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Re: Public Comment Period on Minnesota's Polluted Water List and Linkage to the Boundary Waters Treaty of 1909

Dear Sirs:

We would like to bring to your attention a project in Minnesota's Pine Island State Forest, which has received the necessary permits for construction and will potentially impact the water quality of the Black River and Rainy River system.

The planned project involves clear-cutting, digging ditches and draining 840 acres of the Pine Island bog for the purposes of mining peat for the next 30 years or until the peat runs out.

Our major concern is that within the Rainy River Basin, 309 individual TMDL reports are required. 99% of these have CALM Categories listed as 5C for impairments due to the pollutant mercury. In 2004, mercury impairments made up two-thirds of impaired waters for Minnesota. There does not seem to be any improvements in the 2006 303 (d) List. We also note that all the mercury-impaired water systems in the Rainy River Basin have Fish Consumption Advisories.

Minnesota's first industrial peat mine will drain waters from the site via numerous drainage ditches, which will eventually drain into the Rainy River via the Black River. A determination of mercury impairment has not been made for the Black River.

Peat acts as a sink for pollutants such as mercury and research indicates that wetlands are areas that have high levels of mercury methylation. "Methylmercury associated with dissolved organic carbon released from wetlands is conveyed to surface waters."¹ Peat extraction will release this mercury into the aquatic ecosystem and thereby increase mercury concentrations in the Black and Rainy Rivers.

Since the peat mine has been permitted but not constructed we are asking for an abeyance to be placed on this development until the following conditions are addressed.

- 1) Data collection and assessment for mercury is conducted on the Black River.
- 2) That EPA approves TMDL study plans for all impairments in the Rainy River Basin.
- 3) That potentially affected entities in Canada (First Nations, Provinces of Manitoba and Ontario) be notified of this project and that meaningful consultation take place.
- 4) That the International Rainy River Water Pollution Board establish Water Quality Objectives for mercury and that this boundary water shall not be polluted on either side to the injury of health or property of the other.

We thank-you for your consideration on this important international water matter and would appreciate a response to our concerns.

Respectfully.

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Water Caucus Coordinator
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¹ Minnesota Pollution Control Agency – "Mercury TMDL Draft Report" May 24, 2005