

International Rainy-Lake of the Woods Watershed Board
DRAFT Summary of Discussion for Review

Wednesday October 10, 2022
10:30am - 12:00pm CT (11:30am-1:00pm ET)

Virtual Meeting
Chair: COL Karl Jansen

1. Welcome and Administration

U.S. Member Participants

COL Karl Jansen (Co-chair)
Theresa Haugen
Pam Tomevi
Mike Hirst
Joshua Jones
Doug Franchot
Amy Adrihan
Scott Jutila (Secretary, Engineering Advisor)
Rebecca Seal-Soileau (Secretary)
Abby Moore (Secretary, Engineering Advisor)

International Joint Commission

Mark Gabriel
Alexandria Farrell
Kevin Bunch
Kathey-Lee Galvin

Canadian Member Participants

Mike Goffin (Co-chair)
Greg Chapman
Megan Garner
Mark Lee
Matt Myers
Todd Sellers
Wellsley Hamilton (Secretary)

Additional Participants

Briana Wagner (US DOS)
Carla Torchia (ECCC)
Alexandra LaVictoire (LWCB)

The agenda for this meeting and the June 22, 2022 meeting summary were approved. Action items in the action log were noted as complete or in progress.

2. CN Rail Bridge Crossing Update

The U.S. Board Co-chair briefed the Board on the status of the letter sent to CN Rail on July 15, 2022. The letter requested information regarding Canadian National Rail's planned activities at the rail bridge crossing between Rainier, MN and Fort Frances, ON and to establish a line of communication between CN and the IRLWWB. Correspondence related to the rail crossing was included in the Board meeting package. The IRLWWB Co-chairs invited CN Rail to this Board meeting, but CN Rail declined. CN has identified the IRLWWB as a stakeholder in the permitting process and will invite the Board to future permitting meetings.

On August 24, 2022 the City of Rainer wrote to the IRLWWB requesting that the IJC seek an "Order of Approval" for CN's proposed improvements to the aforementioned rail crossing. The City of Rainier's letter identifies that there is deep concern that CN's project, would further impede the outflow from Rainy Lake thereby causing an increase in the frequency, magnitude, and duration of flooding events on Rainy Lake.

IJC staff reviewed the IJC 's role in permitting processes and determined that CN Rail is to submit a permit application to both Governments as the first step. Governments will review the application and determine if IJC approval is required. IJC staff recommended that the Board co-chairs reply to the City of Rainier's letter. The response letter has been signed by the Co-chairs and was included in the Board's meeting package. The Board Co-chairs will also be sending an email to CN Rail prompting them to take the initial step to have dialogue with Governments. The IJC's *"Guidance in Seeking Approval for Uses, Obstructions, or Diversions of Waters Under the Boundary Waters Treaty of 1909"* document will be attached to the email for reference.

The U.S. Co-chair also briefed the Board about local reports of equipment mobilization within the CN bridge area. It was confirmed that these actions are related to soil sampling required as part of the permitted site investigation process.

The Board was also informed that the U.S. Co-chair and Engineering Advisors of the Water Levels Committee participated in a media engagement with the Rainy Gazette answering questions about the Board's involvement relative to the CN Rail bridge development. It was recommended that the public contact CN Rail's Manager of Environmental Impact directly for information.

ACTION: US Co-chair to send the response letter to the City of Rainier.

ACTION: US Co-chair to send email to CN Rail with the IJC's Guidance document as an attachment.

ACTION: IRLWWB to continue tracking the CN Rail bridge expansion proposal as a watch item.

3. Post Flood Report

The US WLC Co-chair presented the draft slides for the IJC Fall Semi-Annual Meeting scheduled for October 19, 2022. A copy of the presentation was provided in the Board meeting package. The presentation provides a macro level summary of the flood that took place this summer and the actions undertaken by the WLC. The presentation also included a series of early draft recommendations that are likely to be included in the post-flood report.

Key highlights that will be presented to the IJC include:

- The record rainfall in April was unprecedented in the recorded climate history of the basin and could not have been predicted.
- Existing system-wide infrastructure, rule curves, and operating strategies cannot prevent or significantly mitigate extreme floods like the one experienced this year.
- Snowpack / snow-water equivalent will continue to inform early March decisions and there is an opportunity to leverage citizen science to improve the data related to this metric through the National Weather Services Community Collaborative Rain, Hail and Snow Network (CoCoRaHS) program.
- Residents and governments appreciated IJC engagement since 2014; however there is an appetite for more information and inclusion. In particular there are opportunities to explain the March 10 requirement as the date for establishing a "Spring Regulation Plan" and to continue to communicate with the public about how conditions may or may not be changing after March 10th.
- Misinformation worked against the IJC and public interest during the emergency. There is an opportunity to proactively articulate and enhance understanding about the existing linkages between WLC/LWCB/ILWCB.
- The terminology of "high flood risk" rule curve is misleading and led many to believe that the

flooding could have been prevented or mitigated by the IJC.

- The potential Canadian National Railway bridge modification project is a significant local and First Nations concern.

The WLC also provided a brief on WLC actions in progress and preparation of the Post Flood Report. The WLC plans to have a draft ready by the end of the calendar year for IJC, government, and public review. A final draft will be completed for the April appearance with the Commissioners.

- *CAG Input*

The Community Advisory Group sent a letter to the Board Co-chairs on September 29th with recommendations following the 2022 flood. The CAG identified that generally the public was more informed during this flood compared to 2014 and adaptation featured more in the local conversations this time. The readily available supply of sandbags and involvement of the community and others including Fire Departments, the National Guard, and the Ontario Fire Rangers were noted. There was reference to the Rainy Lake Property Owners Association playing a significant role in public communication and commentary.

The CAG presented the following recommendations and acknowledged that some were included in the Board presentation to Commissioners.

1. The IRLWWB ask the IJC to urge governments to establish a shared, multi-agency information officer role(s) for future basin flood events such that all agencies with responsibilities, including the IJC may communicate information proactively to the public by means of radio/print and appropriate social media through a recognized single source.
 - a. The board investigate the development of a “watershed app” that provides one click access to watershed related information, including agency contact information by geographic responsibility within the basin.
2. The IRLWWB Water Levels Committee investigate establishing an “emergency rule curve” that would result in Rainy and Namakan lakes controlled to a more balanced flood level (perhaps controlling to the same delta level compared to the 2014 peaks) during future flood events. It is widely believed that outflows from Namakan to Rainy Lake continued at maximum despite Namakan falling below flood levels and Rainy Lake continuing to rise.
3. The IRLWWB urge the IJC to conduct a preliminary feasibility study to estimate the cost and environmental impacts of an emergency floodway constructed on the Canadian (Frog Creek) or American side of the watershed.
4. The IRLWWB work with the Duluth National Weather Service to investigate ways in which the service can add value to its existing forecasting for future flood events (additional information, longer range forecasting etc.)
5. The IRLWWB ask the IJC to urge governments to ensure that any future plans to replace the Ranier rail bridge are designed to minimize impacts on flows
6. The Water Levels committee of the IRLWWB consider reviewing its flood curve decision process to allow for a decision to approve the flood rule curve later in the spring period or to provide additional updates to the public as the freshet nears. At a minimum, additional updates would demonstrate that the Water Levels Committee remains engaged throughout the spring and belie the notion that the committee was making a decision in mid-March and making no effort to adjust to changing conditions.

The CAG co-chairs expressed that overall, the CAG feels progress is being made in emergency situations.

At the moment, the limited availability of flood aid programs is frustrating as the community moves further into recovery. There was also a point made on the public's frustrations with the watershed not being regulated holistically and the perception that water was unnecessarily being held back for those downstream.

The US WLC Co-chair proposed that the WLC assess the CAG recommendations and categorize them by implementation, responsibility, and/or if more Board discussion is required. The CAG Co-chairs expressed they would like to continue to be engaged so they can provide feedback to the communities. The CAG Co-chairs advised that discussion should be focused on impact rather than on board or agency governance. The CAG Co-chairs requested a response to all recommendations, and stated that they would accept if no action can be made on certain recommendations due to capacity.

ACTION: WLC to do a first assessment of CAG Recommendations regarding the 2022 flood and report back to Board.

4. IWI Proposal Review

The AEHC Co-chairs brought an IWI proposal to the Board regarding development of a lake-wide circulation model, wave model, and shore evolution model to assess causes of island and shoreline degradation of Pine and Curry Islands. The draft IWI proposal and IRLWWB cover page were included in the Board meeting package.

Historically, these islands have had a dynamic flux in shoreline processes over the last 100 years of regulation by Norman Dam. The high water and south shore flooding that occurred in 2014 and again in 2022 has renewed the focus on erosion of these barrier islands. There is a desire to understand the erosion processes that are occurring and how they tie into resiliency and climatic changes. The proposed project would leverage partnerships and build upon previous work to advance our understanding of erosion processes in the basin and the implications of protection measures like hard-armoring and jetties.

There was discussion about how an erosion study relates to the Board's mandate to provide advice to governments. The US IJC Advisor identified that similar IWI projects have been completed in the past and the proposal is generally within the spirit of IWI funds since it is interested in habitat loss and there are linkages to nutrient loading. He noted that the IJC reviews the linkage to the Board's mandate during IWI review process.

Another point of discussion was if recommendations from the potential project would be related to the Board's water level management or aquatic ecosystem health mandates or both. The U.S. Engineering Advisor noted that the 2012 IJC report to governments mentions shoreline erosion along Lake of the Woods as justification for a water levels study and highlights that shoreline erosion and island loss are of interest to the IJC. The IJC advisor requested a copy of the 2012 IJC report to governments and the responses from both Canada and the US.

The Board also discussed whether the proposal as written was binational and would yield results that were transferrable. The Board asked if Sable Island on the Canadian side of the border could be included in the study. The AEHC was working on identifying an agency contact in Ontario, with priority on Ontario MECP.

The AEHC stated the desire to have the IWI proposal submitted for the Fall application deadline on October 28, 2022. It was decided that the Board will review and consider the IWI proposal with the submission deadline in mind.

ACTION: Secretariat to provide US IJC Advisor a copy of the 2012 IJC report to governments and government responses.

ACTION: IRLWWB to review and consider IWI proposal within timeline prescribed by Secretariats.

ACTION: US AEHC Co-chair to seek Canadian agency contact to participate in the Pine Curry Island IWI proposal.

5. AEHC Terms of Reference Review

Prior to this meeting, the AEHC convened and reviewed their terms of reference against the Board Directive while also considering the availability of capacity and resources. The AEHC categorized the responsibilities in the current Terms of Reference by “what must be done” and “what can be done with unlimited capacity and resources”.

The AEHC is responsible for the Board directive of general basin monitoring. To do this, the AEHC stated the need to establish a suite of water quality and aquatic ecosystem health objectives to monitor and report on. As such identifying objectives and alerts remains the Board’s key focus.

The proposed revisions to the terms of reference focus on reporting requirements related to exceedances complemented by occasional state of the basin reporting. It was proposed to have a comment period followed by a conversation with the Board and IJC advisors.

ACTION: IRLWWB to review proposed changes to AEHC terms of reference.

6. Prepare for IJC Semi-Annual Presentation

The Board’s appearance with the IJC is scheduled for October 19 from 2:30-3:30 pm ET. Travel information is included in the IJC invitation. A communications workshop will be held on Thursday morning of Appearance week.

7. Roundtable

During roundtable, the IJC advisor provided more information on the communications workshop. The Communications Team at IJC will be providing an overview of the type of support the IJC can provide to boards. There will also be a presentation on IWI proposals during the workshop.

The US IJC Advisor also briefed on the Mining Vulnerability IWI proposal. He indicated that there will be a US and Canadian contractor for this work. The USGS is identified as the US contractor and working is still underway to complete the Canadian contract.

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