



January 22, 2015

Michael Goffin, Canadian Co-chair
International Rainy-Lake of the Woods Watershed Board
Environment Canada
4905 Dufferin St
Toronto, Ontario M3H 5T4

Colonel Daniel C. Koprowski, American Co-chair

International Rainy-Lake of the Woods Watershed Board
District Engineer - St. Paul District Corps of Engineers

Dear Mr. Goffin and Col. Koprowski:

Thank you for your letter dated October 21, 2014 regarding the consideration of coordinated binational regulation processes as they relate to cumulative mining impacts on water quality in the Rainy-Lake of the Woods Basin. The International Joint Commission (IJC) agrees that current and projected impacts of mining activities on water quality and ecosystem health in the Basin are areas that warrant close examination and that the management of transboundary regulations for these mining activities is a subject that requires further investigation.

Please find attached a copy of our letter governments, supporting your request for this information.

We thank you for your concern on this matter.

Sincerely,

Camille Mageau
Secretary,
Canadian Section

Dr. Charles A. Lawson
Secretary
U.S. Section

Attachment: IJC January 22, 2015 letter to governments

International Joint Commission
Canada and United States



Commission mixte internationale
Canada et États-Unis

January 22, 2015

Mr. Christopher Wilkie
Director, U.S Transboundary Affairs Division
Foreign Affairs and International Trade Canada
Lester B Pearson Tower A
125 Sussex Drive
Ottawa, Ontario K1A 0G2

Ms. Susan Saarnio
Director, Office of Canadian Affairs
WHA/CAN
U.S. Department of State
201 C St., NW, Room 3917
Washington, D.C. 20520

Dear Ms. Saarnio and Mr. Wilkie:

During its appearance at the Fall 2014 semi-annual meeting, the International Rainy-Lake of the Woods Watershed Board alerted Commissioners to their concerns regarding the large number of proposals for mining operations within the Lake of the Woods drainage basin. In the attached correspondence to the Commission, the board referred to extensive mining operation proposals in both Canada and the United States, at various stages of development and review, and expressed concerns about the potential cumulative effects of mining in the basin on transboundary waters.

The Board has reviewed the relevant Canadian and American regulations and determined that while "*Canadian and American processes call for consideration of cumulative effects and transboundary effects*" they were not able to determine "*details on how binational coordination of these processes will be accomplished*". They therefore recommended that the Commission seek clarification from the governments on how cumulative effects and transboundary effects are being assessed not only in general but with a particular interest in the Lake of the Woods basin.

At our meeting scheduled with governments for April 2015 in Washington D. C., the Commission would appreciate a briefing from governments on how the binational cumulative effects of mining will be determined in the Lake of the Woods basin.

Sincerely,

Charles A. Lawson

Camille Mageau
Secretary
Canadian Section

Dr. Charles A. Lawson
Secretary
U.S. Section

Enclosure: International Rainy-Lake of the Woods Watershed Board Letter

cc: International Rainy-Lake of the Woods Watershed Board
Catherine Stewart, Environment Canada
Susan Hedman, US Environmental Protection Agency
Sing-En Tam, Foreign Affairs, Trade and Development Canada



International Rainy-Lake of the Woods Watershed Board

Camille Mageau
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Dr. Charles A. Lawson
Secretary, U.S. Section
International Joint Commission
2000 L Street, NW
Suite #615
Washington, DC 20440

October 21, 2014

Dear Secretaries,

The International Rainy-Lake of the Woods Watershed Board (IRLWWB) is charged with monitoring and reporting on the ecological health of the Lake of the Woods and Rainy Lake boundary waters aquatic ecosystem, including water quality.

In accordance with this charge, the IRLWWB would like to raise to the attention of the Commissioners the large number of proposals for mining operations within the Lake of the Woods drainage basin, in various stages of development and review, in both Canada and the United States.

The IRLWWB has heard from members of its Community Advisory Group and from members of the public that there is concern over the potential for increased mining activity within the Lake of the Woods drainage basin to contaminate boundary waters if not properly assessed and managed.

The IRLWWB notes that the recently released 2014 Rainy-Lake of the Woods State of the Basin Report identified high levels of contaminants in bottom sediments, including arsenic and barium, believed to be the direct result of past mining activities in the region.

The IRLWWB also notes that the potential impacts of mining activities on water quality and ecosystem health is a subject addressed in the Water Quality Plan of Study developed for Lake of the Woods and submitted to Commissioners in 2014. Project #24 of the Study proposes to assess vulnerability of boundary waters to contamination from mining.

In Canada, federal environmental assessment of proposed mining operations is the responsibility of the Canadian Environmental Assessment Agency. Mining companies have also recently volunteered for designation under Ontario's environmental assessment legislation, administered by the Ontario Ministry of the Environment. In the United States, projects that involve the discharge of dredged or fill material into waters of the United States require federal Clean Water Act Section 404 permits

from the U.S. Army Corps of Engineers, St. Paul District, which is currently commanded by the U.S. Co-Chair to the IRLWWB. In addition, the Minnesota Department of Natural Resources is responsible for managing state environmental review for metallic mineral mining and the Minnesota Pollution Control Agency is responsible for Clean Water Act Section 401 water quality certification when a Section 404 permit is required.

In Canada, the Canadian Environmental Assessment Act (CEAA) requires consideration of the cumulative environmental effects that are likely to result from the project in combination with the environmental effects of other physical activities that have been or will be carried out. Paragraph 5(1)(b) of CEAA 2012 requires the assessment of effects to include changes to transboundary environments.

On the United States side of the Rainy-Lake of the Woods basin, 33 Code of Federal Regulations (CFR) section 320.4 and 40 CFR 1508.7, as well as Minnesota Statute section 1160.04 and Minnesota Rules, parts 4410.1200 (Environmental Assessment Worksheets) and 4410.2300 (Contents of Environmental Impact Statements) call for consideration of cumulative effects. Furthermore, Minnesota rules, part 4410.1700, subpart 7.8., describe how cumulative effects are to be considered when making a decision on the need for an Environmental Impact Statement. Consistent with the state guidance on cumulative effects analysis, Minnesota would assess transboundary impacts for those cumulative effects having overlapping impact footprints during state environmental reviews.

As Canadian and American processes call for consideration of cumulative effects and transboundary effects, but do not provide details on how binational coordination of these processes will be accomplished, it is recommended the Commissioners request of Governments an explanation of how this will be accomplished in the Lake of the Woods basin.

Yours sincerely,



Michael Goffin
Board Canadian Co-Chair



Col. Daniel Koprowski
Board U.S. Co-Chair

c.c.:

Nick Heisler, Canadian Section/IJC
Mark Colosimo, U.S. Section/IJC