

International Rainy-Lake of the Woods Watershed Board Meeting

September 24, 2024
8:30am – 10:30am CT (9:30am – 11:30am ET)

Virtual Board Meeting

Chairperson: Carla Torchia

U.S. Member Participants

COL Eric Swenson
Amy Adrihan
Mike Hirst
Doug Franchot
Shelly Patten
Pam Tomevi
Rebecca Seal-Soileau (Secretary)
Abby Moore (Engineering Advisor)

Canadian Member Participants

Carla Torchia (acting Co-Chair for Jennifer Vincent)
Megan Garner
Greg Chapman
Todd Sellers
Karen Cederwall
Matt Myers
Alexandra Lavictoire (Engineering Advisor & AMC
Co-Chair)

International Joint Commission

Mark Gabriel
Rob Caldwell
Jo Werba
Julien Houle
Kevin Bunch
Celine Desjardins
Teika Newton (International Watershed
Coordinator)

Additional Participants

Scott Jutila (USACE)

1. Welcome and Administration

The acting Canadian Co-Chair opened the meeting and welcomed COL Swenson back from his detail in Maui, Hawaii. The meeting began with an approval of the agenda and the August 14, 2024 Board meeting summary, with one minor correction to the meeting summary regarding the location of the newest Community Advisory Group member. The Secretariat highlighted the status of action items from the last Board meeting.

2. Objectives and Alerts Phase 2

The Board congratulated the Aquatic Ecosystem Health Committee (AEHC) for completing Phase 2 of the Objectives and Alert Levels project. The AEHC Co-Chairs shared a summary of the report and sought Board approval for a subset of project recommendations. The AEHC also provided a decision matrix for objectives, alerts, core monitoring that summarizes these recommendations.

There was discussion on what would be packaged as recommendations to the International Joint Commission (IJC) related to objectives, alert levels, and core monitoring. It was decided that the Board would send a letter to the IJC with recommended international water quality objectives. The letter would present the Board's alert levels to the IJC, but the Board would select and approve the alert levels autonomously. The AEHC Co-Chairs recommended that the Board forward the core monitoring program development to the IMA for deliberation to create a feasible monitoring program amongst the agencies; the IJC role for the core monitoring program would be to track monitoring program development progress.

There were concerns raised about including the full Phase 2 Objectives and Alerts report in the submittal, since recommendations from the Board do not include all the recommendations from the report. The cover letter to the IJC with the Board's recommendations would reference the full report noting that the Board's recommendations were distilled from the contracted work.

There was a question on whether state and provincial agencies would be able to adopt the recommended water quality objectives. The AEHC Co-Chairs noted that the Board's recommendations are aligned with the Minnesota Pollution Control Agency's (MPCA) total maximum daily loads (TMDL) for phosphorus. While Ontario's limit for phosphorus in the southern portion of Lake of the Woods is less stringent than the MPCA's TMDL, the Ontario limit is not suitable based on the characteristics of the southern portion of the lake. That said, Ontario was involved in the project though has not formally signed off on the objectives. The AEHC Co-chairs believe that the recommended objectives are within reasonable exceedance of the government limits for loading reductions and are aligned with current science from Canada.

The Board approved the AEHC's recommendations on objectives, alerts, and core monitoring and actioned AEHC Co-Chairs to develop a draft cover letter for submittal to the IJC.

ACTION: AEHC Co-Chairs to submit a draft cover letter for the Objectives, Alerts, and Core Monitoring Recommendations to the Secretariat.

ACTION: Secretariat to submit Objectives, Alerts and Core Monitoring Recommendations to the IJC ahead of Fall Semi-Annual Appearances.

3. Preparation for 2024 Fall Semi-Annual IJC Appearance

The Secretariat completed a summary document of the Board Capacity and Succession Planning Workshop held during the August Basin Meetings. The document includes recommendations for both Board and IJC implementation that were approved at this Board meeting and will be incorporated in the Board's Fall Semi-Annual Appearance presentation.

The Board then discussed the summary report of the Climate Change Workshop that was also held during the August Basin Meetings. The Board and its committees were asked to review the recommendations and consider how they could be incorporated into workplans for 2025. A Board member commented that the Board needs to be careful not to present itself as taking on climate change as a mission, but rather something it considers in its work as a value statement and objective. The Climate Change Workshop summary report was approved by the Board and key takeaways from the workshop will be included in the Board's Fall Semi-Annual Appearance presentation.

The Board reviewed and discussed the draft presentation prepared by the Secretariat for the Board's

appearance with Commissioners on October 22. It was noted that such presentations could better highlight Adaptive Management Committee (AMC) work to Commissioners, since Appearances are usually focused on water levels and water quality objectives. There was a suggestion to emphasize different Board priorities and work over the two Appearances each year instead of everything broadly covered at each Appearance. In response to highlighting the AMC's work, the March Watershed Forum in International Falls, MN includes presentations of the different AMC projects and Commissioners are encouraged to attend the March Watershed Forum.

ACTION: Board Committees to review recommendations from the Climate Change Workshop Summary and consider incorporating recommendations into their workplans.

ACTION: Board members to provide final comments on the Fall Semi-Annual Appearance presentation by Thursday, September 26.

4. Aquatic Ecosystem Health Committee

The AEHC submitted the Annual Exceedance Report to the Board for review and to endorse recommendations included therein. The Committee Cochairs noted that where exceedances were reported, agencies have taken appropriate actions. There was discussion on whether the Exceedance Report would be packaged with the Board's Annual Report (submitted to IJC ahead of the Spring Semi-Annual Appearances) or would be a stand-alone submittal to IJC. The AEHC Co-Chairs suggested that the Annual Exceedance Report be submitted for the Fall Semi-Annual Appearance and that key points from the report be highlighted in the Board's Annual Report. The AEHC has initiated a working group to develop next year's report and aims to have every year's report ready for Fall submittals. The Board approved the Annual Exceedance Report and recommendations to be included in a cover letter for IJC submittal.

The AEHC provided its updated Terms of Reference for Board discussion during the meeting. There was discussion on the requirement for AEHC Co-Chairs to be Board members. The current draft simply states that there must be a Canadian and U.S. Co-Chair but does not include requirements of being Board members. Part of the challenge of recruiting co-chairs is that not all committee members are Board members as some agencies have specific technical expertise on committees. IJC Advisors stated the IJC prefers to have Board members sit as co-chairs of committees. There was a suggestion to have interim co-chairs that are non-Board members until a Board member is identified to be an AEHC Co-Chair.

Finally, the AEHC Co-Chairs provided a brief update on International Watershed Initiative (IWI) projects. The South Shore Erosion Investigation report is complete and the AEHC is currently having discussions about moving forward with a potential Phase 2 of the project. The Environmental Emergencies Response Coordination study is currently in contract development and the IJC is reviewing Phase 2 of the Mining Vulnerability Study's scope of work and considering contractors.

ACTION: AEHC Co-Chairs to submit a draft cover letter for the Annual Exceedance Report to the Secretariat.

ACTION: Secretariat to submit Annual Exceedance Report to IJC ahead of Fall Semi-Annual Appearances.

5. Water Levels Committee

The Water Levels Committee (WLC) met a week prior to this Board meeting to discuss analysis of the temporary order compared to implementing the 2018 Orders (includes a standard rule curve and high

flood risk rule curve) under different basin conditions. The WLC is still determining its recommendation to the IJC regarding the temporary order and plans to meet again in October to focus on recommendations regarding changes to the Order. The WLC also identified finalizing a Communications Protocol and its Terms of Reference as ongoing action items.

6. Adaptive Management Committee

The AMC provided a status update of current projects to the Board. The final draft of the Anishinaabe Performance Indicators project is under AMC review and the committee will send to the Board with specific recommendations once the review period is complete. The Lower Rainy River bathymetry data collection project is almost complete. A preliminary dataset was provided to the Environment and Climate Change Canada (ECCC) modeling team and confirmed that the data will work in the ISEE model.

Ongoing AMC projects include the Walleye and Lake Whitefish project and an AMC communications product that outlines the roles and responsibilities of the AMC. The AMC is also preparing for new projects, including a Métis engagement and knowledge sharing project, acquisition for a data processing service to provide emergent vegetation data, and data collection of submerged aquatic vegetation data in partnership with Voyageurs National Park.

7. Engagement Committee

The Engagement Committee (EC) brought its updated Terms of Reference to the Board for approval. The EC's Terms of Reference was originally drafted in 2015 but was not approved by the Board at the time. Since the original draft, engagement responsibilities have changed with some of the other committees doing their own engagement. The US EC Co-Chair updated the Terms of Reference to be more current to EC responsibilities. The Board approved the EC's Terms of Reference. The next step is for the EC to update its workplan.

8. Advisory Group Updates

The Community Advisory Group (CAG) stated that they planned to have a meeting ahead of the Fall Semi-Annual Appearances. The CAG has been championing the Environmental Emergencies Response Coordination study and will be providing some comments on the scope of work. It was noted that the timing of this project is prudent considering the recent collapse of one of the CN lift bridges near Fort Frances, ON.

The Industry Advisory Group (IAG) plans to meet in the fall or early winter and will reach out to Committee Co-Chairs to provide updates at the meeting. IAG meetings typically include a presentation from one of the represented industries and Co-Chairs are considering having New Gold Inc. (mining) present. The Canadian Co-Chair, Greg Chapman, is retiring in October and his department is currently looking for a replacement for his Board member position. The Board thanked Greg for his service on the Board and wished him a happy retirement.

9. LWCB / ILWCB Updates

Megan Garner, IRLWWB Board member and member of the Lake of the Woods Control Board (LWCB), stated that Lake of the Woods water levels were within the 30th percentile at the time of the Board meeting. The LWCB is planning to have an October meeting in Kenora where they will focus on action items, technical issues, and studies. Mike Hirst and the Southern Shore Erosion study project contractor will also be presenting at that LWCB meeting. The LWCB plans to host a public meeting in Winnipeg.

The International Lake of the Woods Control Board (ILWCB) met last week to discuss ongoing work, including its annual reports, communications plan, and outflow study. The ILWCB Co-Chairs expect to meet with the U.S. and Canadian governments the week of the Fall Semi-Annual Appearances to discuss a path forward after Article 7 of the 1925 Convention was not met. There was a question on the outlet study and how it related to the 1925 Convention, which is the international agreement for regulation of Lake of the Woods. The study is specific to physical issues around meeting outflow requirements of Article 7 of the Convention. First Light, the owner of the dams at the outlet of Lake of the Woods, is undertaking a study focused on Lake of the Woods outlet capacity. There are also ongoing ILWCB discussions regarding the process for bi-national collaboration for the study and investigating isostatic rebound on Lake of the Woods and its implication to the 1925 Convention.

10. IJC Updates

The IJC Advisors to the Board provided an overview of the upcoming Fall Semi-Annual Appearances. The IWI request for projects period will be October 1-November 1, 2024. It was noted that project proposals can be submitted at any time but are more likely to be funded if submitted during the proposal window. The Board is scheduled to present at the Appearances on October 22 at 11:15 am Eastern Time with an Appearance reception the evening of October 23. There will be a second climate change workshop on October 22 and Karen Cederwall from the Board will be attending the Inaugural Indigenous Circle of Experts on October 23.

The IJC Advisors notified the Board that there would be a few changes to the Directive related to a review of water quality objectives every 5 years, potential changes related to the 2018 Supplementary Order, and Water Levels Committee expansion for Indigenous involvement. All changes will need to be approved by the Board before being incorporated into the Directive. The IJC Advisors also notified the Board that the Commissioners are interested in changing the workplan format from a one-year cycle to three-year cycle. This will be noted in future correspondence from the Commissioners to the Board.

Regarding Board membership, the Canadian IJC Advisor and Grand Council Treaty #3 are working on a replacement for Brian Perrault's Board member seat.

11. Roundtable

During the Roundtable portion of the meeting, the U.S. CAG Co-Chair said that having Grand Council Treaty #3 Women's Council representation on the CAG still needed to be finalized and requested a meeting with the Secretariat. Three women of the Women's Council are currently on the distribution list and wondering if that translates to one seat with 3 people or 3 individual seats on the CAG. Typically, groups are funneled to one contact, but all are welcome to attend though it was recognized this may or may not be appropriate in this case. It was decided that the CAG Co-Chairs and Secretariat would meet to discuss and bring a recommendation on CAG appointments to the Board for approval. It was stated that the opportunity for additional Grand Council Treaty #3 representation is great, but the CAG should also look to expand CAG seats for Métis and other Indigenous communities.

ACTION: Secretariat to convene meeting with CAG Co-Chairs to discuss Women's Council representation on the CAG.

12. Closing Remarks

The meeting closed with reminder that the next time the Board will meet is during the Fall Semi-Annual Appearances (October 22) and that the Canadian Co-Chair, Jennifer Vincent, would be returning from leave in early October.