

**International Rainy-Lake of the Woods Watershed Board
Summary of Discussion**

Thursday, September 9, 2021

1:00pm – 3:00pm CT

Chair: Col Jansen

1. Welcome and Review of Meeting Materials

U.S. Member Participants

COL Karl Jansen (Board Co-Chair)
Doug Franchot
Pam Tomevi
Mike Hirst
Jim Starks
Kelly Sjerven
Patty Thielen
Matt Gouin
Scott Jutila (Secretary; Engineering Advisor)
Rebecca Seal-Soileau (Secretary)
Abigail Moore (Secretary; Engineering Advisor)

Additional Participants

Kelli Saunders, International Watershed Coordinator
Teika Newton, AMC Co-chair
Theresa Haugen, MPCA
Amy Adrihan, MPCA
Lucas King, alternate for Chief Perrault
Joshua Cummings, US Department of State
Adam Mannausau, International Falls Fire Department
Felicia Minnotti, Global Affairs Canada
Joel Wessman, Global Affairs Canada
Carla Torchia, ECCC

Canadian Member Participants

Michael Goffin (Board Co-Chair)
Todd Sellers
Kiley Shebagegit
Trina Rawn
Megan Garner
Matt Myers
Mark Lee
Wellsley Hamilton (Secretary)
Matt DeWolfe (Engineering Advisor)

International Joint Commission

Commissioner Lance Yohe
Commissioner Henry Lickers
Mark Gabriel, US Engineering Advisor
Rob Caldwell, Canadian Engineering Advisor

Col Jansen welcomed the Board and noted the productive meeting with the CAG earlier in the day. Appreciate the CAG meeting this morning. Commissioner Yohe and Commissioner Lickers were recognized and indicated that they look forward to meeting in person in the basin in the future.

The agenda and the April 27th meeting summary were approved. Approval of the June 16th meeting summary was deferred. Action items in the log were noted as completed or in progress by the US Secretary.

Colonel Jansen reminded the Board that the work plan is a living document and recommended that Committees continue to provide input to the work plan to help with annual report write-ups.

- **ACTION:** Board members to review meeting summary June 16th and provide edits to Secretariat by September 16th.

2. International Falls Fire Department Environmental Emergency Response Protocols

Adam Mannausau, the Fire Chief from International Falls, MN outlined the first responder protocols in the event of an environmental emergency in and around the basin. The Fire Chief is also responsible for the State-run hazmat and chemical assessment team for the region, which stretches over to North Dakota.

In Minnesota, all industrial sites list reportable chemicals in Tier 2 reports that the Fire Department has access to, for example: the Fire Department know how much of a chemical Pfizer pharmaceuticals in Baudette and has onsite. When there is a spill, the hazard is generally known by the person or company where the spill took place. Most often, the Fire Department has knowledge of what they are dealing with before they arrive on site to collect a sample. Samples are taken at the site of the incident and brought back to the Fire Department for analysis. A pH paper is used first to get a low-tech answer followed by the use of a Gemeni mass spectrometry-like of device to identify the chemical. This result is compared to the reportable chemicals/Tier 2 report document.

The Fire Department does not have the tools to identify the concentration or impacts on the environment for water; their role is to coordinate the response; They rely heavily on other agencies for water-based contamination. From the call to the Duty Officer there is a trickle down of phone calls to notify all of those on the Emergency Response list. Communications and notifications are very important, given the binational nature of this watershed. The Fire Chief explained that the Fire Departments in International Falls and Fort Frances have very good relationships and a number of different ways to get in touch, including the cell phone numbers and radio patches to communicate cross border.

Depending on the spill, the Fire Department may call someone like Matt DeWolfe on the Water Levels Committee to figure out what the currents on the water are and where the toxins may end up; they will also be interested in whether the substance is top floating, or one that sinks, as water intakes are generally well-below the surface.

A successful disaster drill recently took place in Koochiching, upstream of a Fort Frances and International Falls plants simulating a train falling off the bridge. CN rail donated a boom for hazardous materials for drills. The boom can be deployed the in about 20 minutes and there are some booming materials and a couple of containment areas further downstream near PCA.

Matt Myers stated that the drill and the availability of booming materials was reassuring. He inquired about whether there was a debrief with the agencies and whether any of the standard operating procedures had been updated following the recent pink foam event at the PCA. He noted this was the second incident where there has been a failure of notification and communication with the public.

Adam Mannausau informed the Board that locally there is a system if there is a risk to human health or safety. Generally, the agencies would prefer the company to put a message out, but the agencies do have the tools. Early notification is key. There was a lag between company identifying problem and communicating to response team in the pink foam incident. Emergency Response knew that there was no risk to human health, but the communities seeing all of the pink foam did not know it was non-toxic and this was likely a missed opportunity.

Commissioner Lickers asked via the chat if there First Nations and Tribal Governments are included on the initial calling trees. Trina Rawn identified that there is a spills action Centre in Ontario and contact with Environment and Climate Change Canada. There is a provincial emergency communications procedure, but if there is a risk to First Nations downstream, a non-standard procedure is followed and First Nations are contacted for awareness.

Kiley Shebagegit indicated that the US Duty officer does not appear to have any responsibilities to contact anyone on the Canadian side beyond notifying the Ministry of the Environment Spills Action Centre, who then notifies their list of emergency contacts. As a result, reporting comes to Canadian affected parties, like First Nation communities, through third party means.

The Colonel thanked the Fire Chief for his presentation and indicated that while we always want to be in the prevention business, if a response is required it is good to know there is great competency to manage these incidents in the basin.

3. Joint Phosphorus Reduction Targets

Todd Sellers reminded the board that in 2018 a letter was sent to the IJC and subsequently to government recommending the development of joint binational phosphorus reduction targets for Lake of the Woods. At the time the response from governments was that science needs to be completed before any actions can be taken.

Canada's science is done and there is alignment with Minnesota's TMDL targets approved in the spring. The LOWWSF recently released a 'What we heard document' from the Canadian public engagement on the science findings and there was general consensus on a 20% reduction objective. Through the engagement the public also conveyed that they want action on phosphorus reduction and binational target setting. The timing is right to bring this forward and possibly urge the IJC to push government with timelines for achieving these outcomes. Want responses for three recommendations identified in the 2018 letters:

- *That the Governments of Canada, Ontario and Manitoba commit to an 18.4 percent reduction in phosphorus loads to Lake of the Woods as an interim measure at this time;*
- *That the Governments of Canada and the United States work together to establish a shared binational phosphorus substance objective and load reduction targets for this important shared binational waterbody; and*
- *That the Governments of Canada and the United States commit to regularly reviewing and revising this shared binational objective and targets as further science becomes available, with a first review as soon as possible after Environment and Climate Change Canada completes its current scientific assessment of Lake of the Woods in 2020.*

Todd Sellers clarified that the advice was not for Canada to do 18% on top of 20% that Minnesota was doing. He also recognized that the term multinational is more appropriate based on the Indigenous Nations in the basin and noted that engagement with Indigenous communities on the proposed Canadian Lake Objectives and Phosphorus reductions scenarios were still to be completed.

IJC Advisor, Mark Gabriel, sought clarification on the three recommendations and inquired whether it was best to write to governments before or after the Board's objectives and alerts program is completed. Todd Sellers indicated that the Objectives and Alerts work is not mutually exclusive from the recommendations. Governments need to commit to the targets and objectives. Mike Goffin also

commented that it would be surprising if the alert levels for phosphorus were different from the targets given the science that Minnesota and ECCC have done to develop them.

Phase II of the Objectives and Alerts would then provide a platform for the IJC asking governments about their next steps to achieve the targets. Objectives in the context of this Board are binational in nature. Alerts are Board triggers to alert governments. Phase 2 of Objectives and Alerts work is being updated to be better aligned; it should be ready to move forward in consultation and engagement with the agencies.

The Board agreed that the 2018 recommendations are still valid and logical. There was acknowledgement that if the process proceeds in Canada then binational targets would be something that could practicably be put in place.

IJC Advisor, Rob Caldwell, advised that a good path forward is for the Board to submit a letter to the IJC and then for the IJC to write to governments on this matter.

- **ACTION: Secretariat to work with Todd Sellers to circulate a draft letter recommending joint phosphorus reduction targets for Board review and approval.**

3. Committee Updates

- *Water Levels Committee*

Megan Garner explained that the Basin has experienced extreme to exceptional drought, with the conditions the driest on record. Rainy Lake has been below the lower rule curve since July 7 and has now fallen to below the drought line in recent day. The Namakan chain of lakes fell below the band on August 13. In anticipation of Rainy hitting drought line, the Water Levels Committee has been meeting weekly to discuss basin condition. The Committee has been in contact with fisheries experts on both sides of the border regularly and checking in with water use downstream.

The Water Levels Committee met earlier in the day and made the decision to reduce outflows by 15 cms (100 cms to 85 cms) starting this weekend. This will be an initial reduction and will continue to evaluate if further reductions will be needed. The decision will be posted on the website and distributed through the email list; an official media release is also being developed.

The Water Levels Committee also drafted a terms of reference for the Flood Forecast and Communication Subcommittee. The plan to meet with operators in the coming weeks to continue this work.

Megan Garner also noted that IJC Advisor, Rob Caldwell, has been helpful as of late with D-O analytical work.

- *Adaptive Management Committee*

Teika Newton advised the Board that the 2021-2022 draft work plan was updated and the AMC is advancing work on climate change activities.

An IWI proposal will be submitted for Board review in October. The purpose of the project is to host stakeholder workshops with climate and basin experts to assess people's values and concerns regarding climate adaptation. Looking to capitalize on the Lake Association workshops already being organized.

Collaboration with the USGS to do bathymetric measurement to enhance digital elevation modelling is ongoing. ECCC and USACE are both collaborating with the AMC to provide modeling capacities.

- *Aquatic Ecosystem Health Committee*

Todd Sellers and Mike Hirst provided an update on the AEHC work, which focused predominantly on IWI projects currently underway. Drafting of the State of the Basin report is underway. The target for a draft of full technical content is November 30th. There will be a month of review with a finalized draft anticipated for January 11, 2022. Two versions of the report are being developed, one is an overview with 1-pagers for general consumption and the other is the full technical version. IJC Advisor, Rob Caldwell, observed that some may find the State of the Basin Report editorial Board a bit Canadian heavy, even though the group involved is multinational. He advised that all of the partners involved be listed on the same page in the document itself to address these optics.

Phase II of the Objectives and Alerts project was discussed earlier in the agenda. The project was put on hold due to COVID and to align better with agency science work. The timing is much better so the revisions to the Statement of Work are almost complete with contracting likely to be completed this fall.

The AIS Risk Assessment was completed earlier this year. The next step is to complete a series of online meetings into the winter to vet the findings and get a better understanding of how we can target outreach and management strategies throughout the basin. Phase 2 could flow from these meetings with the IMA-AIS Subcommittee. The continued spread of zebra mussels in Rainy Lake based on larvae detected by Minnesota DNR suggests there is an adult population that is reproducing.

The AEHC has been involved in reviewing the vulnerability of mining draft IWI proposal and provided comments to the project leads. The Committee will wait for a revised proposal before making recommendations to the Board.

Core Monitoring in the basin has been a long-standing issue identified in the plan of study for follow-up. It has been on the IMA work plan for a number of years as well. An updated core monitoring IWI proposal that would include collaboration with the IMA-TAC core Monitoring Sub-Committee will be added to the work plan under 4a. and presented to the Board for approval in October.

- *Engagement Committee*

Kelly Sjerven informed the Board that the Co-chairs would like to do some work to organize Sharepoint to include documents for public engagement. Committee Co-chairs were reminded to reach out to the engagement committee and seek their support on public outreach activities.

Project WET is moving forward again. There is possibility that new teachers will be engaged depending on interests. An IWI proposal is anticipated for the spring regarding the development of new educational materials.

- **ACTION:** Secretariat to work with leads to ensure new IWI proposals are reflected in the 2021-22 workplan.

4. Public Meeting Preparation

Wellsley Hamilton identified that the Secretariat is waiting input from the AEHC and the WLC on the public meeting presentation. Looking for additions by AEHC and WLC. The Public meeting will be on the

Zoom platform and Board members are already registered with privileges to speak. Gary Montz from Minnesota DNR will provide an update following the Board presentation on zebra mussel findings in the basin.

- **ACTION:** AEHC and WLC to provide input on public meeting presentation to the Secretariat.
- **ACTION:** Secretariat to circulate public meeting presentation to the Board for Review.

5. Roundtable

- *International Watershed Coordinator Update*

Kelli Saunders informed the Board that the IMA's Technical Advisory Committee (TAC) met in June and heard a presentation by Bev Clark on the State of the Basin Report. The Annual Lake Association Meeting is coming up this fall. Topics the lake associations are interested include climate change as a key topic. Kelli is working with Teika to align the AMC work with meetings already being organized in the basin. The 'Ask and Expert' webinar series will begin again next month.

- *IJC Update*

IJC Advisor, Mark Gabriel, noted that Board Directive and Terms of Reference for the CAG and IAG need to be pdf'd and final copies placed in the appropriate location online. The IJC is also dealing with discussions on alternates to get appointments approved by the Commission.

He also informed the Board that the survey related to Lake of the Woods water level studies was put on the back burner for the time being. The IJC is taking a new first step by consulting with the Board to ask for key contacts who can inform them about the studies that have been completed to date.

Mark Gabriel also reviewed that the State of the Basin Report project and the Objectives and Alerts project are funded by the Canadian section. He noted that if a proposal for the vulnerability of mining is received it will be funded by the US section and a request for proposal process will be required. An agreement for the Adaptive Management Committee Bathymetry project should be signed in the next week. Long term modelling support is needed. At this time, the IJC has an informal contract with ECCO and is in discussion with USACE to help on an as needed basis.

IJC Advisor, Rob Caldwell, informed the Board that the IJC Semi-Annual meetings are scheduled for October 19th to 21st and will take place virtually.

- **ACTION:** Secretariat to seek input from Board on contacts with information about Lake of the Woods water level studies that have taken place since 2012.
- **ACTION:** Secretariat to work with IJC Communications to post updated Directive and Terms of Reference for CAG and IAG online.

6. Closing Remarks

The Colonel thanked the Board for their participation. The meeting adjourned at 3:00pm CT.

Drafted by: Abigail Moore, Wellsley Hamilton and Scott Jutila