

International Joint Commission
Canada and United States



Commission mixte internationale
Canada et États-Unis

January 29, 2024

Colonel Eric R. Swenson
District Commander
U.S. Army Corps of Engineers, St. Paul District
332 Minnesota Street, Suite E1500
St. Paul, MN 55101-1323

Megan Garner
Lake of the Woods Control Board
Ottawa, Ontario
K1A0H3

Dear Water Level's Committee Co-chairs:

Thank you for your letter dated September 8, 2023, in which you request that IJC extend the *Temporary Supplementary Order to the Official Compilation Prescribing the Method of Regulating the Levels of Boundary Waters dated September 13, 2018*, for an additional year to exercise the combined rule curve of Rainy Lake under potentially different spring freshet conditions. Commissioners support your request, and accordingly on December 8, 2023, Commissioners issued a new *Temporary Supplemental Order to the Official Compilation Prescribing the Method of Regulating the Levels of Boundary Waters Dated September 13, 2018* (attached). The new Temporary Order will be in effect until July 15, 2024.

If you have any questions, please do not hesitate to contact IRLWWB liaisons Mark Gabriel (mark.gabriel@ijc.org) and/or Rob Caldwell (rob.caldwell@ijc.org).

Sincerely,

Christopher Wilkie
Secretary
Canadian Section

Susan Daniel
Secretary
U.S. Section

Attachment (AS)

CC: Mark Gabriel, Advisor, U.S. Section, IJC
Rob Caldwell, Advisor, Canadian Section, IJC
Semra Mesulam, Legal Advisor, U.S. Section, IJC
Shane Zurbrigg, Legal Advisor, Canadian Section, IJC

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

December 8, 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 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 approved the change to a single rule curve on March 3, 2023, issuing a Temporary Supplementary Order for the spring of 2023 (“March Temporary Order”);

On September 8, 2023, the Water Levels Committee of the IRLWWB asked the Commission to extend the March Temporary Order for an additional year, noting: “While the WLC feels that there was great benefit in regulating under the March Temporary Order, the WLC requests that the IJC extend the March Temporary Order for an additional year to exercise the combined rule curve of Rainy Lake under potentially different spring freshet conditions. The extension will also allow time to receive public feedback on the rule curve change and to assess performance of the extended rule curve under a variety of conditions and scenarios through additional modeling, both of which will help inform the WLC’s recommendation on whether to make the [March] Temporary Order permanent.”

The IJC is supportive of this request, and is of the view that an additional year for the WLC and IRLWWB to assess the performance of the single rule curve, to include an opportunity for public input on the change, will be beneficial in eventually determining whether to make permanent the change to a single rule curve;

The IJC did not hold a public comment period in the summer of 2023, despite a stated intention to do so in its March Temporary Order, in light of the WLC and IRLWWB’s interest in assessing the single rule curve for an additional year. Prior to making any permanent changes to the HFRRC, the IJC will provide all interested parties a convenient opportunity to be heard regarding the proposed changes; and

After assessing the performance of the single rule curve for an additional year, including by reviewing public comments and the WLC’s assessment of all impacts associated with the single rule curve, the IJC will consider making these changes permanent beginning in the spring of 2025.

THE COMMISSION THEREFORE ORDERS AND DIRECTS THAT

1. From the date this Order is issued until July 15, 2024, 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

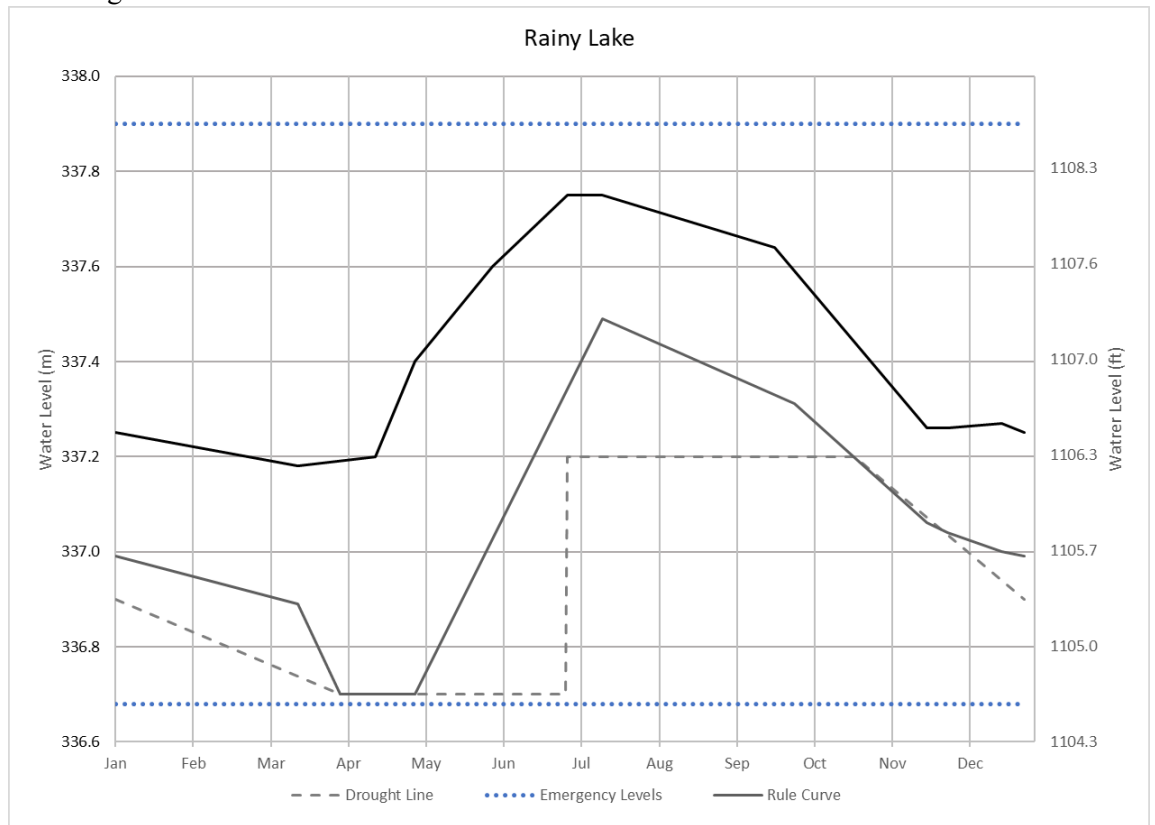
Minimum			Maximum		
Date	Meters	Feet	Date	Meters	Feet
01-Jan	336.99	1105.61	01-Jan	337.25	1106.46
15-Mar	336.89	1105.28	15-Mar	337.18	1106.23
01-Apr	336.70	1104.66			
			15-Apr	337.20	1106.30
01-May	336.70	1104.66	01-May	337.40	1106.96
			01-Jun	337.60	1107.61
			01-Jul	337.75	1108.10
15-Jul	337.49	1107.25	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

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.

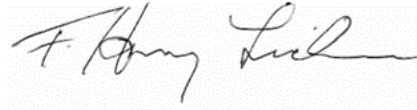
c) The rule curve for Rainy Lake contained in Figure 1 is deleted and replaced by the following:



Signed this 8th day of December, 2023



Gerald H. Acker
Chair
U.S. Section, IJC



Henry Lickers
Commissioner
Canadian Section, IJC



Robert S. Sisson
Commissioner
U.S. Section, IJC



Merrell-Ann Phare
Commissioner
Canadian Section, IJC



Lance V. Yohe
Commissioner
U.S. Section, IJC