

International Joint Commission
Canada and United States



Commission mixte internationale
Canada et États-Unis

November 27, 2013

Betsy Daub
Friends of the Boundary Waters Wilderness
401 North Third Street, Suite 290
Minneapolis, MN 55401 USA

By Email: betsy@friends-bwca.org

Dear Ms. Daub,

Thank you for your letter of August 9, 2013 requesting that the IJC “*examine and report upon the water related impacts from sulfide mining and exploration and development in the Rainy River and Lake Superior Basins*”. We understand that a similar letter was sent to the IJC’s International Rainy-Lake of the Woods Watershed Board and that the Board advised you that it would discuss the issue with the Commission at our fall Semi-Annual meeting.

IJC Commissioners will meet with the Board in December at our fall semi-annual meeting to discuss, amongst other items, the Water Quality Plan of Study and your August 9, 2013 letter sent to the Board, as well as the letter of the same date sent to Commission Co-chairs for which you were one of the signatories.

The Commission, in response to the 2010 Reference from governments, recommended a water quality study for Lake of the Woods, and governments asked the Commission to give them a Plan of Study for this study. As the Board wrote in its reply to you, work is underway to develop a Water Quality Plan of Study for the Rainy - Lake of the Woods Basin, which includes looking at sulfides. The Plan of Study, once complete, will be sent to governments for their consideration for approval and funding.

You are correct in noting in your letter that “The Boundary Waters Treaty of 1909 provides the principals and mechanisms to resolve and prevent disputes”, but it is the government’s Treaty. Consequently, the IJC cannot unilaterally undertake a study such as the one you request without approval from the Governments in the form of a Reference. The national governments of Canada and the United States would have to give the Commission a Reference and the associated funding for the Commission to undertake such a study.

The International Rainy-Lake of the Woods Watershed Board is not involved in work in the Lake Superior Basin, as that is outside of its geographic responsibilities and mandate. Water quality responsibilities for the Lake Superior Basin, fall under the new Great Lakes Water

Quality Agreement 2012. Currently through their Annex Committees, Environment Canada and the US Environmental Protection Agency are developing both "Lake Ecosystem Objectives" for water quality-parameters, such as total dissolved oxygen or phosphorous, for each lake, and establishing a list of Chemicals of Mutual Concern. Developing objectives and standards for that Agreement is the responsibility of the two federal governments. The Commission has only an observer role in Annex Committees.

Thank you for your interest in the IRLWWB and the IJC, and we will keep you informed of progress on these activities.

Sincerely,



Camille Mageau
Secretary,
Canadian Section



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

c.c. Christopher Wilkie, Director, U.S. Transboundary Affairs Division, DFAIT
Susan Saarniro, Director, Office of Canadian Affairs, U.S. State Department
Mr. Michael Goffin, Canadian Co-Chair, IRLWWB
Col. Daniel Koprowski, U.S. Co-Chair, IRLWWB