public engagement will be undertaken. This document provides the Task Force's proposed work plan and engagement plan.

## Purpose and Scope

In accordance with its directive and the letters from Governments, the Task Force will examine and make recommendations regarding the bi-national management of the Lake of the Woods and Rainy River watershed, focusing in particular on the management of the shared waters of the Lake of the Woods and Rainy River system and the IJC's potential role in this management. Potential management options will complement, but not duplicate, other efforts occurring within the watershed to coordinate and collaborate on the science and management activities meant to enhance and restore water quality in the basin and to manage the resource. It will also look towards any future approach to addressing existing, new and emerging watershed issues and water management needs.

Noting that the letters from governments focus on the Lake of the Woods and Rainy River basins and request that the study be in line with the International Watersheds Initiative, the Task Force will consider watershed issues of bi-national concern within the geographic area of the entire Lake of the Woods watershed upstream of its outlet into the Winnipeg River, giving particular focus to effects on boundary waters as defined in the Boundary Waters Treaty (See Figure 1) In addition, the Task Force will also consider downstream interests beyond the Lake of the Woods and Rainy River watershed that may conceivably be affected by changes within that watershed.

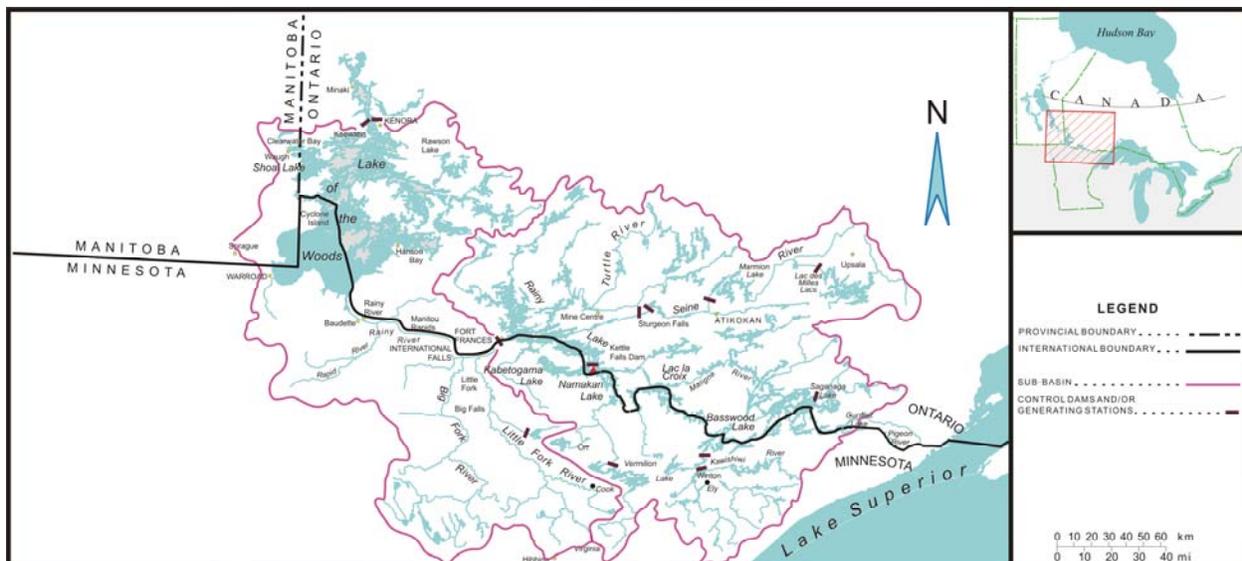


Figure 1: Map of Lake of the Woods – Rainy River Basin

## Approach

The work of the Task Force will be underpinned by the information and views it is able to collect from a variety of sources. Significant effort will be placed on outreach and engagement.

The Task Force does not plan to collect scientific data or perform technical analyses. It will rely on available information and consultations with experts to provide the context within which it considers bi-national management.

The Task Force does not request that the IJC pursue technical assistance from the two Governments at this time. Should the need arise, the Task Force will ask for additional informational requirements necessary to address the matters raised by the Governments.

## *Nature of Effort*

Some have previously suggested a merger of the International Rainy Lake Board of Control with the International Rainy River Water Pollution Board and expanding the merged boards' mandate to include water quality concerns on Lake of the Woods (see Appendix D). The Task Force will investigate the feasibility of this scenario as well as others that may emerge to effectively manage the watershed in its entirety. As mentioned earlier, there have been locally-driven efforts to address water quality and quantity issues on Lake of the Woods and the Rainy River, as well as enhanced collaboration aimed at coordinating research, sharing information, and improving water quality and water management. The Task Force notes the synergy that can result from working together to improve the resource on a watershed level and that bi-national management of this watershed would require an understanding of the workings and needs within the basin both upstream of the Rainy River and downstream. It plans to consider the different activities underway by different organizations at different levels that collectively comprise the management of the resource and to discuss with stakeholders if a new governance model for the watershed could benefit the resource. It will seek opportunities where further connections among organizations may prove mutually beneficial, both to those undertaking the actions as well as to the resource itself. It will also explore emerging issues that may prompt consideration of future adjustments to governance.

## *Activities*

The Task Force plans to engage various governmental entities, a Citizen Advisory Group, and the public as it undertakes its work. It anticipates developing three major products: (1) a work plan, to include an engagement plan, (2) an interim report presenting progress to date and any preliminary findings, and (3) a final report including recommendations. The interim report will be primarily a factual report describing and categorizing major issues and describing authorities, responsibilities, organizations, and relevant efforts underway.

The planned approach is outlined below, as defined by specific activities and deliverables:

- Prepare draft work plan, including civic engagement plan
- Review existing relevant reports
- Develop draft framework of legal authorities, responsibilities, organizations
- Develop questions regarding bi-national management
- Embark on discussions with governmental bodies (including at least two Task Force members per consultation when possible, providing notification in advance, taking advantage of existing meetings, and conducting face-to-face meetings where feasible and telephone meetings where not feasible.)
  - o Discuss specific authorities, responsibilities
  - o Discuss organization efforts underway, goals, implications
  - o Obtain views, opinions, suggestions, concerns
  - o Review draft framework for correctness and completeness
  - o Obtain any new relevant documents
- Simultaneously with governmental discussions, form Citizen Advisory Group with members from non-governmental organizations, First Nations and tribes, private industry, government agencies, and the general public.
- Refine work plan after discussions with Citizen Advisory Group, initial governmental engagement and the IJC.
- Issue interim report describing progress to date and preliminary findings (primarily a factual report describing major issues, authorities, responsibilities, organizations, and relevant efforts underway with some initial consideration of possible governance options), discuss with Citizen Advisory Group, and seek public comment
- Adjust interim report as required; expand to include draft recommendations regarding bi-national management
- Issue draft final report with recommendations, discuss with Citizen Advisory Group, and seek public comment
- Address comments
- Issue final report to IJC

### *Governmental Discussions*

Discussions with governmental officials at all scales, from local to state/provincial and federal, are critical for a full understanding not only of current authorities and infrastructures for bi-national management, but of activities and goals that may indicate options for future consideration. The Task Force will engage directly with the following agencies and Tribes/First Nations. There will be at least two rounds of contact: firstly, to gather information on agency/First Nations/Tribes views and perspectives (in the fall of 2010); and secondly, to discuss draft recommendations (in the late spring of 2011). Further discussions will occur as needed by telephone or as mutually agreed.

- A. Local governments. The Task Force will provide initial correspondence to local government officials to clarify their degree of involvement with binational governance and to determine their preferred level of involvement. The Task Force will meet with local government officials in the basin where desired and as schedules permit. Initial discussions are planned to occur in the fall of 2010.
- City of Winnipeg
  - City of Kenora
  - City of Cook
  - City of Babbitt
  - City of Winton
  - City of Orr
  - City of Hibbing
  - City of Warroad
  - City of Baudette
  - Eagles Nest Township
  - Vermillion Lake Township
  - Kinghurst Township
  - Township of Sioux Narrows / Nestor Falls
  - Township of Dawson
  - Township of Lake of the Woods
  - Township of Alberton
  - Township of Chapple
  - Township of LaVallee
  - Township of Morley
  - Township of Emo
  - Township of Atikokan
  - Town of Fort Frances
  - Town of Rainy River
  - Town of Mine Centre
  - Town of Soudan
  - Town of Tower
  - Town of Sandy
  - Town of Pike
  - Town of Wuori
  - Town of Leiding
  - Town of Portage
  - Town of Beatty
  - Town of Greenwood
  - Town of Morcom
  - Town of Waasa
  - Town of Grattan
  - Town of Linden Grove
  - Town of Embarrass
  - Town of Alvwood
  - Town of Field

- Town of Ignace
  - Town of Upsala
  - Town of International Falls
  - Town of Ely
  - Koochiching County
  - Roseau County
  - St. Louis County
  - Lake of the Woods County
  - Lake County
  - Cook County
- B. State and Provincial agencies. Individual Task Force members will conduct initial introductory telephone calls to alert state and provincial agencies to its mission, determine appropriate persons for in-depth dialogue, and determine whether in-person or telephone discussions are more useful.
- Ministry of Aboriginal Affairs
  - Ministry of Environment
  - Ministry of Natural Resources
  - Ministry of Northern Development, Mines and Forestry
  - Manitoba Water Stewardship
  - Ontario Parks
  - Minnesota Pollution Control Agency
  - Minnesota Dept. of Natural Resources
- C. Federal agencies/entities. Individual Task Force members will conduct initial introductory telephone calls to alert Federal agencies/entities to its mission, determine appropriate persons to talk to in greater detail, and determine whether in-person or telephone discussions are more useful.
- Environment Canada
  - Indian and Northern Affairs Canada
  - Fisheries and Oceans Canada
  - U.S. Bureau of Indian Affairs
  - U.S. Environmental Protection Agency
  - U.S. Fish and Wildlife Service
  - U.S. Geological Survey
  - U.S. National Park Service
  - U.S. Forest Service
- D. Tribes and First Nations. The Task Force will meet with Tribes and First Nations at mutually-convenient dates and locations.
- Red Lake Band of Chippewa Indians
  - Bois Fort Band in Minnesota
  - Big Grassy First Nation
  - Big Island First Nation
  - Buffalo Point First Nation
  - Couchiching First Nation

- Iskatewizaagegan #39 Independent First Nation
  - Lac Des Milles Lacs First Nation
  - Lac La Croix First Nation
  - Métis Nation
  - Mitaanjigaming First Nation
  - Naicatchewenin First Nation
  - Naotkamegwanning First Nation
  - Nigigoonsiminikaaning First Nation
  - Northwest Angle #33 First Nation
  - Northwest Angle #37 First Nation
  - Obashkaandagaang First Nation
  - Ochiichagwe'Babigo'Ining First Nation
  - Ojibways of Onigaming First Nation
  - Rainy River First Nation
  - Seine River First Nation
  - Shoal Lake #40 First Nation
  - Wauzhusk Onigum First Nation
  - Wabaseemoong First Nation
- E. Bi-national entities. The Task Force will meet with bi-national entities at regularly scheduled meetings and conference calls of these entities.
- International Lake of the Woods Control Board
  - International Rainy Lake Board of Control
  - International Rainy River Water Pollution Board
  - Lake of the Woods Multi-Agency Arrangement Work Group
  - International Joint Commission
  - Ontario-Minnesota Fisheries Committee
- F. Other
- Canadian Lake of the Woods Control Board

The interim report will describe and review the jurisdictional authority of each entity for its best fit to address issues of bi-national concern at the appropriate scale. For example, the Town of Baudette operates and maintains the Baudette waste water facility, within the guidelines of its National Pollutant Discharge Elimination System Permit which is issued by the U.S. Environmental Protection Agency. Effluent volumes and concentrations of nutrients and contaminants from all the waste water treatment plants on the Rainy River are reported to the International Rainy River Water Pollution Control Board which reports annually to the International Joint Commission. Meanwhile, the Ontario Ministry of the Environment, Environment Canada and the Minnesota Pollution Control Agency monitor nutrient and contaminant levels entering into the Rainy River from sources such as waste water treatment plants. These agencies coordinate their monitoring as part of the Lake of the Woods Multi-Agency Working Agreement.

### *Public and Stakeholder Engagement*

The two major components of this engagement will be public meetings and the establishment of a Citizen Advisory Group (CAG). A CAG provides an opportunity for more detailed ongoing discussions than possible through public meetings alone. The CAG, following the Directives, will review Task Force draft reports and provide recommendations to the Task Force regarding potential structures and mechanisms for governance, priority issues or activities. The Task Force will make information available to the CAG and provide a forum for information exchange.

Membership on the CAG will be open to all stakeholders. Members can come from the general public, government agencies, First Nations and tribes, non-governmental organizations, business and industry from both Canada and the United States through expressions of interest submitted by October 1, 2010. Submissions are to include a description of why the individual wants to serve on the CAG, an overview of the individual's connections to the Lake of the Woods and Rainy River watershed, and their contact information. Membership will be restricted to achieve balance among stakeholder groups.

For efficiency, CAG meetings will be scheduled to coincide with public meetings. Representatives of the Task Force will meet with the CAG during the afternoon, and hold public meetings in the evenings. CAG meetings will not be open to the general public, but public meetings will be open to all. At least three CAG/public meeting locations will be offered so that members may attend the site most convenient to them. The process for public input will be accommodated by:

- Kick-off public consultations by IJC August 31 – September 2, 2010.
  - Opportunity for initial contributions
  - With Commission approval, Task Force to extend invitation for expressions of interest in participating in Citizen Advisory Group, provide information sheet
  
- Three sets of public meetings (October 2010, March 2011, June 2011)
  - To review proposed workplan and activities (4 locations)
  - Following release of draft interim report (3-4 locations)
  - Following release of draft final report (3-4 locations)

Appendix E contains the Terms of Reference for the CAG, meeting schedules and application process.

### *Information Dissemination*

In addition to consultations and public meetings, information will be made available through a variety of means, as indicated below.

- A. Task Force Website. The IJC will host and maintain a Task Force website which will include information about the Reference, Directives and Task Force; information about CAG and public meetings; a copy of completed documents and information about opportunities to comment; and a portal for on line comments.

In the spirit of transparency and accessibility, material will be placed on the website. To protect privacy, names of individuals and organizations will not be posted to the website except under unusual circumstances and then only with permission. Notes from Task Force meetings and conference calls will be included.

- B. Local Newspapers.

- C. Libraries and/or county offices. The Task Force will place draft documents available for review and comment in local libraries and county offices.

### **Tentative Schedule**

- |               |  |
|---------------|--|
| Jul 13        | Task Force established by IJC  |
| Aug 17-19     | Meet with the International Rainy Lake Board of Control and the International Rainy River Water Pollution Board in Fort Frances, ON                              |
| Aug 20        | Submit draft work plan, including civic engagement plan, to IJC for approval in concept subject to refinement  |
| Aug 31-Sept 2 | <u>Initial IJC Public Consultation Meetings</u> ; Task Force to announce consideration of Citizen Advisory Group and seek expressions of interest through Oct. 1 |
| Aug 31        | Attend IJC Public Consultation in International Falls, MN  |
| Sept 1        | Attend IJC Public Consultation in Kenora, ON   |
| Sept 2        | Attend IJC Public Consultation in Warroad, MN  |
| Sept 13-30    | Initial contact with governmental organizations and First Nations/Tribes   |
| Sept – Dec    | Further discussions with governmental organizations and First Nations/Tribes   |
| Oct 14        | Form Citizen Advisory Group; schedule introductory call in advance of meeting  |
| Oct 19        | Introductory call with CAG   |

- Oct 19-22 IJC semi-annual meeting (brief IJC on Task Force work on October 20 at 2pm); Task Force meeting on October 19
- Oct 25-29 Meet with Citizen Advisory Group regarding draft work plan; potential opportunity for further in-basin governmental discussions.  
Public meetings regarding workplan, initial activities
- October 25, 2010 at Ely (Ely Community College)  
October 26, 2010 at International Falls (Rainy River College)  
October 27, 2010 at Kenora (Lakeside Inn)  
October 28, 2010 at Winnipeg (Greenwood Inn)
- Nov 15 Submit refined work plan to IJC for approval
- Dec 15 Preparation of Interim Report Outline, after which the outline will be reviewed by the CAG
- Feb 24 Issue draft interim report
- Week of March 7-11 Planned presence at 2011 LOW Water Quality Forum
- March 29-31 Discussions with Citizen Advisory Group regarding interim report; potential opportunity for further in-basin governmental meetings as needed  
Public meetings regarding draft interim report
- March 29, 2011 at Warroad  
March 30, 2011 at Sioux Narrows  
March 31 in the Orr/Cook
- April 12-15 IJC semi-annual meeting; provide interim report
- May 2 Planned presence at Lake of the Woods District Property Owners' Association AGM and Cottage Show
- May 12 Issue draft final report
- June 14-30 Discussions with resource agencies and CAG regarding draft final report.  
Public meetings regarding draft final report:
- June 13, 2011 at Atikokan  
June 14, 2011 at Fort Frances  
June 15, 2011 at Baudette  
June 16, 2011 at Kenora
- July 15 Submit final report to IJC

The Task Force will meet as often as necessary to ensure the milestones are met and that engagement is complete.

**Appendices**

- A. Letters of support regarding potential International Joint Commission involvement in Lake of the Woods issues
- B. June 17, 2010, letters from the Governments of Canada and the United States to the International Joint Commission
- C. July 13, 2010 Directive from the International Joint Commission to the International Lake of the Woods and Rainy River Watershed Task Force
- D. Letters suggesting role of IJC on Lake of the Woods
- E. Citizen Advisory Group Terms of Reference