

International Rainy-Lake of the Woods Watershed Board

Summary of Discussion

Monday, January 31, 2022

2:00 – 4:00 pm CT (3:00 – 5:00 pm ET)

Virtual Meeting

Chair: COL Jansen

1. Welcome and Administration

U.S. Member Participants

COL Karl Jansen (Board Co-Chair)
Theresa Haugen
Mike Hirst
Kelly Sjerven
Jim Stark
Doug Franchot
Pam Tomevi
Scott Jutila (Secretary; Engineering Advisor)
Abigail Moore (Secretary; Engineering Advisor)
Rebecca Seal-Soileau (Secretary; Engineering Advisor)

International Joint Commission

Mark Gabriel, US Engineering Advisor
Rob Caldwell, Canadian Engineering Advisor

Canadian Member Participants

Michael Goffin (Board Co-Chair)
Todd Sellers
Kiley Shebagegit
Greg Chapman
Karen Cederwall
Megan Garner
Matt Myers
Chief Brian Perrault
Matt DeWolfe (Engineering Advisor)
Wellsley Hamilton (Secretary)

Additional Participants

Amy Adrihan, Minnesota Pollution Control
Shelly Patten, Minnesota Department of Natural Resources
Briana Wagner, Minnesota Department of Natural Resources
Teika Newton, AMC Co-chair
Joshua Jones, alternate for Al Pemberton
Joshua Cummings, US Department of State

Colonel Jansen welcomed the Board members and identified that Shelly Patten from the Minnesota Department of Natural Resources was attending this meeting as an observer. Mike Goffin noted that Trina Rawn recently accepted a new position with Ontario's Ministry of Natural resources and announced her resignation from the Board. Ms. Rawn's service to the Board was recognized and she was wished luck in her new position.

The agenda, September 9, 2021 and the October 13, 2021 meeting summaries were approved. Action items number 1 to 10 in the action log were noted as completed with an update on the status of the core monitoring proposal to be provided during the Aquatic Ecosystem Health Committee's brief later in the agenda.

Karen Cederwall inquired about whether draft meeting summaries could be shared with others prior to being approved by the Board. The Board concurred that as long as 'DRAFT' is clearly identified on the summaries they can be circulated prior to approval.

ACTION: Secretariat to post approved meeting summaries on IRLWWB website.

2. Review of IWI Proposals

- Mining Proposal

Doug Franchot presented the International Watershed (IWI) proposal entitled “Assessing vulnerability of waters to Mining in the Rainy Lake of the Woods watershed.” He noted the many discussions that took place to develop this proposal. Doug thanked Matt Myers, Todd Sellers, Jim Stark and Dr. Laurie Chan for their contributions to the proposal.

The focus of this proposal is on organizing existing data and would inform future actions. Importantly, achievable deliverables are identified for this first phase of the project. The cover page required by the Board’s process for approving IWI proposals was included in the Board’s meeting package. The IJC’s Health Professional Advisory Board (HPAB), who has been developing this proposal in partnership with the IRLWWB, already approved a more detailed version of the proposal.

Todd Sellers highlighted that the Board’s Aquatic Ecosystem Health Committee reviewed the proposal and recommends it be approved by the Board emphasizing the concern that a balanced view of the issue in the basin must be maintained throughout implementation of the project.

IJC Advisor Mark Gabriel congratulated the Board for putting this proposal together and noted that this was the first IWI proposal to be jointly developed by two IJC groups, i.e., the IRLWWB and the HPAB. Mike Goffin recognized Matt Myers and Doug Franchot’s significant efforts on this proposal.

The Board approved the proposal for inclusion on the IRLWWB work plan and submission to the IJC for IWI consideration.

ACTION: Secretariat to Send Vulnerability of Mining IWI Proposal to IJC for funding consideration.

3. Committee Updates

- Water Levels Committee

Colonel Jansen provided the Water Level Committee briefing to the Board. Last year the Water Levels Committee had two main focus areas 1. The WLC focused on the sturgeon protocol early last spring to ensure the support sturgeon spawning. 2. Severe and exceptional drought was also a concern, with continued public engagement and meetings throughout the summer monitoring the conditions. The Water Levels Committee rose to these challenges last year. In addition, the Flood Forecasting and Communications Sub-Committee was formed with membership and a Terms of Reference was developed. The first sub-committee meeting is planned for this Thursday, February 3, 2022. The Water Levels Committee is working towards the High-Risk Rule Curve decision, which is required as per the directive by March 10th. There are several meetings scheduled in February to prepare, including a public engagement session.

- Adaptive Management Committee

Teika Newton provided the Adaptive Management Committee update to the Board. The AMC submitted the Board-approved IWI proposal to fund a stakeholder workshop with climate and lake experts to make progress on Climate Change Guidance Framework implementation. The proposal was selected to receive

funding. Teika and IJC staff are finalizing the Statement of Work, with the aim of delivering the workshop during the annual Watershed Forum in March.

The IJC also confirmed funding for a 2022 USGS project to provide bathymetric measurements in nearshore areas of Rainy Lake and Namakan Reservoir. The data will improve the digital elevation model of the system.

In addition, the IJC is working with ECCC and USACE to provide modelling capacity for AMC activities. Ryan Maki and Teika Newton are drafting a statement of work so that the IJC can develop an agreement with USACE for some of this modelling support. The Canadian Section is working with ECCC modellers to update the Integrated Ecosystem Response Models for Rainy Lake, Namakan Reservoir, and Rainy River, which includes updating the model to an ISEE (Integrated Socio-Economic and Environmental) system modelling framework.

- Aquatic Ecosystem Health Committee

Todd Sellers briefed the Board noting that the key issue for the AEHC is finite capacity to deliver on the Committee's Terms of Reference responsibilities, which focus on the Board's core Directives, and secondarily other activities as may be assigned by the Board from time to time.

It appears that projects are being added to the work plan after a significant amount of work has already been undertaken. The Commissioners noted at the October semi-annual some of the core reporting isn't being completed, e.g., reporting on exceedances. The AEHC tends to be responding to issues as they arise, which is resulting in an untenable workload. The Committee is seeking clarification on how to prioritize and manage the work load.

More formalized trade-off discussions about what can be achieved within a particular time frame should be considered. Recognizing limited capacity of the committee, a review of the Terms of Reference/Directive should be undertaken to determine what the key priorities are, a process for accepting work should also be outlined, and "the development" of IWI proposals should be considered work items on the work plan as opposed to adding projects only once they have been approved. For example, the Vulnerability of mining proposal required a significant amount of AEHC input before it was approved. There was consensus from Board members that there is a need to focus on core tasks in the Directive before taking on other projects.

The Core Monitoring Project is an upcoming example. Rather than seek IWI funding and go through a lengthy process with the IJC, it may be worthwhile working directly with the IMA agencies.

IJC Advisor, Mark Gabriel, provided an example from the Red River where the Secretariat coordinates with committees for IWI Proposals that may be beneficial for several committees. The proposals do not necessarily require approval from the other committees but coordination is needed.

Jim Stark inquired about how prioritization is determined for proposals that go out to vendors for other work. Mark Gabriel informed the Board that other Boards generally come forward with an idea for a proposal and identify an agency that has capacity and expertise for the work. A sole source justification is then submitted.

- Engagement Committee

Kelly Sjerven briefed the Board about how it has been challenging for the committee to complete its core tasks without the ability to meet in person. The Committee is willing to pick up other activities where

support may be needed. If others are interested in joining the Engagement Committee, please let the Co-chairs know.

ACTION: AEHC to Review Terms of Reference and Directive to determine core responsibilities and conduct a prioritizing exercise, including prioritizing completion of exceedances reporting for 2022.

ACTION: Secretariat to Ensure IWI proposals under consideration/development are on the current Board work plan.

4. Roundtable

- Community Advisory Group

Matt Myers informed the Board that the CAG has focused its energy on review of the Emergency Preparedness and Response Report and the Vulnerability of Mining Proposal. The CAG appreciates the attention the Board has given to these matters. In addition, the CAG provided input on the draft State of the Basin report and appreciated the opportunity to provide comments. Members have been bringing forward a number of different issues with the hopes that we might build a better understanding as a group about issues affecting the watershed.

There is increased public interest around the potential of a national nuclear waste depository near Ignace, Ontario. Kiley Shebagegit noted that with regard to nuclear waste storage, if Ignace is selected, there are absolutely implications on the Rainy-Lake of the Woods watershed with respect to the waste being transported via truck and/or rail through our basin from both directions. The first transportation plan has been released and will be considered by the CAG. In addition, the CAG has lined up someone from the Nuclear Waste Management Organization to speak at their next meeting.

Concern over the potential of agriculture activities and impacts on watershed was also noted, for example the increased use of tile drainage. The CAG is working on setting up speakers to increase our understanding of potential agricultural-related issues as well.

Further the CAG is interested in more information about the Water Stress Indices work recently presented to the Board by Denis Parent from Environment and Climate Change Canada.

Learning more about micro and macro plastics in the watershed is also of interest. The CAG has a copy of Environment and Climate Change Canada's most recent report on this topic. Mike Goffin noted that Dr. Chelsea Rochman is someone to contact from University of Toronto (<https://twitter.com/chelsearochman>). There will also be a PhD candidate from Experimental Lakes providing a presentation on this topic at the March Science Forum.

- Industry Advisory Group

Mike Hirst identified that the IAG's last meeting was held at the end of November. They received a presentation from the Nuclear Waste Management Organization and found it very informative. The IAG also reviewed the Vulnerability of Mining IWI proposal and had no further comments on the recent submittal. The IAG also distributed the State of the Basin draft report to its members for feedback and appreciate the opportunity to provide input.

The IAG noted that tourism faced some difficulties last summer with the low water levels. The drought was close to affecting charter fishing. This will be conveyed to the Water Levels Committee.

- IJC Update

The IJC advisors to the Board noted that a number of reappointments are underway, including: Greg Chapman, Todd Sellers and Mike Hirst. A new appointment to replace Patty Thielen is being processed. Shelly Patten from Minnesota Department of Natural Resources has been identified as the candidate. A replacement for Trina Rawn is also being sought.

The IJC relayed the phosphorus reduction recommendations in a letter to Governments on January 24, 2022. The letter indicated that the AEHC is working on a framework to move forward on these recommendations. Mike Goffin wanted to understand what the “framework for phosphorus loading collaboration” entailed as he was not heard about it prior to reading the letter from the IJC. Todd Sellers indicated that Environment and Climate Change Canada work working on a discussion paper with the Lake of the Woods Watershed Foundation on a domestic implementation framework, but this was through collaborative agreement with the Department and not binational in scope or an AEHC project. Mike Goffin requested further clarity, including whether the Board was going to be involved in these discussions given the IRLWWB members were selected by the IJC based on their personal professional expertise and knowledge about the watershed, including binational watershed governance.

Mark Gabriel indicated that Governments do not always implement their recommendations in a timely manner so the reference to the framework in the letter was to keep things moving. He did not know if the IJC would necessarily lead on this and offered that the IJC could host an initial meeting kickoff meeting in early 2022 to identify key players and start binational discussions within the basin. While this is an IJC action item, there should be some initial discussions with the Board beforehand.

The Emergency Preparedness Report was reviewed and comments offered back to the Secretaries. The expectation is that a modified report be sent to the IJC, which will then be relayed to Governments.

The U.S. Section is hoping to host the Semi-Annual Appearances in Washington D.C. April 4-8, 2-22. A decision will be made at the end of February if this will be in-person or virtual.

Mark Gabriel also noted that the Nuclear Waste Facility is something the Board should keep eye on, especially with transport of materials.

- Other watershed issues of concern

Todd Sellers reminded the Board that the Rainy Lake of the Woods Watershed Forum is on March 9-10, 2022 and that registration ends on March 1st. There will be a presentation by Mike Goffin on behalf of the Board during the Forum. Wellsley Hamilton noted that this presentation is being drafted by the Secretariat and that the information provided in the Board briefs would inform the content and speaking points. Todd Sellers also indicated that the State of the Basin report ready to go to Desktop publisher and noted the strong input from Indigenous advisors and the Western Science community and would be released at the Forum.

The Board request a follow up on the action item for a presentation on Lake Winnipeg target setting. The Secretariat has followed up with Nicole Armstrong from the Manitoba Government who identified some delays on this file due to the extreme drought and forest fires this summer as well as other priorities. This action item remains on the action list for completion.

Jim Stark identified that President Biden rescinded the Twin Metals mining development near the Boundaries Waters.

Karen Cederwall stated that it was good to see the Board working hard to look into issues that impact the water referencing the mining proposal and the Atikokan tailings pond, nuclear waste transportation and bringing forward information about agricultural impacts on human health.

Chief Perrault stated that Grand Council Treaty #3 has a Standing Leadership Resolution opposing nuclear waste coming through the Territory, which includes transportation.

Teika Newton noted that in 2010 there was a similar initiative the City Council in Kenora related to the Territorial resolution, but she was not sure what the outcome was, but perhaps the City Council would be interested in standing in solidarity with Grand Council Treaty #3 again. She also identified that a site at Ignace, Ontario would also mean transport of waste across the Great Lakes, which could be of interest to other IJC Boards.

- Review of Board Calendar

Wellsley Hamilton explained that dates for most meetings have been set for 2022. It is proposed that the August Basin meeting take place in Kenora this year, should they go ahead in person. It is recommended that we resume with this location as it will be Canada's turn to host and this location was approved for August 2020, but did not take place. The forward-looking calendar was included in the Board's meeting package.

- 2021-22 Annual Report

Wellsley updated the Board on the status of the IRLWWB Annual Report. Committee and Advisory Group Co-chairs worked in December and January to update the status of the work plan. This information will form the basis of the content for the annual report.

The Board's Directive notes that the IRLWWB annual reports are due three weeks in advance of the Spring Semi-Annual meetings which are scheduled for April 4-8th this year. The due date for the annual report is therefore March 11th.

Following a review of the Directive, discussion with the IJC advisors and considering the logistical challenges associated with meeting the reporting requirements in the Directive of the current reporting schedule of April 1st to March 31st (Canadian fiscal year) the Secretariat is proposing to update the reporting schedule to mirror the calendar year.

Using the calendar year for the reporting time frame takes advantage of the quiet period at the end of the calendar year, compared to the volume of leading up to the March Forum, the IJC semi-annual along with the WLC consultations and March 10th rule-curve decision. Scott Jutila noted that the WLC is required to meet with the companies once a year and sometimes these meetings fall in the same fiscal year leading to confusion on meeting directive. The Board concurred that the IRLWWB annual reporting period will reflect the calendar year going forward.

Todd Sellers also identified that the timing of the AEHC annual report has always been difficult to align with data collection. QA/QC to get the report ready by the March/April deadline is a challenge. Todd inquired whether the AEHC report timeframe should be reconsidered as well. Based on questions from the Board Todd Sellers clarified that the AEHC submits an Annual Report on Exceedances of Alert Levels to the Board under its Directive.

ACTION: Board Members to register for March Forum by March 1st, 2022.

ACTION: Committee and Advisory Group Co-chairs and Secretariat to draft 2021 Annual Report and submit it prior to the IJC Semi-Annual meetings.

ACTION: AEHC to consider most effective reporting period for exceedances and other aquatic environment and water quality reporting as required by the Directive, consider alignment with new Board reporting time frame (calendar year).

5. Closing Remarks

Colonel Jansen thanked the Board for their participation. The meeting adjourned at 3:58pm CT.

Drafted by: Abigail Moore USACE, Wellsley Hamilton, ECCC, Scott Jutila USACE

DRAFT