

OP. 15

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF EMERGENCY REGULATION OF THE LEVEL OF RAINY LAKE
AND OTHER BOUNDARY WATERS IN THE RAINY LAKE WATERSHED.

SUPPLEMENTARY ORDER

22 May 1987

to the Order prescribing Methods of Regulating the Levels
of Boundary Waters, dated 8 June 1949, as amended by
Supplementary Orders dated 1 October 1957, July 29 1970 and
29 April 1987.

On April 29, 1987 the Commission issued a Supplementary
Order authorizing, among other things, a reduction in the outflow
from Rainy Lake to a minimum of 2500 cfs subject to certain
conditions and any further order of the Commission. This action
was taken to alleviate emergency drought conditions in the Rainy
Lake watershed.

On May 18, 1987, the International Rainy Lake Board of
Control advised the Commission that as a result of the continued
drought conditions in the Rainy Lake watershed, Rainy Lake has
fallen below its emergency condition level of 1104.6 feet and that
therefore the Board of Control had undertaken an analysis of the

effects of further reductions in the Rainy Lake outflow. This analysis was undertaken in consultation with the International Rainy River Water Pollution Board (IRRWPB), the Ontario Ministry of the Environment (OMOE), the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (MDNR). Based upon the above noted analysis, the Board of Control concluded that improved water quality in the Rainy River since 1980 will probably support dissolved oxygen levels above 5 milligrams per liter through the summer months for flows as low as 2000 cfs; that the municipal water supply intake for the town of Emo, Ontario may be affected by reduced intake capacity for flows as low as 2000 cfs in Rainy River; that tainting of river dwelling fish is occurring at the present Rainy River flow conditions and will be worse at lower levels; that conditions for lake fish and the recent spawn are improved by the flow reductions; that the result is a tradeoff between improved conditions for lake fish to the detriment of river fish which under the circumstances appears to offer the best compromise; that sturgeon are currently migrating up the Rainy River to spawn within the next week; and that following the spawn the eggs will be vulnerable to any large fluctuations in Rainy River flows for about one month.

Accordingly, the Board of Control recommended that:

- the minimum outflow from Rainy Lake be reduced from 2500 cfs to 2000 cfs until such time as Rainy Lake is back within its band.

- this flow reduction be accomplished gradually at the discretion of the Board, subject to maintaining Rainy River dissolved oxygen levels at or above 5 mg/l, insuring adequate water supply for Emo and minimizing disruption of the sturgeon spawn.

- an initial flow reduction of 250 cfs be accomplished by Wednesday, May 20, 1987, prior to the Sturgeon spawn, with subsequent reductions being implemented within the next several weeks.

The IRRWPB has concurred with the recommendations of the Board of Control but has advised that reduced flows to 2000 cfs in Rainy River may exacerbate the existing fish tainting problem and may increase the concentration of organic contaminants in river fish depending upon how long the reduced flows are maintained. The Minnesota member also reported that the MDNR believes that the Rainy River flow should not be reduced below 2000 cfs. The Ontario Ministry of Natural Resources and the MDNR have jointly reported

that sturgeon spawning in Rainy River began the third week of May and will continue until mid-June and that a continued drop in the water level of Rainy Lake threatens recruitment to declining walleye stock by draining important nursery habitat.

Professional staff of the Commission have undertaken extensive discussions with experts in the United States and Canada, have conducted an onsite inspection of the Rainy Lake-Rainy River area and have confirmed and endorsed the findings and views set forth above.

Based upon the above information and advice, the Commission concludes that consistent with Rainy River water quality and water level requirements, a further reduction in the outflow from Rainy Lake to alleviate the emergency conditions in the Rainy Lake watershed is in the public interest.

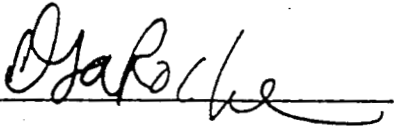
THE COMMISSION THEREFORE ORDERS AND DIRECTS THAT, the Supplementary Order dated 29 April 1987 in the present matter is hereby amended as follows:

1. The outflow from Rainy Lake may be reduced to no lower than 2000 cfs.

2. The flow reduction shall be accomplished at the discretion of the Board, subject to maintaining Rainy River dissolved oxygen levels at or above 5 mg/l, insuring adequate water supply to the Township of Emo, Ontario and minimizing disruption of the sturgeon spawn.

Dated this 22nd Day of May 1987.

By the Commission

A handwritten signature in cursive script, appearing to read "D LaRoche", is written over a horizontal line.

David A. LaRoche

Secretary, U.S. Section