International Rainy-Lake of the Woods Watershed Board Meeting

January 22, 2025
9:00am – 11:00am CT (10:00am – 12:00pm ET)

Virtual Board Meeting

Chairperson: Jennifer Vincent

U.S. Member Participants
Amy Adrihan
Mike Hirst
Doug Franchot
Shelly Patten
Matt Gouin
Jim Stark
Rebecca Seal-Soileau (Secretary)
Abby Moore (Engineering Advisor)

International Joint Commission
Mark Gabriel
Rob Caldwell
Julien Houle
Kevin Bunch
Celine Desjardins
Teika Newton
Meghan Mills (International Watershed Coordinator)

Canadian Member Participants
Jennifer Vincent
Megan Garner
Brian Kilgour
Todd Sellers
Karen Cederwall
Matt Myers
Rhobi Chacha
Mark Lee
Maria Jawaid (Secretary)
Alexandra Lavictoire (Engineering Advisor & AMC Co-Chair)

Additional Participants
Felicia Minotti (GAC)
Scott Jutila (USACE)
Zac Morris (AMI Engineering Consulting)
Johann Strube (Grand Council Treaty #3)

1. Welcome and Administration

The U.S. Secretary welcomed meeting participants and let attendees know that COL Swenson was deployed to Los Angeles, California to support relief efforts from the devastating wildfires. Karl Jansen would be serving as the alternate US Co-Chair during COL Swenson's deployment, but was unable to attend the January Board meeting. Karl Jansen appreciated the Canadian Co-Chair, Jennifer Vincent, chairing the meeting.

The Canadian Co-Chair conducted a brief round of Board introductions to welcome Brian Kilgour, a new Board member from the Ontario Ministry of Natural Resources, who replaces former Board member, Greg Chapman. The Board approved the meeting agenda with no additional changes, and the September 2024 Board meeting summary was approved by the Board. One Board member requested that Board meeting summaries be circulated and approved by the Board in a shorter timeframe so members could report out time-relevant minutes to their respective agencies.

2. Board Governance (Consensus and Document Status)

The Canadian Co-Chair provided an overview of how the Board reaches consensus by International Joint Commission (IJC) guidance. The purpose was to ensure the Board has the structure to allow members to hear and discuss different items and allow time for Board members to express concerns.

Additionally, the Secretariat created a rubric that defines the different statuses and distribution requirements of documents brought to the Board. There was Board discussion around how the table would be implemented with more recent documents, like the Aquatic Ecosystem Health Committee's (AEHC) Annual Exceedance Report. It was determined that the table would be used for documents from this point forward (January 22, 2025) and would not be applied to documents already brought before the Board.

It was suggested that the Secretariat provide a post-meeting brief to the Board after every Board meeting to help members share up to date information.

ACTION: Secretariat to investigate opportunities for more timely delivery of Board meeting summaries to the Board for approvals.

ACTION: Board Co-Chairs and Secretariat to ensure application of the 'Definitions of Document Status' for Board documents moving forward.

ACTION: Board Co-Chairs to continue applying the 'IJC Guidance on Board Consensus' when chairing meetings. This includes allowing sufficient opportunity for Board members to discuss agenda items to reach consensus and/or share opposition to Board decisions and/or recommendations.

3. SPECIAL PRESENTATION: Lake of the Woods South Shore Barrier Island Investigation

Zac Morris from AMI Engineering Consulting gave a presentation on the Southern Shore Barrier Island Erosion Investigation project that was funded through the IJC's International Watershed Initiative (IWI). There is a proposed Phase 2 for the project that would include collecting additional data to refine model accuracy and validity, gain a better understanding of the mainland and islands' morphology, determine effects of no action to address the island erosion, and evaluate potential actions. The IWI project proposal for Phase 2 would be brought to the Board for approval at a later date.

4. Fall Semi-Annual Appearance Recap

The Canadian Co-Chair gave a summary of Board discussions with Commissioners during the Board's presentation at the Fall Semi-Annual Appearances in Ottawa, ON. There were three main topics of discussion with Commissioners at the Board's appearance on October 22, 2024. First, there was discussion on the public's interest in water management and Commissioners had questions on if there were competing interests in the basin when making decisions. The second topic was on toxic algae and phosphorus reductions since the Aquatic Ecosystem Health Committee (AEHC) completed Phase 2 of the Objectives and Alerts project and the Board had submitted final recommendations on binational objective and alert levels. There was discussion on the historical context of phosphorus build-up, how the timing of algal blooms is changing, and economic impacts from the algal blooms. Finally, there was a brief discussion on Board capacity to fulfill its mandate.

5. Aquatic Ecosystem Health Committee

The US Co-Chair of the AEHC spoke to recent activities of the committee. The AEHC established a working group to develop the 2025 Annual Exceedance Report and would be meeting the day after this Board meeting to begin that work. The Canadian Co-Chair stated that the recommended objectives would be considered as alert levels in the interim period as the Board waits for a response from governance.

The AEHC is in the process of Co-Chair succession planning and striving to keep responsibilities of a Co-Chair to be a leadership position for running committee meetings and ensuring meetings are scheduled, rather than being the main authors of reports and shouldering the committee workload. The AEHC would be seeking volunteers to fill the Canadian Co-Chair role. The AEHC also continues to work on capacity and resource needs.

One of the committee members provided a brief update on the IWI project proposal for Improving Bi-National Coordination of Environmental Emergencies. The project aims to update the Board's 2019 *Review of Environmental Emergency Planning, Preparedness and Response in the Boundary Waters of the Rainy-Lake of the Woods Drainage Basin* report from an emergency management lens. The IJC has secured a contractor for the project who has experience in emergency management. The team is confirming the agency contact list to support the project. It was noted that the project can only be as good as the cooperation of other agencies and has started reaching out to agencies represented on the Board. It was recommended that the Board Co-Chairs send a letter to responsible agencies to introduce the project to them and help pave the way for the project team.

The AEHC provided an update on the Phase 2 mining vulnerability IWI project, which was approved in concept and USGS was confirmed as the contractor. The project is currently on hold due to budgeting constraints.

ACTION: Secretariat to work with AEHC/CAG Cochairs to draft and send out a letter to agencies regarding the Improving Bi-National Coordination of Environmental Emergencies IWI project.

6. Water Levels Committee

The Canadian Co-Chair of the Water Levels Committee (WLC) provided an update on current basin conditions, noting that water levels for both Rainy and Namakan Lakes are within their prescribed rule curves and that inflows to both lakes are very low. The snow water equivalent in the basin is below normal for this time of year, and January has been very cold and dry so far. The WLC will request another extension of the Temporary Order that combines the standard rule curve and high flood risk rule curve for Rainy Lake. The WLC is developing a permanent recommendation regarding the Temporary Order, as well as reviewing and updating the Operational Guidelines. The WLC Co-Chair also shared that the WLC set March 4 as the date for its Pre-Spring Engagement, and more information would be sent out in the coming weeks.

The Canadian Co-Chair stated that the WLC and Board Co-chairs recently received a letter from the IJC informing them of the decision to expand the committee to 6 members, with 2 of those seats reserved for Indigenous representation. The letter also outlined additional requirements for Indigenous engagement. At the time of the Board meeting, appointments had not been confirmed for the 2 additional seats. The Métis Board member, Karen Cederwall, stated concerns over no Métis

representation for the first term of new members and stated that the Métis Nation of Ontario should not have to wait 3 years to have representation on the WLC. It was stated that the Métis Nation of Ontario plans to submit a formal response to the decision. The IJC Advisors stated that letters were sent to all Indigenous communities in the basin and are waiting for responses before appointments are made to the WLC.

7. Adaptive Management Committee

The Adaptive Management Committee (AMC)'s Canadian Co-Chair provided an update on current committee activities and priorities. The AMC will start focusing on performance indicator prioritization and collaboration with other committees within the Board, as well as other IJC basins' adaptive management groups. The AMC also made an update to their workplan by adding a column to identify issues related to climate and offered to share these updates with the Board and IJC.

The AMC Co-Chair noted that there are a lot of committee projects underway, many of which are continuations of last year's projects. The First Nations engagement project with Grand Council Treaty #3 was completed and the AMC is working with the project lead to apply all the information in the report to technical AMC objectives. The AMC noted that it would like to pivot away from these short-term contracted engagements and move towards long term relationship-based engagement. The AMC is looking into hosting a performance indicator workshop with all interested communities in the basin. Karen Cederwall, the Métis Board member, Northwest Ontario Métis Community, supported the idea of a long-term relationship model for engagement and encouraged that the AMC work with all Indigenous communities and not show funding preferences towards specific communities.

8. Engagement Committee

The Canadian Co-Chair of the Engagement Committee (EC) stated that the committee has finalized its Terms of Reference and will need to update its workplan accordingly. The EC is hoping to coordinate workplan updates with other Board committees, as they may conduct their own engagements (e.g., WLC pre-spring engagement). The EC Co-Chair invited other Board members to join the EC and help with activities, especially helping to address the need for a local Board spokesperson.

The EC Co-Chair reiterated the need for meeting briefs to be shared soon after a meeting or for meeting summaries to be finalized more quickly after a meeting, to support Board members' ability to share updates with their respective organizations.

Karen Cederwall, the Canadian EC Co-chair and Métis Board member, re-emphasized that there are decisions made outside of the Board, specifically the IJC's decision to expand the WLC, without consultation or input from Board members. She suggested that if the IJC was concerned about membership parity between Canada and the U.S, the IJC could add a WLC seat for the Northwest Ontario Métis Community and add an additional US public seat for balance.

Karen Cederwall also noted that it was not fair for the IJC to allocate a Canadian public board member position to a First Nation, particularly a settler employee, without first inviting or considering other public members, or Métis or Tribes. IJC Advisors noted that the IRLWWB was one of the first to have designated Indigenous representation for First Nation, Métis and Tribes and although they had wanted to appoint an indigenous person to this public Board member position, it was allocated to a non-indigenous employee. Karen questioned this decision to allocate an additional, public Board member seat to a First Nation (*S. 35 of the Canadian Constitution recognizes the rights of First Nation, Métis and*

Inuit equally.);[1] as things should be done equally for all Indigenous groups and not just provided for those that have the staff and funding to advocate or lobby *(the Board should not be political).*[1]

In summary, Karen Cederwall, the Métis Canadian Board member expressed feeling unwelcome and uncomfortable because of the unfair decisions being made outside of the Board.

9. Advisory Group Updates

The Community Advisory Group (CAG) began the advisory group updates. The Canadian CAG Co-Chair stated that they are currently contacting Grand Council Treaty #3's Women's Council to hear more about their interest in the CAG. The CAG continues to maintain and seek new membership to ensure there is community and geographic representation across the watershed. The CAG continues to monitor its list of running issues and is cosponsoring two Board IWI projects with the AEHC (binational emergency management and mining vulnerability). Finally, the CAG Co-Chair mentioned Canada's Nuclear Waste Management Organization's decision to pursue Ignace, Ontario for the future site of a deep geological repository for used nuclear fuel. This remains a watch item of the CAG and the Board.

The Industry Advisory Group (IAG) last met in November and had a presentation by New Gold on their new gold mine near Barwick, Ontario. The US IAG Co-Chair mentioned the IAG is looking into dates for its next meeting at the Watershed Forum, and there was discussion on when the Board should meet with the CAG and IAG during that Forum week. Finally, the Canadian Co-Chair Greg Chapman retired and is no longer on the Board. His seat has been filled on the Board with Brian Kilgour, who has expressed interest in taking over the role as the Canadian Co-Chair. It was determined that Canadian Board members would let the Secretariat know if they are interested in the open IAG Co-Chair position via email by the middle of February.

ACTION: Canadian Board members interested in serving as the Canadian IAG Co-Chair must submit interest to the Secretariat prior to February 14, 2025.

10. LWCB Updates

Megan Garner, Board member and member of the Lake of the Woods Control Board (LWCB), provided a summary of recent LWCB activities. The LWCB held its last regulation meeting at the end of October to determine an overwinter operations strategy. Operations are under a low inflow scenario and the Lake of the Woods water levels has slowly declined over the winter. The LWCB will meet again in Kenora, ON the week after the Watershed Forum. The Lake of the Woods Secretariat regularly published updates on conditions and water level decisions on its website. Megan Garner stated that the LWCB published its 2023 annual report and is available the LWCB website.

11. IJC Updates

The IJC Advisors to the Board stated that some edits would be made to the Board's Directive from the IJC that involve workplan submissions, water quality and aquatic ecosystem health reporting, and the WLC membership. The Board's workplan would change from an annual submission to a 3-year submission and the water quality and aquatic ecosystem health reviews would change to a 5-year review cycle instead of "from time to time." Additionally, the Directive language around WLC

[1] *Text in italics was added after the meeting for comprehensiveness.*

membership would be edited to reflect the IJC's recent decision to expand the committee's membership. The IJC Advisors sent the edited Directive to the Secretariat for their review with the expectation that it will go the Board for a "red flag" review of the edits once finalized. Once the Board approves the final edits, it will be submitted to the Commissioners.

Karen Cederwall, the Métis Nation Board member, expressed concerns over unfair Directive changes related to WLC membership. The US IJC Advisor noted that the edits would be very general related to the WLC's expansion and not detail the exact complement of members. IJC Advisors further stated that letters have been sent to Nations and Tribes and if there are no responses in 3 weeks the IJC will contact them directly. To keep everyone better informed, it was decided that the Secretariat share the letter from the IJC to the Board and WLC Co-Chairs (re: WLC expansion) with the full Board.

IJC Advisors noted that the Objectives and Alerts report was submitted to the IJC. Commissioners are happy with the report and need some additional discussion before approving recommendations that would be moved forward to governments. IJC Advisors are also tracking that the WLC will be submitting another request for a Temporary Order and encourage the WLC to complete Operational Guidelines edits and IJC Advisors would check what the requirements are for approval. IJC Advisors would also investigate required amendments to the WLC's Supplemental Directive.

IJC Advisors provided some updates on Board membership, with a few US member terms expiring in the next few months and some new Canadian appointments coming soon to replace Lucas King and Brian Perrault. IJC Advisors welcomed the new International Watershed Coordinator, Meghan Mills, and congratulated Teika Newton in her new role as the Executive Director of the Lake of the Woods Water Sustainability Foundation. The dates for the IJC Spring Semi Annual Appearances in Washington, DC would be April 28- May 2, 2025 and the spring IWI project proposal submission window would be March 3- April 18.

ACTION: Secretariat to review IJC's edits to the Board Directive

ACTION: Secretariat to share the letter from the IJC to the Board and WLC Co-Chairs regarding WLC expansion to the full Board.

ACTION: Secretariat to arrange a Board discussion regarding the distribution of IJC correspondence about decisions impacting the Board.

12. Roundtable

During the Roundtable portion of the meeting, Todd Sellers announced that he has retired as Executive Director of the Lake of the Woods Water Sustainability Foundation (LOWWSF) but would continue to be engaged in basin issues on the Foundation's Board of Directors and as an advisor to the AEHC. He also reminded IJC Advisors that Commissioners are always invited to attend the Watershed Forum. The Board congratulated Todd Sellers on his retirement and great contributions to the Board since its establishment.

Teika Newton reminded the Board the Watershed Forum would be held in International Falls, MN with Board and International Multi-Agency (IMA) meetings on March 11, 2025. During those meetings the IMA plans to finalize its core monitoring program. Teika Newton also provided an update on the LOWWSF's 3-year Canadian phosphorus management planning project. There would be two working

groups focusing on point and non-point source reductions. Canadian Board members interested in participating in one of the working groups were to reach out to Teika Newton.

The Canadian Board Co-Chair announced that the Canada Water Agency has been officially established as a stand-alone agency of the Canadian Government as of October 2024. The new agency will focus on transboundary waters of national significance, tailoring programs to regional needs in 8 'Freshwater Ecosystem Initiatives' (FEIs) across Canada, including Lake of the Woods. Each of the FEIs will support partner–led projects to achieve desired program outcomes.

ACTION: Canadian Board members interested in participating in one of the working groups for the phosphorus management planning project were to reach out to Teika Newton.

ACTION: IJC Advisors to encourage Commissioners to attend the Watershed Forum in International Falls on March 12-13, 2025.

13. Closing Remarks

The meeting closed with a reminder that the Board would next meet at the Watershed Forum in International Falls, MN the week of March 10.