

## **International Rainy-Lake of the Woods Watershed Board Meeting**

**June 4, 2024**

**8:30am – 10:30am CT (9:30am – 11:30am ET)**

### **Virtual Board Meeting**

**Chairperson: Jennifer Vincent**

#### **U.S. Member Participants**

Karl Jansen (acting Co-Chair for COL Eric Swenson)  
Theresa Haugen  
Kelly Sjerven  
Mike Hirst  
Doug Franchot  
Jim Stark  
Shelly Patten  
Pam Tomevi  
Joshua Jones  
Matthew Gouin  
Rebecca Seal-Soileau (Secretary)  
Abby Moore (Engineering Advisor)

#### **International Joint Commission**

Mark Gabriel  
Rob Caldwell  
Christina Chiasson  
Jo Werba  
Julien Houle  
Teika Newton (International Watershed Coordinator)

#### **Canadian Member Participants**

Jennifer Vincent  
Rhobi Chacha  
Megan Garner  
Greg Chapman  
Todd Sellers  
Karen Cederwall  
Matt Myers  
Maria Jawaaid (Secretary)  
Alexandra Lavictoire (Engineering Advisor & AMC Co-Chair)

#### **Additional Participants**

Briana Wagner (US DOS)  
Felicia Minotti (GAC)  
Jesse Anderson (AMC member)  
Scott Jutila (USACE)

### **1. Special Presentation: Pulsar Helium, Inc.**

The meeting began with a special presentation from Thomas Abraham-James of Pulsar Helium, Inc. The presentation covered the basics of helium, including properties, uses and availability. He noted that globally there has been a helium shortage for at least 10 years.

Large concentrations of helium gas were discovered near Topaz, MN while another company was exploring for nickel. Sampling of the non-combustible gas released at the drill sites revealed that the gas contained carbon dioxide, nitrogen and approximately 10.5% concentration of helium (almost 5x the concentration found in other commercially viable helium reserves). Pulsar is currently exploring the

reserve in a project located at the southern border of the Rainy headwaters. It was noted that this project has a small footprint for drilling and that no water is required. The operation is currently being regulated by the Minnesota Department of Health. After the presentation, there was time for questions and discussion. Discussion topics included the broader footprint, infrastructure needs, decommissioning and rehabilitation requirements, and expected timelines from helium extraction to production. Thomas confirmed that once the project was in a more advanced stage, there would be an assessment to ensure no at-risk species or wetlands were impacted by the project.

Shelly Patten, Board member and NE Regional Director of the Minnesota Department of Natural Resources, provided a statement on recent Minnesota legislative and regulatory advancements related to helium exploration and extraction. She noted that gas exploration is new to Minnesota and legislation was recently passed with a letter of intent to adopt new regulation by July 2026, with expedited and emergency rules in the meantime. The state agencies involved include Minnesota's Department of Natural Resources (MNDNR), Pollution Control Agency (MPCA), Department of Health (DOH), and the Department of Revenue. Some federal agencies would also be involved.

**ACTION:** Secretariat to share Pulsar Helium contact information with Board members.

## **2. Welcome and Administration**

The International Rainy-Lake of the Woods Watershed Board (Board) business portion of the meeting began with an introduction to the new Canadian Co-Chair, Jennifer Vincent. Jennifer is the Executive Director of Ontario for the Freshwaters Management Directorate of the Canada Water Agency. Board members at the meeting introduced themselves and welcomed her to the Board. The meeting carried on with the approval of the meeting agenda, the summary of the March 5, 2024 Board meeting, and an update on action items from previous meetings.

## **3. Recap of 2024 Spring Semi-Annual IJC Appearance**

The U.S. alternate Co-Chair provided a high-level summary of topics the Board discussed with the Commissioners at the Spring Semi-Annual International Joint Commission (IJC) Appearances, including: the direction of the Board's work on climate change adaptation, the Board's ongoing capacity issues, and how to better support Indigenous knowledge.

At the Spring Semi-Annual, IJC Commissioners noted that Climate Change adaptation is major topic being considered across the transboundary. Teika Newton, the Board's International Watershed Coordinator, developed a report outlining climate change actions taken by the Board to date and recommended next steps. The report will be shared and discussed at the August Basin meetings. IJC Commissioners offered the idea of incorporating climate change adaptation into the Board's Directive and each of the Committee Terms of References. Commissioners also encouraged the Board to explore opportunities to partner with academia on climate change work through the International Multi-Agency Agreement (IMA).

## **4. Water Levels Committee**

The Canadian Co-Chair of the Water Levels Committee (WLC) provided an overview of WLC activities since the March 5 meeting and current conditions in the basin. Since the last Board meeting, the committee met at least 10 additional times in the weeks preceding this Board meeting to discuss basin

conditions. Because of the moderate to severe drought conditions in March and April, the WLC was concerned about how Rainy and Namakan Lakes would be able to refill to summer water levels. The WLC also held a virtual information session the evening of April 17 with a small public attendance.

Rainy Lake outflow was at minimum flow from March through the middle of May. During this timeframe the WLC met on a weekly basis and updated targets every 2 weeks. A major precipitation event occurred on May 21<sup>st</sup> that caused the lakes to rise. The WLC continued meeting regularly and dam operators were opening gates on a regular basis. The WLC was observing heavy local inflows from tributaries downstream of Rainy Lake. There were concerns over downstream impacts, so the WLC asked dam operators to make less drastic gate openings until downstream tributary flows were more stable.

At the time of this meeting, Namakan Lake was within the middle band of its rule curves and Rainy Lake water levels were still above the rule curves, but declining. There have been a lot of public inquiries directed at the public WLC members and the WLC Co-Chairs expressed gratitude for how critical their role is to be available to hear public comments, concerns, and questions.

## **5. Adaptive Management Committee**

The Adaptive Management Committee (AMC) has met twice since the last Board meeting, once in Fort Frances at the end of the March basin meetings and the second time in April. The Canadian AMC Co-chair then provided a quick update on AMC activities and projects: the Anishinaabe Performance Indicators Project is complete and the AMC is expecting delivery of the final report soon. The U.S. Geological Survey (USGS) is working on a flood visualization tool and will potentially be working with the WLC to add more data and layers to the display tool. The Whitefish and Sturgeon Performance Indicator Project is finishing its last round of field visits the week of this meeting. The AMC is also forming a subcommittee to develop a communications product, like the “Roles and Responsibilities” infographic on the Board’s website, that would provide information about the AMC to project partners and the public.

The AMC announced the development of new projects including the Metis Nation of Ontario engagements to inform performance indicators, as well as improvement or development of performance indicators including: wild rice, submerged aquatic vegetation, emergent vegetation, and yellow perch.

## **6. Aquatic Ecosystem Health Committee**

The Aquatic Ecosystem Health Committee (AEHC) provided an update on Phase 2 of the Objectives and Alerts project. The AEHC met a few times since the last Board meeting and discussed developing regular working groups to tackle directive tasks. It was proposed that there be a presentation update at one of the upcoming Board meetings to cover the Objective and Alerts and Core Monitoring projects. The AEHC planned to meet the next day with the IMA to refine the alters being considered in the project and expect to have a draft with a full committee recommendation by the August basin meeting. Additionally, the annual exceedance report now includes data through 2022 for permitted facilities and 2023 for open water sources. The report will be circulated for AEHC review and then for Board review.

The AEHC is also in the process of reviewing membership needs and Co-Chair rotations and investigating options to regularize data acquisition from partner agencies and entities to support the annual exceedance reporting. The AEHC is also tracking the proposal for Phase 2 of the Mining Sensitivity Study, which would be covered in detail later in the meeting.

**ACTION:** AEHC to complete and distribute the Annual Exceedance Report to the Board for review once complete.

**ACTION:** Secretariat and AEHC to schedule a presentation on the Objective and Alerts project at a future Board meeting.

## **7. Engagement Committee**

The Engagement Committee updated the Board that their Terms of Reference are being finalized and should be ready for the August basin meetings.

## **8. Advisory Group Updates**

The Community Advisory Group (CAG) Co-chairs brought forward two International Watershed Initiative (IWI) project proposals and a potential member for Board approval. The first IWI project proposal entitled: “Improving Binational Coordination of Response to Environmental Emergencies” is to update and expand the 2019 *Review of Environmental Emergency Planning, Preparedness and Response in the Boundary Waters of the Rainy-Lake of the Woods Drainage Basin* (EEPPR) report, including an assessment of how changes to the legislative/policy/management framework in Canada and the U.S. since release, impact the findings of the report. The CAG is concerned with the handling of environmental emergencies on both sides of the border. The project goal is to make recommendations that strengthen binational preparedness and response. There was Board discussion around the different levels of government involved in the project and if recommendations would be received at an appropriate time. The Board was given one day after this meeting to provide any comments to the Secretariat, otherwise the project proposal would be considered approved by the Board.

The second IWI project proposed by the CAG was Phase 2 of the Mining Vulnerability Study. This project builds on the work of the Mining Vulnerability Study, Phase 1, and will advance work towards the overall goal of better understanding the potential cumulative effects of past, present and future potential mining on water quality in the basin. The U.S. CAG Co-Chair noted that concerns over mining vulnerability have been raised for many years, in fact, the issue was captured in the very first Board meeting minutes. Phase 1 of this project was the generation and harmonization of data. Phase 2 will build on the results of Phase 1 to identify priority sub watersheds based on mining vulnerability and available data. This will lead to the development of a monitoring action plan (potential future phase). It was recommended that the project team give a Phase 1 presentation at a Board meeting in the near term.

Board members asked questions about the outcomes of this Phase 2 project and how they would inform recommendations to governments. It was decided to defer the decision to approve the project until after the proposal is updated to reflect the questions and discussions of this meeting. Given the June 15<sup>th</sup> IWI proposal submission deadline, Board Co-Chairs asked the Secretariat to convene a meeting with the CAG Co-Chairs to clarify the proposal and work through any outstanding items.

The CAG Co-Chairs then put forward a nomination for a new CAG member, Rodney Johnson, who has a strong connection to Lake of the Woods. The Board approved Rodney Johnson’s nomination as a CAG member. There were no updates from the Industry Advisory Group for this meeting.

**ACTION:** Board members to provide comments to the Secretariat on the Environment Emergency IWI project proposal by end of day June 5.

**ACTION:** Secretariat to add IWI Environmental Emergencies project proposal to Board Workplan.

**ACTION:** Secretariat to coordinate a presentation of the Phase 1 Mining Vulnerability Study with the project team for a future Board meeting.

**ACTION:** Secretariat to convene meeting between Board Co-chairs and CAG Co-chairs to discuss updates to the Phase 2 Mining Vulnerability Study IWI project proposal.

## **9. LWCB Updates**

Megan Garner, Board member and member of the Lake of the Woods Control Board (LWCB), updated the Board that the LWCB would be holding its spring regulation meeting in Dryden, Ontario next week.

## **10. IJC Updates**

The IJC advisors noted they are tracking three IWI project proposals the Board is developing and that there are a lot of current projects near completion. IJC advisors also reminded the Board that there is a new template for IWI project proposals.

The IJC recently appointed a new Commissioner, Robert Gioia, who has replaced Robert Sisson. With there being new Commissioners, IJC Advisors made the Board aware that files may be shuffled among Commissioners and lead Commissioners for this Board may or may not change.

IJC Advisors provides updates on current Board member terms and renewals. This would be Theresa Haugen's last meeting with the Board as she is taking a new position and can no longer support the Board as a member. The Board expressed gratitude and well wishes to Theresa Haugen as she moves on from the Board.

The Fall Semi-Annual IJC Appearances have been scheduled for October 21-25, 2024 in Ottawa, ON.

## **11. Roundtable**

There was no further discussion in the roundtable portion of the agenda.

## **12. Closing Remarks**

The Canadian Co-chair closed the Board meeting and reminded the Board that the August Basin Meetings have been scheduled for August 13-15 in Kenora, ON.