

INTERNATIONAL JOINT COMMISSION
IN THE MATTER OF EMERGENCY REGULATION OF THE LEVEL OF RAINY LAKE AND OF
OTHER BOUNDARY WATERS IN THE RAINY LAKE WATERSHED

TEMPORARY SUPPLEMENTARY ORDER

March 3, 2023

To the Official Compilation Prescribing the Method of Regulating the Levels of Boundary Waters dated
September 13, 2018

WHEREAS

The IJC, as part of the broader review and amendment of the regulation of Rainy and Namakan Lakes which culminated in the issuance of a new Order in 2018, included a High Flood Risk Rule Curve (“HFRRC”) in that Order, which was intended to provide the Water Levels Committee (“WLC”) with greater flexibility in anticipating and responding to spring flooding in the basin;

On December 22, 2022, the WLC of the International Rainy-Lake of the Woods Watershed Board (“IRLWWB”) wrote the IJC noting several issues regarding the HFRRC. The WLC has asked that the IJC amend its 2018 Order in order to eliminate the HFRRC and adopt a single, broader rule curve;

The IRLWWB wrote the IJC on January 30, 2023, supporting the WLC’s proposed changes, stating “The International Rainy-Lake of the Woods Watershed Board (IRLWWB) is aware of and endorses the Water Levels Committee’s proposed changes to the 2018 Supplementary Orders regarding the High Flood Risk Rule Curve (HFRRC)...”;

The request is based on the experience of the WLC in responding to record flooding during the spring and summer of 2022, as well as other experience gained since the adoption of the 2018 Order. The IRLWWB letter states that: “that the proposed order amendment will not materially change the considerations for spring regulation of Rainy Lake or encourage more frequent drawdown of the lake. As outlined by the WLC, the proposed amendment seeks to improve WLC public communication and perception of the regulation system for Rainy Lake, as well as provide flexibility in water level targets to any changes in hydrologic conditions after the March 10 decision”;

The IJC is supportive of the proposed changes, noting their importance to public confidence in the regulation of the Rainy-Namakan system and the decisions made by the WLC;

In order to assess, on a temporary basis, the impact of and the public response to the changes, the IJC is temporarily amending its 2018 Order to allow the WLC to follow a single rule curve for the spring of 2023;

The IJC will hold a public comment period after the spring freshet in order to provide all interested parties a convenient opportunity to be heard regarding the proposed changes; and

After assessing these temporary changes to the 2018 Order, including public comments and the WLC’s assessment of the single rule curve, including consideration of both positive and negative impacts associated with the changes, the IJC will consider making these changes permanent beginning in the spring of 2024.

THE COMMISSION THEREFORE ORDERS AND DIRECTS THAT

1. From the date this Order is issued until July 15, 2023, the September 13, 2018 Order is modified as follows:
 - a) the table contained in Condition 2(a) of the September 13, 2018 Order is replaced by the following table:

Rainy Lake Elevations

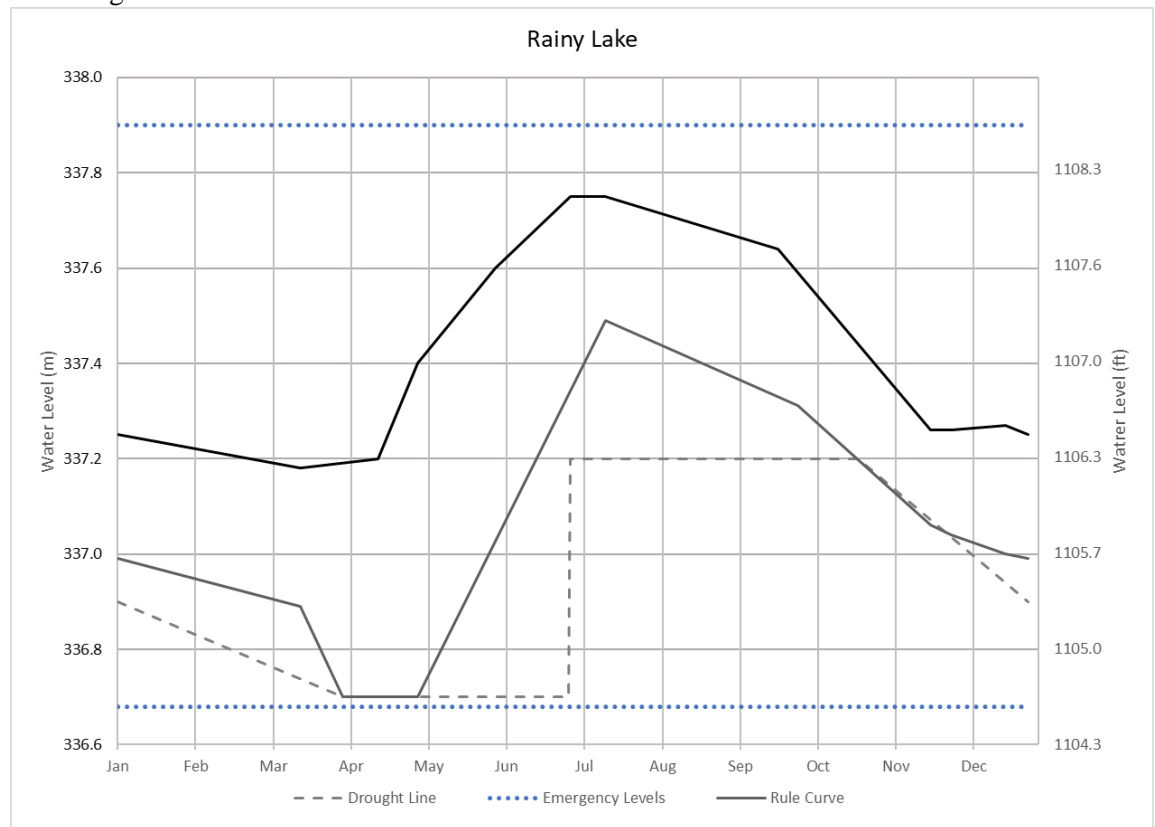
Minimum			Maximum		
Date	Meters	Feet	Date	Meters	Feet
01-Jan	336.99	1105.61	01-Jan	337.25	1106.46
15-Mar	336.89	1105.28	15-Mar	337.18	1106.23
01-Apr	336.70	1104.66			
			15-Apr	337.20	1106.30
01-May	336.70	1104.66	01-May	337.40	1106.96
			01-Jun	337.60	1107.61
			01-Jul	337.75	1108.10
15-Jul	337.49	1107.25	15-Jul	337.75	1108.10
			22-Sep	337.64	1107.74
30-Sep	337.31	1106.66			
22-Nov	337.06	1105.84	22-Nov	337.26	1106.50
30-Nov	337.04	1105.77	30-Nov	337.26	1106.50
22-Dec	337.00	1105.64	22-Dec	337.27	1106.53

31-Dec	336.99	1105.61	31-Dec	337.25	1106.46
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b) Condition 2(c) is deleted and replaced by the following:

2(c) By March 10, or as nearly as may be, the Water Levels Committee will establish a spring regulation plan, which must be made public and detail the Committee's assessment of potential spring conditions and planned approach to regulation.

c) The rule curve for Rainy Lake contained in Figure 1 is deleted and replaced by the following:



Signed on March 3, 2023 by the International Joint Commission.



Rob Sisson
A/U.S. Chair



Pierre Béland,
Canadian Chair



Lance Yohe
Commissioner, U.S. Section



Merrell-Ann Phare
Commissioner, Canadian Section



Henry Lickers
Commissioner, Canadian Section