



International Rainy-Lake of the Woods Watershed Board

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Dear Secretaries,

Thank you for your letter of August 3 informing the International Rainy Lake of the Woods Watershed Board (the Board) of the governments' response to the Lake of the Woods Basin Water Quality Plan of Study (WQPoS). From this, we understand that the governments have decided to address water quality issues in the Lake of the Woods basin through the development and implementation of a binational science plan using a government to government approach. Canada is providing \$5.5 million to Environment and Climate Change Canada (ECCC) to undertake the Canadian portion of the binational science plan. ECCC is currently developing its science plan (the Plan). The U.S. portion is to be led and coordinated by the State of Minnesota, in close consultation with the U.S. Environmental Protection Agency Region 5 office.

During the week of August 8th the Board met in Kenora, Ontario and met with officials from Global Affairs Canada (GAC) and ECCC to discuss this approach. At the invitation of the Board, officials from GAC and ECCC also attended the public meeting held on August 10 in Kenora, with an overview of the draft Plan presented by the official from ECCC.

In response to your letter of Aug 3, we would like provide the following summary of observations and concerns from the discussions at the Board and Public Meetings, along with recommendations for what the roles of the IJC and Board might be, given the IJC's and Board's ongoing binational relationships with resource management agencies, Tribes, First Nations, Métis, scientists, stakeholders and the public.

Comments

There was a significant amount of interest expressed at the public meeting attended by some 100 people. Some individuals expressed frustration to learn that the draft Plan presented by ECCC was a replacement for the WQPoS—which had been developed with extensive engagement of the public and scientists working in the basin— and was being replaced with a Plan developed without any consultation with the public or scientists who were familiar with the basin.

Participants at the Public Meeting voiced significant interest in receiving additional detailed information from governments on what new science would be conducted, how it relates to the recommended WQPoS, how governments would work binationally, and how local stakeholders, the public, and Tribes, First Nations and Métis, non-government scientists and others would be engaged.

Meeting participants also identified concerns that the draft ECCC Plan presented lacked detail, did not address important components of the WQPoS, did not encompass the entire Basin and that the plan lacked a transparent governance component like the IJC approach included in the WQPoS. They also raised the question of whether Governments were committed to developing phosphorus load reduction targets and taking action to address the problem of toxic and nuisance algae in the basin.

At the Board meeting the following day, some Board members reiterated and expanded on the concerns voiced at the Public Meeting along with several other concerns. These included: lack of sufficient detail to evaluate the proposed Plan; no mechanism for feedback on the Plan for scientists, stakeholders, residents, the IJC or the Board; and no local binational components in the Plan; the Plan as presented, had no clearly defined goals, no linkage from science to policy and outcomes and no mention of monitoring the effectiveness of any implementation measures once the research was completed.

In addition some Board members highlighted several risks for the basin, including: the potential for a loss of scientific capacity in the Basin as well as the significant risk of undermining the public's trust and confidence in the IJC and Board and also the public's willingness to participate in the future, in addition to undermining the spirit of trust and collaboration developed in this basin amongst agencies at all levels and organizations on both sides of the border.

Please see Attachment 1 for more detail of comments and observations heard.

Recommendations

During Board discussions, some Board members also made suggestions for how best to support this effort, although the details of the binational plan process are yet unknown:

On the role of the Board and the IJC.

- 1) There was significant agreement among Board members that the IJC should request a comprehensive briefing by Governments, including how ECCC proposes to implement the ECCC draft Plan, its proposed science, timelines, and mechanisms for transparent engagement and reporting.
 - a) It was recommended that the IJC encourage Governments to convene a meeting of all parties, including federal, tribal, state and provincial agencies, the IJC, and local stakeholders, to discuss, in detail, plans of the Governments for advancing this initiative.
 - b) Board members noted that the proposed binational science plan needed detail, should address important components of the WQPoS, needed to encompass the entire Basin and that the Plan should adopt a transparent governance component such as that proposed by the IJC in the WQPoS.
 - c) Board members also discussed the following, but did not achieve consensus:
 - i. The need for a strong role for the IJC and its Board – these roles should go beyond stakeholder engagement and consultation processes. Consultation without any capacity to adjust or evaluate the Plan will further erode confidence in the Plan and also the IJC.
 - ii. The potential role for the IJC to facilitate a meeting of all parties including federal, tribal, state and provincial agencies, the IJC, and local stakeholders to discuss in detail plans of governments for advancing this initiative

- iii. The IJC could provide ongoing oversight and review to ensure that how the Plan is implemented delivers on commitments. The Board represents a scientific community uniquely positioned to advise the study as it moves forward. This would provide a mechanism for transparency and accountability, similar to the IJC role on the Great Lakes. The IJC provides a purpose-built forum for public engagement, peer review, and binational cooperation. The IJC should have the role to analyze information provided by the Governments, assess the effectiveness of programs in both countries and report on scientific progress towards meeting water quality objectives and targets when they are developed.
- iv. The IJC should be managing this effort to ensure that: i) there is binational coordination and cooperation with agencies, organizations, Tribes, First Nations and Métis; ii) that the Plan fosters scientific collaboration; and iii) that there is a binational bridge to all level of governments.
- v. That binational project managers should be appointed to take this process forward.

On the Binational Science Plan

- 1) There was significant agreement among Board members that a basin-wide binational framework is needed to ensure that there is collaboration and coordination of science and management activities.
- 2) The Plan requires timelines, deadlines, clear deliverables and processes which allow for public and peer review comments and engagement.
- 3) There was also significant agreement among Board members that the Plan needs clear goals that link science to policy for binational outcomes for the basin, with clear expectations for end products and achievements after the studies are completed.
- 4) Once the Plan studies are completed there will still be a need for continued engagement in the basin, including ongoing monitoring, adaptive management and stakeholder engagement, which must endure going forward.
- 5) Board members also discussed the following, but did not achieve consensus:
 - a) U.S. Board members suggested that the U.S. Government should contribute funding for remaining WQPoS studies or at least include funding to support governance needed in the Basin.
 - b) That all elements of the WQPoS should be implemented and funded; not just the pieces selected for the Plan. The WQPoS allows for gradual funding and implementation of the research. Board members understand that resources are currently limited so they recommend endorsement of the entire WQPoS pending future funding.
 - c) The suggestion that ECCC should work with other agencies to determine priorities and determine who can best execute individual studies—ECCC or other agencies. The plan should include enhanced efforts to support agencies working locally in the basin to continue efforts to address the priority issues identified by the WQPoS.

The Board looks forward to continued discussions with the IJC at it considers what the roles of the IJC and the Board might be in support of this effort.

Sincerely,



Michael Goffin
Board Canadian Co-Chair



Col. Samuel Calkins
Board U.S. Co-Chair

Attachment: Other Concerns and Observations from the Public and Board Meetings

Cc: Wayne Jenkinson, Canadian Section/IJC
Nick Heisler, Canadian Section/IJC
Mark Gabriel, U.S. Section/IJC

Attachment Other Concerns and Observations from the Public and Board Meetings

Not organized under level of priority:

1. In general, the investment of \$5.5 Million being spent in the basin is a positive outcome.
2. A new plan is not needed when a detailed plan had already been developed in the original WQPoS. The WQPoS allows for iterative funding and implementation.
3. The process for development of this Plan was not transparent nor is it binational.
 - a. It is a single agency effort for science in the Canadian portion of the basin.
 - b. ECCC did not consult during development of its plan with the WQPoS Team, scientists actually working in the basin, the Board or the Commission. The plan should engage all of the agencies and organizations who have been involved in this effort for over a decade.
 - c. ECCC/GAC has not disclosed to the Board their plan for science in the basin. The information presented was neither of sufficient detail for the Board to evaluate the Plan, nor to make recommendations with respect to its endorsement by the Board.
 - d. The Plan has not been shared with the public, agencies or Commission for comment nor are there timelines, deadlines or process and allowing for comment.
 - e. The binational process utilized by the IJC and the Board was not followed. The Plan has no mechanism for binational engagement, collaboration or coordination with scientists, agencies and stakeholders as the Plan is implemented.
4. Risks if governments go down this path:
 - a. Loss of scientific capacity in the basin, with a Plan developed and pursued by a single agency.
 - b. Undermining the public's trust and confidence in the Commission and Board and the public's willingness to participate in the future.
 - c. Undermining the spirit of trust and collaboration developed in this basin amongst agencies at all levels and organizations on both sides of the border.
5. Partner agencies identified in the Plan need funding for implementation of their portions of the Plan.
6. The Plan, as presented on 10 August, lacks clear goals or linkages from science to policy and outcomes for the basin (e.g., objectives, targets, actions) and has no articulated governance.
7. WQPoS projects not addressed by the ECCC science plan will still need to be addressed.
8. Lake of the Woods is not Lake Erie – solutions to Lake Erie's problems may not necessarily be appropriate to Lake of the Woods or vice versa.
9. The IJC should seek a Reference from the Governments to assess and report on agencies' progress and achievements towards objectives for the Basin, similar to the Commission's role in the Great Lakes.
10. What happens in 4 years when the ECCC study is complete? Will ECCC maintain a continuing engagement in the basin, including ongoing monitoring, adaptive management and stakeholder engagement – why is the IJC not leading this effort?