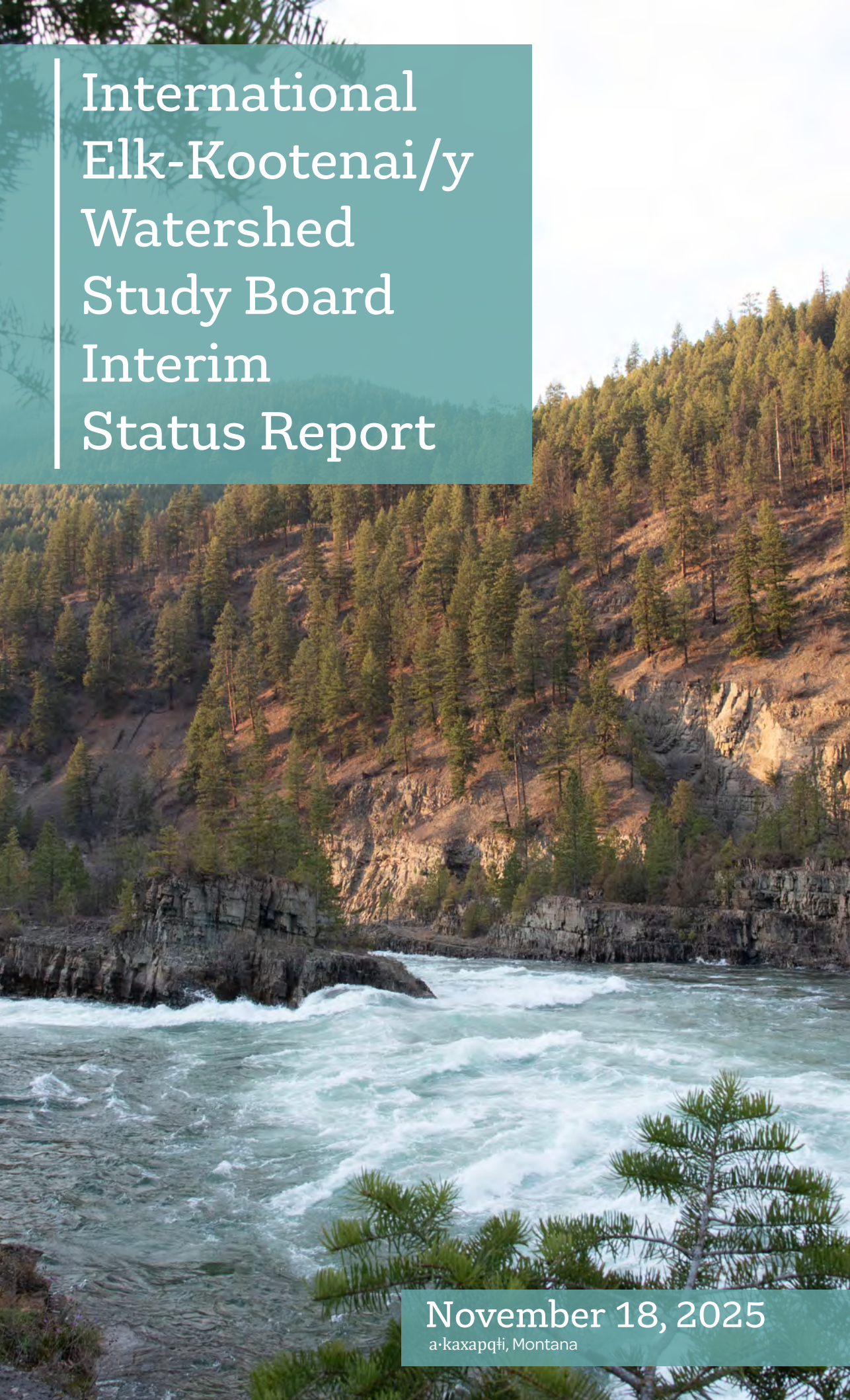




International Elk-Kootenai/y Watershed Study Board Interim Status Report

November 18, 2025

a·kaxapq̓i, Montana

International Elk-Kootenai/y Watershed Study Board

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International Elk-Kootenai/y Watershed Study Board

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IEKWSB members, SMT and IJC staff

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Background

The International Joint Commission

Under the Boundary Waters Treaty of 1909 (the Treaty), the governments of the United States and Canada established the basic principles for managing water-related issues along their shared international boundary. The Treaty established the International Joint Commission (IJC) as a permanent binational organization to advise and assist the governments on a range of water management issues. Three Commissioners are appointed by the highest levels of government in both countries; by the Governor in Council in Canada and by the President with confirmation by the Senate in the United States. Commissioners swear an oath to faithfully and impartially perform their duties under the Treaty and work by consensus to find solutions that are in the best interest of both countries.

Canada and the United States created the IJC because they recognized that each country is affected by the other's actions in lake and river systems along the border. The two countries cooperate to manage these waters and to protect them for the benefit of today's citizens and future generations. Both countries made commitments to each other about water quality and quantity, and to assist in that, the IJC has two main responsibilities: approving and setting conditions for projects affecting levels and flows at the boundary and, at the request of governments, investigating transboundary issues and recommending solutions. The IJC considers a wide range of water uses and interests in its work, including drinking water, commercial shipping, hydroelectric power generation, agriculture, ecosystem health, industry, fishing, recreational boating, and shoreline property.

Under Article IX of the Treaty, when asked to do so by the national governments, the IJC studies and recommends solutions to transboundary issues. These government requests are known as References. When the IJC receives a Reference, the Commission practice is to appoint a study board with equal numbers of experts from each country. References to the IJC often focus on water quality or water quantity issues and on the development and use of shared water resources. IJC Reference recommendations to governments are not binding, but they are considered and often accepted by the Canadian and United States governments.

Elk-Kootenai/y Reference and Directive

On March 8, 2024, the International Joint Commission received a Reference under Article IX of the Boundary Waters Treaty from the Governments of the United States and Canada, accompanied by a Proposal developed in partnership with the Ktunaxa Nation (the Reference and Proposal are collectively referred to in this document as the "IJC Reference" or "Reference"), asking the IJC to carry out certain actions to address the impacts of transboundary water pollution in the Elk-Kootenai/y watershed.

The Elk-Kootenai/y Reference is the first Reference to the IJC that the two federal governments developed in partnership with Indigenous Peoples. The proposal that accompanied the Reference was agreed to and signed by Canada, the United States, and the Ktunaxa Nation. This is particularly important because of the geography and history of the watershed. The Elk-Kootenai/y watershed is defined in the Reference, and the Study Area includes "the Kootenai/y River flowing through Canada and the United States to its confluence with the Columbia River downstream in Canada, the Elk Subbasin, Koocanusa Reservoir, and Kootenay Lake." The entire watershed is in the unceded territory of the Ktunaxa Nation and is central to the Ktunaxa Creation Story.

The Proposal provided to the IJC reflects the concurrence of the United States, Canada, and the Ktunaxa Nation regarding the need for:

- collaborative governance to ensure more timely action to reduce and mitigate the impacts of water pollution in the Kootenai/y watershed in order to protect the people and species that depend on this vital river system; transparent and coordinated transboundary data and knowledge sharing, science, monitoring, and analysis to support a common understanding of pollution within the Kootenai/y watershed; and transparent reporting on progress.

In addition, the Proposal requested the IJC to:

- assist in the establishment of a Governance Body comprised of the Governments of the United States, Canada, the Ktunaxa Nation, British Columbia, Idaho, and Montana (the "named governments"); and convene experts and knowledge holders in a Study Board to report and make recommendations to reduce and mitigate the impacts of water pollution in the Kootenai/y watershed.

¹For the purposes of this document, the Ktunaxa Nation is defined to include the six Tribal and First Nation governments: ʔa·kisq̓nuk, ʔaqam, yaqan nuʔkiy, Yaqit ʔa·knuq̓iʔit (Tobacco Plains Indian Band), Confederated Salish and Kootenai Tribes (Ksanka Band), and ʔaqanqmi (Kootenai Tribe of Idaho).

While established by the same IJC reference, the work of the Governance Body and Study Board are separate. The Study Board will deliver its final report to the IJC in September 2026, and the IJC, after its own review and public comment process, will share the recommendations and findings with governments and the Governance Body.

The IJC, as per regular practice, issued a Directive in September 2024, establishing the International Elk-Kootenai/y Watershed Study Board (IEKWSB or Study Board) to assist in conducting the work pursuant to the Reference. The Directive specified the Study Board’s duties, including minimum requirements and mechanisms of engagement; deliverables; and detailed Study organization and roles, including the roles of the IJC, Study Board, Co-chairs, Study Managers, Technical Working Groups, Council of Indigenous Knowledge Holders, Advisory Groups, and Independent Review Group. The Study Board was directed to make decisions by consensus, consistent with IJC guidance. The Directive also specified administrative procedures for the Study Board, including requirements for meetings, data management, record-keeping, and confidentiality of information.

The IJC’s September 26, 2024 Directive establishing the Study asked the Study Board to “provide the Commission with an interim report by Friday September 26, 2025 ...including, at a minimum, a summary of achievements, Study Board and working groups activities, independent peer review, communications/engagements with the public, Indigenous collaboration, study timeline and expenditures, looking forward, and issues requiring Commission advice and guidance.” This report fulfills that requirement.

The Elk-Kootenai/y Watershed

The Kootenai/y watershed covers parts of southeastern British Columbia (BC), northwestern Montana (MT), and northern Idaho (ID), all of which are part of ?amak?is Ktunaxa (Ktunaxa Territory) (Figure 1). Other Indigenous Nations also identify traditional territory in the Kootenai/y watershed.

According to the Ktunaxa Creation Story, the Kootenai/y River is central to and woven into the heart of ?amak?is Ktunaxa. The headwaters of the Kootenay River flow from the Ktunaxa land district of kyawa? ?amak?is (Land of the Spruce Goose; known as Kootenay National Park in southeastern British Columbia) and the ?akisqnu? First Nation, before flowing south through ?aknuq?u?am? ?amak?is (Land of the Eagle) and the First Nation of ?aqam. From there it receives flows from the Elk River from qukin ?amak?is (Land of the Raven) and flows downstream through ?am?na ?amak?is (Land of the Wood Tick) and the First Nation of Ya?it ?a?knuq?i?it.

The river continues its journey through ?amak?is Ktunaxa, entering Koocanusa Reservoir (a transboundary impoundment created by Libby Dam) before it crosses the international boundary between Canada and the United States, into Montana. Below Koocanusa Reservoir, the Kootenai River then flows through the Ktunaxa territories of ?upawi?qnu? (Ksanka Band, Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation in Montana) and ?aqanqmi (Kootenai Tribe of Idaho near Bonners Ferry, Idaho) before turning north and crossing the international boundary back into Canada, flowing through the First Nation of yaqan nu?kiy and into Kootenay Lake.

Throughout the watershed there is interaction between surface water and groundwater. The Kootenai/y River drains a watershed of approximately 50,300 km² (~19,400 mi²). Approximately three-quarters of that area lies in British Columbia (~70 %), roughly 23 % in Montana and 6 % in Idaho. The river is about 781 km (485 mi) long and is the Columbia River’s third-largest tributary by drainage area and its second largest by volume of run-off. The watershed is largely undeveloped, with only 0.35 percent of the watershed having been developed, 0.6 percent in agricultural use and <0.25 percent being mined (Stickney et al., 2021; Table 1). Roughly 90 percent of the watershed is forested (Kootenai River Network 2025).

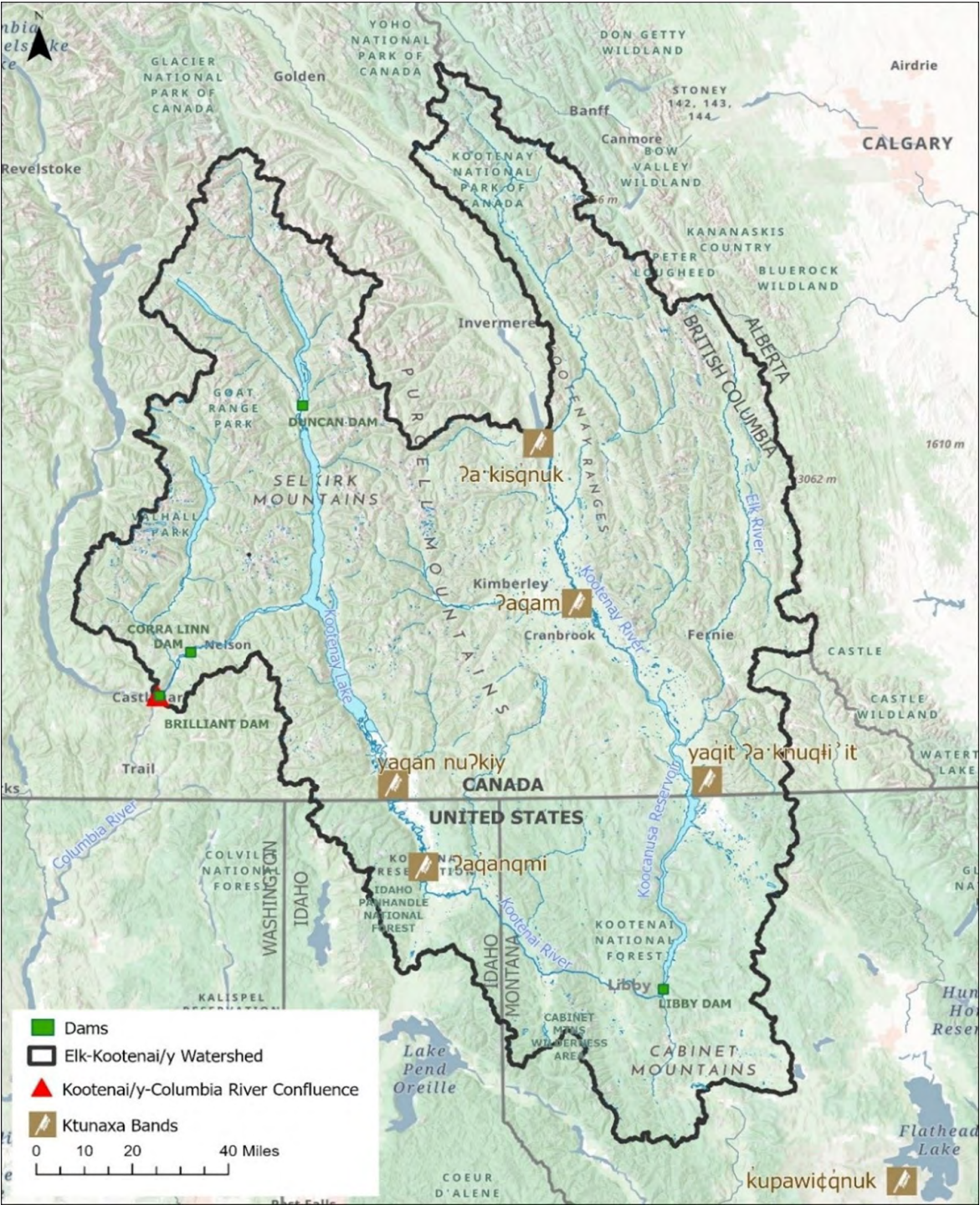


Figure 1. The Elk-Kootenai/y watershed (Study Area) within ?amak?is Ktunaxa.

Study Progress

In the 11 months since the study began, the IJC and the Study Board developed plans for completing the work assigned under the Directive including standing up various Advisory Groups, actively engaging in extensive public outreach, and identifying and tasking technical experts to complete a synthesis of all available data needed to inform the Study Board’s work. The progress of the Study Board on specific parts of the study is described in the following sections. This section describes progress in establishing the Study Board, the initiation of engagements required for the Study, the development of the Plan of Study, and the development of this Interim Status Report. This section also summarizes the Study structure.



a·kaxapq̓i, Montana

Study Organizational Structure

Study Board Organizational Structure

The Study Board adopted the Study organizational structure shown in Figure 2. The following sections, largely summarizing information in the Directive, describe the various components of the Study structure.

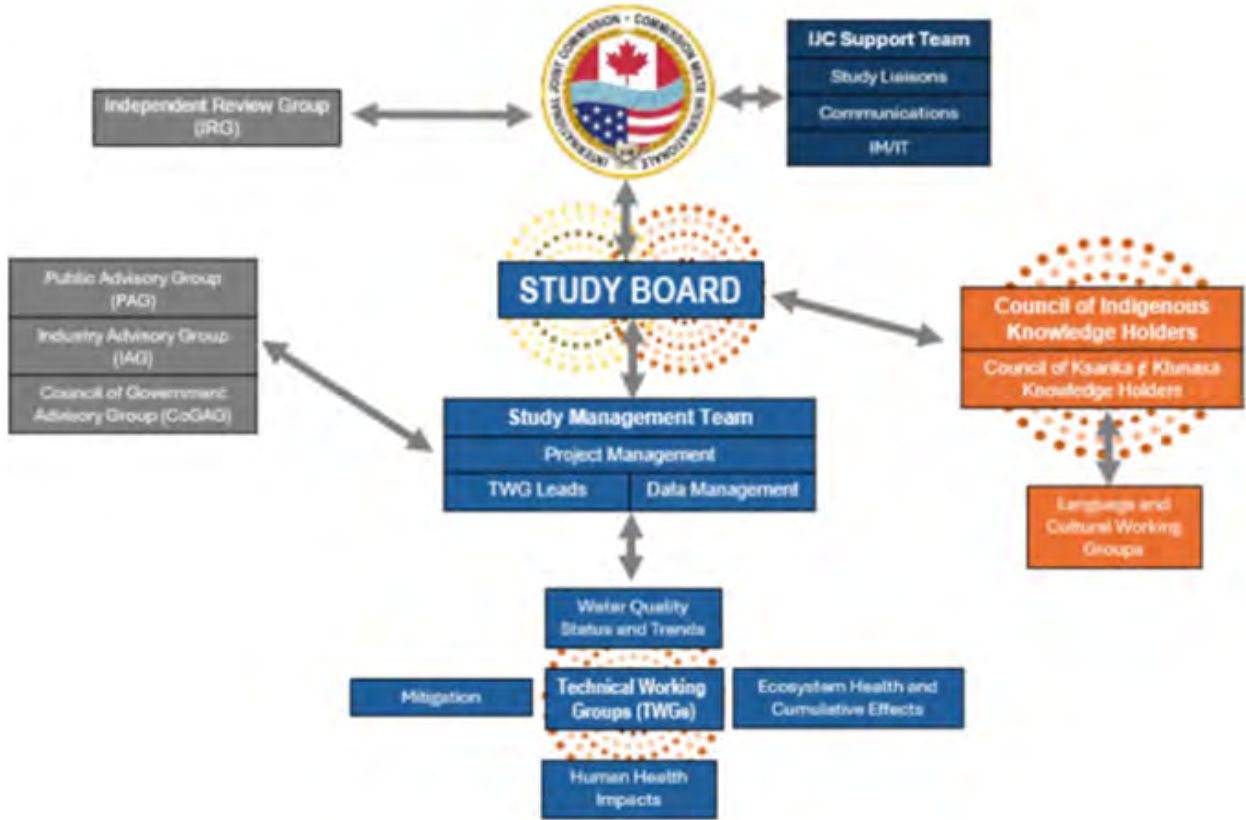


Figure 2. Study Structure for the International Elk-Kootenai/y watershed Study. The circle illustrations have been modified from Ryder et al. (2020) and depict the iterative nature of incorporating indigenous knowledge into the work done by the IEKWSB.

Study Board

In September 2024, the IJC appointed the Study Board. The IJC directed the Study Board to develop the International Elk-Kootenai/y Watershed Study by conducting transparent and coordinated transboundary data and knowledge sharing; sharing, synthesizing, and analyzing data and information to support a common understanding of pollution within the Kootenai/y watershed and the impacts of that pollution on people and species; and reporting results and making recommendations in a transparent and publicly available format.

The Study Board Co-chairs convene and preside at all meetings of the Study Board and jointly take a leadership role in planning and implementing the Study Board’s mandate, including facilitating the Study Board’s deliberations on its work, and securing consensus of the Study Board on its decisions, findings and recommendations.

Study Board members are charged with prioritizing the work of the Study Board to ensure that it will function effectively and efficiently, making best efforts to attend all meetings, being familiar with the contents of the Directive and the Reference to the IJC, and reviewing relevant information to ensure they are fully prepared to participate in meetings. The Study Board meets weekly to plan for and implement the Study.



IEKWSB members, SMT and IJC staff

The Study Board reports directly to the IJC but maintains objectivity and independence in conducting its work. The Study Board is separate and independent from the Governance Body.

Council of Indigenous Knowledge Holders

As per the Directive, the Study Board will consult with a Council of Indigenous Knowledge Holders (CoIKH) comprised of members from Indigenous Nations (which may include Tribes, First Nations and Métis) throughout the entire Study, to ensure that Indigenous knowledge(s) relevant to the Reference is requested, shared, synthesized, analyzed, and fully considered in the work of the Study Board. To help with this engagement of information, knowledge, and ideas, at least one of the Study Board members sits on the CoIKH. Currently there is one active sub-Council, which is the Council of Ktunaxa ꞵ Ksanka Knowledge Holders. It is recognized that other sub-Councils may be formed if other Indigenous Nations with traditional territory in the watershed wish to engage in the study.

Council of Ktunaxa ꞵ Ksanka Knowledge Holders

Ktunaxa ꞵ Ksanka ʔaqʷsmakniḵ (people) have occupied ʔamakʷis Ktunaxa for more than 10,000 years. Significant and ongoing impacts to the wuʔu ꞵ ʔamak (water and lands) result in impacts to ʔaʰkxaḿis ḡapi qapsin. As part of the covenant made with the Creator, Ktunaxa ꞵ Ksanka continue to be a voice for those who cannot speak for themselves – the four legged, the winged, the ones who crawl on the ground and swim in the waters – in upholding the responsibility given by the Creator to safeguard ʔaʰkxaḿis ḡapi qapsin for future generations. This is part of the Ktunaxa role and responsibility throughout ʔamakʷis Ktunaxa, to steward wuʔu ꞵ ʔamak ꞵ ʔaʰkxaḿis ḡapi qapsin by continuing to honor relationships in the ways that have been taught generation upon generation.

The Ktunaxa First Nations and Tribes have appointed members to a Council of Ktunaxa ꞵ Ksanka Knowledge Holders (CoKKKH) to ensure that Ktunaxa knowledge is incorporated into the Study. At this time, representatives have been appointed by the communities of ʔupawiḡḡnuk, ʔaḡanqmi, ʔaḡam, and Yaḡit ʔaʰknuḡiʷit. In recognition that they do not represent all Indigenous Peoples, the Council determined that their council should be called the Council of Ktunaxa ꞵ Ksanka Knowledge Holders.

The circular structure in Figure 2 reflects the iterative and connected nature of Ktunaxa ꞵ Ksanka knowledge, which is foundational to the Ktunaxa ꞵ Ksanka

stewardship responsibility for ʔaʰkxaḿis ḡapi qapsin (All Living Things). The evolution of the final structure was reached through engagement with broader Ktunaxa ꞵ Ksanka knowledge holders through the fall of 2024 and early winter of 2025. The original structure for the Elk-Kootenai/y Study was drafted as a starting point by the IJC in the early fall of 2024. Discussions with and feedback from staff and Ktunaxa ꞵ Ksanka leaders resulted in an updated structure.

The final structure (Figure 2) was reached through the CoKKKH's broader discussions with knowledge holder groups and was intended to recognize that Ktunaxa ꞵ Ksanka culture is all encompassing and that the structure needed to reflect that ʔaʰkxaḿis ḡapi qapsin (All Living Things) is the guiding principle of the Study. In response to seeing the TWGs as separate boxes, it was recommended that there should be circles to show how all these things are interrelated, with Ktunaxa ꞵ Ksanka knowledge at the center to ground them. The circular structure is also intended to reflect the iterative nature of the Study, so that as the questions are developed and work begins there is opportunity to have Ktunaxa ꞵ Ksanka people brought in at the right place and time to help these groups do their work.

Ongoing work with the CoKKKH includes the incorporation of language, mapping, the inclusion of youth into the work, and developing the process for the sharing of Ktunaxa ꞵ Ksanka knowledge.



yaqan nuʔkiy wetland restoration complex



Study Board and KTOI natural resource managers at ʔaʔanqmi

Study Board and Ktunaxa ʔ Ksanka relationships

Efforts of the Study Board to include Ktunaxa ʔ Ksanka knowledge have been guided by a principle of meeting early, often, and as deeply as possible with the CoKKKH. Initial meetings between the Study Board Co-chairs and the CoKKKH focused on building relationships, developing an understanding of the overall Study, finding space to build the foundation for the collaboration, and initiating the processes required to develop trust.

In addition to engaging with the CoKKKH, the Study Board held their in-person meetings within the Ktunaxa ʔ Ksanka homelands to initiate relationships with the communities, to be on the land and water, and to acknowledge the importance of directly engaging the places for which they are tasked with making recommendations. The Study Board has participated in ongoing dialogue and discussions around culture and language, differing knowledge systems, and ways of understanding to seek opportunities for continued discussions and to learn about different perspectives and explore a range of issues associated with the reference.

Study Management Team

The Commission appointed a six-person Study Management Team (SMT) to assist the Study Board in delivering its mandate. The SMT members are not Study Board members, but they are charged with acting in the best interests of the Study Board and the watershed in completing Study Board activities. SMT members are expected to serve the Study Board in their personal and professional capacities, and not as representatives of their respective countries, communities, governments, agencies, organizations, or any other interests and affiliations. The SMT works under the joint direction of the Study Board Co-chairs, participates in Study Board meetings, and remains fully aware of the Study Board's ongoing work. The SMT maintains financial, travel, and other records as may be necessary to document the contributions of those involved in this work. The SMT also serves as a liaison between the Study Board and the Technical Working Groups (TWGs), provides logistical support, leads the Study Board's communications and engagement processes, and is responsible for knowledge and data management for the duration of the Study. SMT members serve as liaisons to each of the Study's Advisory Groups. The SMT is expected to maintain confidentiality with regard to the work of the Study Board and TWGs.

Kootenay River as it enters Koocanusa Reservoir



SMT members are assigned to accomplish specific tasks:

Project Management – The SMT keeps fully abreast of the work of the Advisory Groups, TWGs, and the ColKH; and serve as liaisons between the Study Board and those groups. The SMT members are responsible for the effective management of the Study Board’s Plan of Study, communicating to the different groups the direction of the Study Board, and assisting in general administrative support (e.g., meeting set-up; travel; administrative and contract matters; coordination of various teams and tasks; maintenance of digital files and repositories including SharePoint file systems; meeting minutes, documentation of Study activities, distribution of Study products; and providing briefings to the Study Board on tasks and topics identified by the Study Board Co-chairs).

Technical Working Groups (TWG) – SMT members serve as Study Board Liaisons with TWGs and the ColKH. The SMT are a direct line of communication between the Study Board and the TWGs and provide guidance as directed by the Study Board and support to the TWGs. Specific tasks include:

- Reporting to the Study Board and IJC regarding TWG activities, progress and matters of potential concern;
- Assisting the direction of TWG work based on the Study Board’s request for information;
- Supporting the development of and reviewing TWG documents;
- Attending TWG meetings to provide overall Study information;
- Coordinating TWG assignments, communication, and facilitating inter-TWG communication;
- Providing access to GIS support for TWGs as needed.

Data Management – SMT members work with TWGs to ensure their data storage and acquisition needs are met, including planning and implementing long-term archiving of Study products and associated datasets. Specifically, the SMT oversees data management, the Data Management Plan, and associated templates. This role includes ensuring that protocols for working with data gathered during the Study are followed. SMT members are also responsible for ensuring the management and stewardship of Indigenous knowledge and data as directed by Indigenous knowledge holders.

SMT members meet three times per week – once as an SMT, once with the Study Board Co-chairs, and once with the entire Study Board.

Plan of Study

The Plan of Study describes the Study Board’s plan for conducting the Study to the Commission according to the Directive. Per the Directive, the Plan of Study was due five months after receiving the Directive – March 26, 2025. The Study Board worked on the Plan of Study from September 2024 through February 2025 and delivered it to the Commission in advance of the deadline.

The Study Board released its draft Plan of Study which described how the Board would execute the IJC Directive on February 3, 2025. Interested members of the public were invited to comment on the draft Plan through the public website or by email until February 17, 2025.

As part of the development of the Plan of Study, the Study Board held a public webinar on the draft Plan of Study on February 11, 2025. The agenda for the webinar included an overview of the Reference to the IJC; an introduction to the International Elk-Kootenai/y Watershed Study Board; a discussion of the Study’s organizational structure; a summary



of the draft Plan of Study and overall project timeline; and a summary of the Study Board’s plan and process for engagement and communications. Time was also provided for questions and comments. Specific questions for which the Study Board solicited input included:

- Are there aspects you consider central to the principal issues that you would like to be considered for inclusion?
- Are there specific questions related to the Study Board’s directed task that you would like to be considered as the TWGs develop their approach?
- Is there any information you would like to share with the Study Board for their consideration (e.g., historical data, anecdotal information, knowledge of past/current/upcoming projects that could have a bearing on water quality in the watershed)?

The webinar was attended by 60 participants. In all, the Study Board received 180 comments on the draft Plan of Study during the February 3-17, 2025, open comment period, as summarized in Table 1.

Common Topics in the comments included:

- Language (16 comments)
- Timeline (7 comments)
- Data (13 comments)
- Inaccuracies (10 comments)
- Recommendations (10 comments)
- Scope and Scale (109 comments)
- Other (15 comments)

There were also multiple comments expressing appreciation for the Study Board effort.

After the end of the public comment period, the Study Board convened an in-person meeting in Calgary, Alberta. During this February 2025 meeting, the Study Board reviewed and carefully considered each comment received. The wide range of comments received revealed the challenges inherent in the requirements of this Reference, while being responsive to public comments and advice. The Study Board engaged in intensive discussions and deliberations to ensure the comments were appropriately addressed. The Plan of Study was provided on schedule to the IJC, after the Study Board reviewed, addressed and/or incorporated all public, Advisory Groups, and CoKKKH comments (<https://www.ijc.org/en/ekwsb/iekwsb-plan-study>). The final Plan of Study was released publicly after IJC review and approval. The IJC supported the Plan of Study and transmitted it to the U.S. and Canadian governments to request funding for it. The Study Board also prepared and released a “What We Heard” document that summarized the comments received during the open comment period and described how the comments were incorporated into the final Plan of Study. The What We Heard document is attached as an Appendix to this report.

Advisory Groups

As per the Directive and Plan of Study, advisory groups were established to support the work of the Study Board. The advisory groups provide a forum for interested parties to learn about the ongoing activities and to offer their input, knowledge, insights and perspectives to the Study Board and TWGs. There are three advisory groups: a Public

Advisory Group, an Industry Advisory Group and a Council of Governments Advisory Group that were appointed in early 2025. Considerable time and effort were dedicated to finding members for each, reaching far and wide for potential members to ensure all interested parties were given the opportunity to participate. The process was robust and included one-on-one conversations with potential candidates from Canada and the United States, suggestions from colleagues, and canvassing interested individuals during public outreach activities.

Public Advisory Group

Public Advisory Group (PAG) members were appointed by the IJC in consultation with the Study Board. Membership includes representation in the areas of environmental protection, recreation and conservation as well as interested public from various backgrounds.

Industry Advisory Group

Industry Advisory Group (IAG) members were appointed by the IJC in consultation with the Study Board. Individuals represent diverse industrial interests such as mining, hydroelectric power generation, fishing guiding, and forestry; all of which bring unique insights and perspectives to possible water management options being considered.

Comment Source	Number of:	
	Submissions	Comments
Public Advisory Group	4	22
Industry Advisory Group	3	40
Government & Council of Governments Advisory Group	8	32
Public	158	86
Total	173	180

Table 1. Summary of public comments on Plan of Study



Council of Governments Advisory Group

The Council of Governments Advisory Group (CoGAG) members were appointed by the IJC in consultation with the Study Board. The CoGAG is a mechanism by which the Study Board can gain input from all levels of government (local, federal, state/provincial, Indigenous governments) at any point in the process, with a focus on input regarding the interim and final reports.

Engagement

The Study Board considers engagement a significant and important part of the Reference and as such has spent considerable time on engagement at multiple levels. Once the organizational structure was in place to implement the Directive, the Study Board and SMT focused on ensuring that all advisory groups, the public, Indigenous partners and other interested parties in the watershed were aware of the initiative and had multiple opportunities to participate. The Study Board prioritized engagement through a blend of working with different groups, visiting the watershed, and understanding the issues and their impacts from a local / bottom-up perspective. The Study Board actively listened and sought to understand and engage across perspectives. This engagement will continue for the duration of the study.

Watershed Tours

The Study Board invested significant time in familiarizing themselves with the geography of the study, and on the land and water with the Ktunaxa communities and the people who live in the Elk-Kootenai/y watershed. Specifically, the Study Board conducted three watershed tours which included meetings with natural resource managers in Montana, Idaho and British Columbia. The Study Board visited sites of ecological and cultural

Abayance Bay Marina at Koocanusa Reservoir, Montana



significance, knowledge was shared, and the Study Board heard about water pollution issues and potential solutions. The Study Board traveled to the four Ktunaxa communities north of the border, ʔaḡam, ʔakisḡnuk, yaqan nu?kiy, and Yaḡit ʔa·knuḡi'it, and south of the border to ʔaḡanqmi with the Kootenai Tribe of Idaho (KTOI). This time in-person with Ktunaxa communities on the land and water allowed the Study Board members to begin building relationships and improve their overall understanding of Ktunaxa ʔ Ksanka knowledge, language and worldview. The Study Board has been privileged to receive an introductory Ktunaxa language lesson and the in-person telling of the Ktunaxa Creation Story. Below are details about the watershed tours in November 2024 (Montana), June 2025 (British Columbia) and August 2025 (Idaho and British Columbia):

During the November 2024 watershed tour in Montana the Study Board:

- toured the Koocanusa Reservoir and Kootenai River portion of the Elk-Kootenai/y watershed in Montana, including stops at Abayance Bay Marina (Rexford, MT), Libby Dam (Libby, MT) and Kootenai Falls. The tour in Montana served as an introduction to the watershed.
- heard from Kootenai Tribe of Idaho's (KTOI) member of the CoKKKH who presented about the condition of the Kootenai River in the U.S., shared the importance of Kootenai Falls to the Ktunaxa ʔ Ksanka, and river restoration efforts underway and completed by KTOI.
- heard from the U.S. Geological Survey, the U.S. Army Corp of Engineers, and Montana Fish, Wildlife & Parks on their research and on-going work in the basin.
- During the June 2025 tour in British Columbia the Study Board:
- participated in a Ktunaxa language lesson so that they could learn to introduce themselves in Ktunaxa.
- visited an archaeological site and the Kootenay River with ʔaḡam to begin to understand the history of the basin.
- visited the Columbia River headwaters with ʔakisḡnuk to expand their understanding of the breadth of the watershed.

- toured Koocanusa Reservoir at Big Springs and the Elk River at HWY 93 with Yaqit ʔa·knuq̓i'it.
- hosted a public listening session in Fernie, BC to inform the public of the work of the Study to date and to gather input and advice on the proposed workplans for each TWG. The session was attended by 26 people.
- toured Elk Valley Resources coal mines to physically see the mining footprint and learn about water treatment facilities and technology.

During the August 2025 tour in Idaho and British Columbia the Study Board:

- listened to the telling of the Ktunaxa Creation Story, and participated in discussions on worldview, and relationship building through a dinner in ʔaq̓anq̓mi (hosted by KTOI).
- held an in-person meeting of the TWG co-leads and the Study Board for introductions, discussion of IJC processes, and discussion of TWG workplans.
- hosted a public listening session on August 8 in Bonners Ferry, ID to inform the public of the work of the Study to date and to gather input and advice on the proposed workplans for each TWG. The session was attended by 29 participants.
- toured KTOI’s Twin Rivers Fish Hatchery and Kootenai River restoration sites to understand the breadth of work KTOI engages in.
- experienced a custom boat tour by KTOI on the Kootenai River at ʔaq̓anq̓mi which provided a unique on-the-river perspective.
- toured an ongoing wetland restoration project being done by yaq̓an nuʔkiy, where the Study Board heard about how the managers used Ktunaxa worldview as a basis for their comprehensive restoration plans.

International Joint Commission

The Study Board appeared at the IJC semi-annual meetings in Ottawa, Canada in October 2024 and Washington, D.C. in April 2025. The Study Board was also asked to appear virtually at the IJC Executive meeting in December 2024. During these appearances, the Study Board presented the Commission with study updates and progress reports and had the opportunity to request guidance from the Commission.

Major themes in the collated comments from the listening sessions included:

- Stressors and Sources 24%
- Data Sources and Gaps 21%
- Impacts 17%
- Analysis 13%
- Next Steps 8%
- Awareness 5%
- Scope 5%
- Reporting 4%
- Regulations 3%

Comment source	Number of participants	Number of collated comments
Fernie, BC June 2025	26	65
Online, July 2025	35	32
Bonner's Ferry, ID, August 2025	29	33
Total	90	130

Table 2. Summary of public comments on the TWG objectives

Three documents capture public input received by the Study Board and are appended to this Interim Status Report: a Plan of Study What We Heard Summary Report, a Listening Sessions What We Heard Summary Report, and a Table of Comments and Responses for the Interim Status Report.

Advisory Groups

Public Advisory Group (PAG)

The PAG’s first meeting was in March 2025 and included introductions to the Study Board, introductions to group members, and information about the Study and the role of the PAG. The group discussed the upcoming project schedule, review periods allocated to receive PAG input on deliverables, and a process for communication with the public. The PAG was given the opportunity at the meeting to provide input into the Plan of Study.





The PAG’s second meeting in June 2025 was focused on a review of the “What We Heard” document developed after the Study Board’s public comment period for the Plan of Study in February. There was discussion around coordination of outreach materials with the IJC’s Communications Committee, sharing perspectives on the issues in the watershed and questions related to data sources and sharing. Members were invited to attend the upcoming in-person listening sessions in the watershed and online. In addition, the PAG asked the Study Board for guidance as to questions they should ask of constituents and assistance in focusing communication with their communities.

Industry Advisory Group (IAG)

The IAG’s first meeting was in March 2025 and included introductions to the Study Board and each other, an overview of the Study, and the role of the IAG. The focus of the meeting was to provide feedback from the IAG on the Plan of Study for the Study Board to consider. In June 2025, the IAG met with the Study Board for a second time to provide input about the Plan of Study “What We Heard” document and review TWG progress, project timelines, and IAG expectations. The IAG members were interested in understanding the role and membership of the TWGs.

Council of Governments Advisory Group (CoGAG)

The CoGAG met with the Study Board in April 2025 to review progress of the study to date and to discuss the role of the CoGAG. A second CoGAG meeting was held in July 2025 to provide participants with an overview of the roles of the IJC, Study Board and the CoGAG, and to discuss opportunities for the CoGAG to provide feedback and advice during the Study. In addition, one-on-one meetings were conducted as requested by any government.

Communications Committee

The Study Board established a Communications Committee to coordinate and execute communications and engagement from the Study Board to the public, advisory groups and all interested parties, and to ensure that communications were accurate and consistent. The Committee was also tasked with handling media outreach, posting activities on social media, generating and distributing press releases, updating the Study Board website and the development and distribution of communication materials to the public. The group is composed of Study Board, SMT and IJC team members. A variety of communication materials have been produced to ensure the public and advisory groups are well informed of all meetings and activities and the purpose of the Reference and Study. These include:

- press releases to announce major milestones
- regular announcements and updates to the Board website, including posting public documents
- Study Board meeting minutes
- posters to be used during in person public engagement events that introduce the IJC, the Reference and the objectives of the four TWGs
- postcards that feature photos of the watershed and direct the public to the Board website for more information
- biannual newsletter to keep the public and interested groups informed about Study progress, activities and opportunities to participate. The newsletter is distributed to a contact list of people who have requested to be updated about Study activities, and to attendees of in person meetings. There is a newsletter subscription button on the website
- brochures that explain the purpose of the listening sessions and that announce/ remind of the timing and location of each
- social media posts announcing and reminding of the listening sessions
- production of two “What We Heard” documents that compile the input received on the Plan of Study and the Listening Sessions regarding the Technical Working Groups into an easily digestible product
- promotional materials for public meetings and public comment periods
- Quick Guide Brochure that provides:
 - an introduction to the Reference and the Boundary Waters Treaty
 - acknowledgement of the six Ktunaxa Nations in the watershed
 - an introduction to the Study Board members and their duties
 - an outline of the timeline and deliverables
 - an overview of the Study area
 - an overview of the Study themes, the four TWGs and an organizational chart



Ambush Rock at ʔaáqanqmi

Technical Working Groups (TWGs)

A key area of work for the Study Board has been the establishment of four TWGs and ensuring they are supported for success through thorough understanding of the Plan of Study, Reference, Directive, the overall Study Board work and by developing effective workplans. The Study Board prepared guidance to ensure consistency across the TWG workplans and is iteratively conducting ongoing engagement with the TWGs. The TWGs will assist in carrying out the work under this Directive to “support a common understanding of pollution within the Elk-Kootenai/y watershed.” This includes the impacts of that pollution on people and other species. The TWGs are focused on the following four topics:

- Water Quality Status and Trends
- Impacts to Human Health and Well-Being
- Impacts to Ecosystems, Including Cumulative Effects
- Mitigation

Ktunaxa ʔ Ksanka Knowledge is recognized as critical to the work of all TWGs through discussions, collaboration with and support from the CoKKKH and any other sub-Council of CoIKH should they be established.

The selection of potential TWG members began with suggestions by the Study Board, CoKKKH, IJC staff, SMT, government agencies, advisory groups, and the public. Selection criteria included:

- Expertise directly relevant to the Reference and the TWGs
- Scientific objectivity
- Networking and connections in area of expertise
- Proven track record of high productivity, working with large amounts of data in a short time frame
- Professional reputation
- Team player
- Strive for parity between Canada and the United States

The Study Board, supported by the SMT and the IJC, had extensive deliberations about the membership and leadership of the TWGs. The Study Board discussed each TWG member to ensure that they can operate effectively in a collaborative and team setting; work within the constraints and complexity of the issues; and are aware of the timelines and the IJC process. The TWG members represent a wide selection of individuals from Ktunaxa ʔ Ksanka, provincial/federal/state governments,

relevant industry, academia and private consultants. TWG co-leads were appointed in June 2025 and all TWG members were fully appointed, with parity, by fall 2025. Upon appointment, TWGs set to work immediately and developed draft workplans that were submitted to the Study Board in July 2025.

To guide the TWGs, the Study Board prepared a framework to help the TWGs develop their workplans. This framework provided a consistent basis for prioritization and development of key questions designed to meet the objectives of each TWG. The framework also provided the basis for collaboration and integration across all the TWGs, as well as with the CoIKH. The framework included a draft diagram meant as a tool to provide an initial, consistent starting point for use in identifying key linkages and stressors.

The Study Board established principles and key themes for each of the TWGs. Each TWG was provided with three main objectives to be addressed in their workplans.

A priority of the TWGs is to review reports and scientific articles that describe what is known about their respective components of the Study. Fulfilling the objectives in the Plan of Study also requires that data be collated from available databases, in addition to other sources from government agencies, Indigenous Nations, industry, academia, community groups and non-government organizations. Data and information from non-Indigenous sources

will be made publicly available as described in the Study’s Data Management Plan. Data and information from Indigenous sources will be managed as directed by the Indigenous sources providing the information.

No new field sampling or data collection will be conducted under the Plan of Study. Any new analyses of existing data will be prioritized through iterative discussions between the TWGs and the Study Board and may be limited owing to the Study’s time constraints. Through review of the gathered information and data, TWGs will describe areas of consensus, areas with divergence, and areas that represent gaps in understanding.

The Study Board and SMT will support the TWGs in cross-TWG collaboration. There will be overlap among TWGs; therefore, it is critical to ensure that work isn’t duplicated and that work of interest to multiple TWGs is shared in a timely manner. To begin this cross-collaboration the Study Board hosted all the TWG co-leads at an in-person meeting in August 2025, and all the draft workplans have been circulated among the TWGs.

The Study Board will continue to provide guidance for the TWGs developed in response to discussions with and questions from the TWGs, from input from the Advisory Groups and the public (via listening sessions and meetings), as well as dialogue with the CoKKKH. This is an iterative process which will ultimately result in final workplans which have been built upon a collaborative process, approved by the Study Board, and aimed at achieving the TWG objectives. Summaries TWG workplans as of September 2025 are included below. The final workplans will not be available until after the deadline for submission of this report. The Technical Working Groups have been provided with comments received on the versions of their workplans included in the draft Interim Report. The Study Board will continue to ensure that TWG workplans and ongoing work are consistent with the scope set out in the Study Board’s Directive and the Reference.

Water Quality Status and Trends TWG

The objectives of the Water Quality Status and Trends Technical Working Group (WQST TWG) are:

- **Objective 1.** Identify data sources, relevant peer reviewed science, industry, and government reporting for the Elk-Kootenai/y watershed as related to water quality and pollutants.
- **Objective 2..** Identify and describe the occurrence of basin-wide pollutants that persist beyond isolated or localized effects areas in the waters of the Elk and Kootenai/y Rivers, Koocanusa Reservoir, and Kootenay Lake. As time permits, this could include work to identify sources and trends in pollutant concentrations and loads where adequate data are available.
- **Objective 3.** Identify relationships between hydrologic and water quality data, including the identification of gaps in the data and research. Recommend procedures for: screening credible data; statistically describing and reporting on the status of pollutants in the Study Area including associated uncertainty; coordinating collection and analysis of existing data to fill gaps; and suggesting next steps (including methods and procedures for ongoing monitoring and data analysis).

The workplan for this TWG focuses on knowledge synthesis, using existing peer reviewed literature, government reporting, and high-quality, longer-term datasets, in tandem with iterative engagement with the CoKKKH. The primary aims of the WQST TWG are to

improve understanding of the state of water pollution and determine the water quality trends in the watershed.

The foundational task that is needed for the work plan is to identify pollutants that are not locally confined, and hence, that pose transboundary water quality concerns. Many documented water quality concerns are localized in nature. However, the focus of the WQST TWG will be on those pollutants that have broader watershed, basin-wide or transboundary effects. The main activities focus on:

1. Focused Literature Review: Review of regulatory documents, peer reviewed science and shared oral knowledge related to water quality in the Kootenai/y Basin, with an emphasis on transboundary contaminants.
2. Data Compilation and Evaluation for Focus Areas: Identify high-quality data sources related to the focus areas; compile a list of measured water quality parameters based on those sources; and evaluate locations with sufficient data to complete analysis and identify limitations of current monitoring.
3. Analysis: Identify trends and exceedances of state, provincial and federal regulatory criteria in the focus areas; prioritize contaminants to assess sources; and evaluate potential sources of the prioritized transboundary contaminants.
4. Interpretation and Recommendations: identify knowledge and data gaps; identify key sites for long-term monitoring and describe recommended monitoring practices; and identify emerging pollutants that warrant further study.



Kootenai Tribe of Idaho Sturgeon and Burbot Hatchery

Impacts to Human Health and Well Being TWG

The objectives of the Impacts to Human Health and Well Being TWG are:

- **Objective 1.** Identify known or suspected human-health hazards from currently identified pollutants in the Study Area. Expand this analysis to include any additional pollutants/constituents of concern identified by the Water Quality Status and Trends TWG.
- **Objective 2.** Assemble and review existing risk assessments and well-being studies and synthesize to report an assessment of risk using current information. Report on health and well-being including threats to health based on both western and cultural science.
- **Objective 3.** As discussed in the Plan of Study preamble, identify high-priority data gaps in health-related information needed to fully meet objectives 1 and 2 based on uncertainty analyses and provide recommendations on approaches to gather additional information to fill these gaps.

The workplan for this TWG will describe the current state of knowledge regarding environmental health studies and health risk assessments in the Elk-Kootenai/y Watershed to understand the potential health risks associated with water pollution

for populations residing in and frequently accessing and using the Elk-Kootenai/y watershed, including members of the Ktunaxa Nation who are rights holders in the territory. The workplan will be guided by the One Health approach, recognized by the World Health Organization, which aims to sustainably balance and optimize the health of people, animals and ecosystems. Additionally, the CoKKKH are identifying processes to ensure that there are Ktunaxa & Ksanka scholars who are involved in the work to be done.



yaqan nu?kiy wetland restoration complex

The foundational piece of work that is needed for the work plan is to identify i) existing human health risk assessments or related studies and ii) existing analyses of potential impacts to health and well-being, including analyses related to members of the Ktunaxa Nation. The main activities focus on:

- *Refining the Work Plan Objectives* - Assemble preliminary demographic information (e.g. epidemiological data, chemical exposures, well-being data including physical, mental and emotional health, local experiences and concerns), identify data gaps, refine work plan objectives as needed.
- *Conducting a Literature Search* - Develop literature search strategy; screen literature search results for relevant sources.
- *Assembling, synthesizing and summarizing data, making report recommendations and identifying gaps* - Review of results of literature search and other identified sources of information; review conceptual site model potential receptor summary; summarize information in tables/formats to be determined.

Impacts to Ecosystems, Including Cumulative Effects TWG

The objectives of the Impacts to Ecosystems, Including Cumulative Effects TWG are:

- **Objective 1.** Draft a conceptual diagram focusing on identified pollutants but also identifying other key linkages that need further study. Identify terrestrial and aquatic features that are affected or potentially affected by identified water pollutants and other stressors in the Study Area.
- **Objective 2.** Report on knowledge status of data for each component with respect to measured impacts attributable to water pollution.
- **Objective 3.** Identify high-priority data gaps in ecosystem impacts analyses (including cumulative effects) that would need to be filled to fully meet objectives 1 and 2 based on uncertainty analyses and recommend a set of prioritized studies to address gaps.

This TWG workplan will synthesize available data on the cumulative effects of water pollution on ecosystem health in the study area. The assessment will document linkages between ecosystem stressors and ecosystem health, identify data and knowledge gaps for some indicators of ecosystem health (e.g. native fish population status and trends,

invertebrate biodiversity, habitat suitability) and/or ecological values (managed species, vibrant fishery, fish consumption). This synthesis will be further enhanced through iterative engagement with the CoKKKH and input of Indigenous ways of knowing and methodologies by Ktunaxa & Ksanka and Indigenous Working Group members and advisors.

A key priority for the work plan will be to identify terrestrial and aquatic features that are affected, or potentially affected, by identified water pollutants and other stressors and to identify data gaps to guide future research and monitoring studies. The workplan will consist of:

- Synthetic review of water pollution and associated effects on ecosystem health – Peer reviewed and publicly available literature reviews, data and information compilation.
- Develop a focused conceptual diagram specific to this TWG - Workshops, mapping exercises, expert/Indigenous consultation
- Build an understanding of stressors, including cumulative effects, on ecological health
- Conduct uncertainty and gap analysis - Indicator scoring, knowledge ranking, Indigenous input

Based on the synthetic review, a set of summary papers, presentations, and/or outreach products (e.g., story maps, videos, social media releases, blog posts, plain language summaries) will expand upon the empirically based conclusions to describe the current state of knowledge regarding environmental stressors impacting ecosystems within the study area.



Kootenay River near Wasa, BC., Canada

Mitigation TWG

The objectives of the Mitigation TWG are:

- **Objective 1.** Identify, assemble and review available data and information about the extent to which mitigation and remediation efforts, including techniques (e.g., best management practices) and technologies related to water pollution from known sources (including forestry, industry, land development, mining, and other identified sources of stressors) in the Study Area have influenced, impacted sources of, altered the status of, or shifted the trends in water pollution in the Study Area. Identify data gaps in science, monitoring and research, or incorporation of Indigenous knowledge.
- **Objective 2.** Assess, from the data above, the extent to which mitigation and remediation efforts have influenced, impacted sources of, altered the status of, or shifted the trends in water pollution in the Study Area. Identify gaps in science, monitoring and research or incorporation of Indigenous knowledge related to this assessment, including through comparison with viable methods being used outside of the Study Area.
- **Objective 3.** Compile and examine the development, content and any inconsistencies between existing regulatory standards and guidelines for water pollutants in the Study Area, and assess if these inconsistencies have influenced, impacted sources of, altered the status of, or shifted the trends in water pollution in the Study Area.

This TWG workplan will study the extent to which mitigation and remediation efforts (including technologies and best management practices) related to water pollution from known sources have influenced, impacted sources of, altered the status of, or shifted the trends in water pollution in the Elk-Kootenai/y watershed. The foundational piece of work



for this TWG will be to compile an overview, based on existing sources, of water pollutants with cross-border effects for which mitigations being applied within the watershed will undergo further study by this TWG. This effort will be conducted in collaboration with the other TWGs. The TWG will gather existing knowledge and data from Provincial, State, Federal, Indigenous and corporate entities, as well as from literature searches; analyze the information and data, and identify gaps; determine key activities and pollutants of potential concern with cross-border effects; and inventory mitigation measures for activities and pollutants of potential concern with most immediate cross-border effects.

The work plan will consist of:

- Developing a focused source-mitigation specific conceptual diagram: Refine work plan objectives and develop a focused conceptual diagram for pollutants/stressors
- Developing a shared knowledge base: Conduct literature searches and interviews
- Developing synthesis products: Prepare three workgroup sub-reports on major objectives.

Study Timelines

The Study Board’s activities in the first year of the Study are summarized in Figure 3 . The Study achieved the primary milestones of Year One (Plan of Study and the Interim Status Report). These milestones were met within the context of novel aspects of this Study, notably the historic involvement of the Ktunaxa Nation and the Study’s short two-year timeframe.

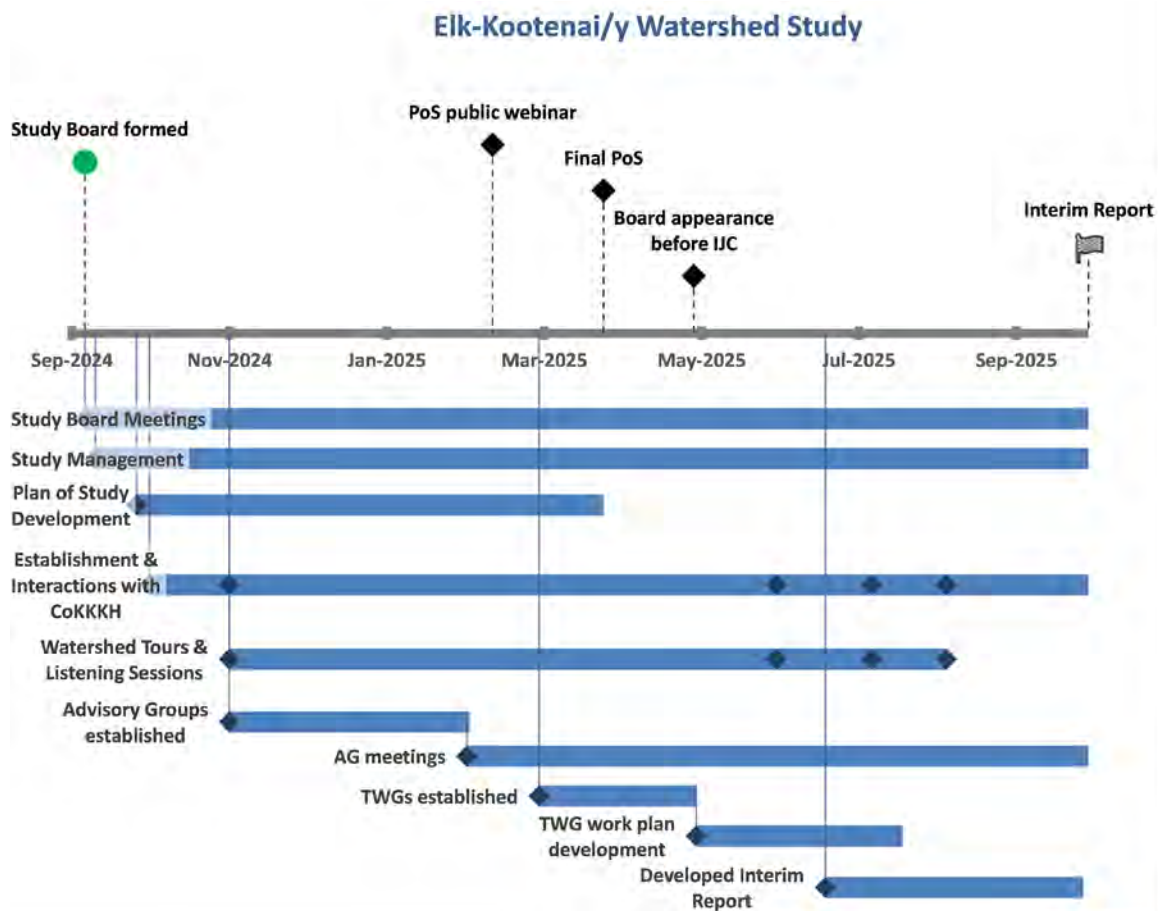


Figure 3. Summary of activities, September 2024 – September 2025



Study Budget

The Study Board asked for a budget of \$4.9 million in the Plan of Study. The Commission concurred with the Plan of Study and transmitted the budget to U.S. and Canadian governments with a recommendation for full funding. Partial funding for the Study was received in July 2025 and the remainder is expected in Fall 2025. Expenditures are being tracked for both the Canadian and U.S. participants and activities. Tracking and discussion of the Study budget with the Study Board occurs at regular intervals as a standing agenda item during Study Board meetings. The SMT and Study Board Co-chairs will assemble all expenditure information into an overall budget and Gantt chart for the Study. These details will be included in the final report in September 2026.

To date, funding has been partially utilized to support Study Board, SMT and TWG contracts; travel and meeting expenses; and engagement materials and activities in support of the substantial amount of consultation needed to ensure all audiences are aware of the Reference and have had the opportunity to provide input into the Plan of Study and this Interim Status Report. Investment for Indigenous engagement and participants is paramount to this project, as is meaningful and frequent communication to the broad network of public, interested parties and advisory groups.

Independent Review Group (IRG)

The International Joint Commission set up an Independent Review Group with participants from the U.S. and Canada to conduct peer reviews of the interim and final Study Board reports. The IRG works directly with the IJC and is independent from the Study Board. For this Interim Report, the IRG review was concurrent with the public review and IRG comments will be made available to the public.

Issues for Commission Awareness

To date, the Study Board has encountered two primary challenges:

The IJC Directive derived from the Reference charges the Study Board with a very broad task (i.e., water pollution within the entire Elk-Kootenai/y watershed). Given the size of the watershed, the complexity of the issues associated with water pollution within it, and the variability in volume of data and technical information available, the synthesis will prove challenging.

The broadness of the issue is exacerbated by the short timeline of two years. Recognizing it takes time to build relationships with communities throughout the large watershed, the short time frame limits public engagement and the meaningful and respectful incorporation of Ktunaxa ʔ Ksanka Knowledge. Additionally, the compressed timeline has required that tasks that would normally be done in sequence must be completed concurrently.

To address these challenges and ensure completion of the Final Report by September 2026, the Study Board is prioritizing and focusing efforts. The Study Board notes that some topics will not be comprehensively reviewed and may be submitted as recommendations for future work in the final report. The Study Board proposes to continue discussions with the Commission on these challenges and seek clarity around the expectations on deliverables.

Looking Forward

The next year will be an intensive period of meetings, workplan implementation, data compilation, synthesis, and outreach. The Study Board will continue to meet and monitor the work of the four TWGs as they move ahead on their key objectives and provide regular updates to the Study Board. The Study Board will synthesize reports from the TWGs and integrate information into a final report.

The nature of the Directive is unprecedented and in this respect the Study is progressing through ongoing collaboration with Ktunaxa ʔ Ksanka Knowledge Holders. Work is continuing with the CoKKKH to develop processes based on mutual trust and respect to achieve a truly reciprocal study partnership. Building and implementing these processes requires considerable time, communication and resources. The Study Board has leaned in and been met with reciprocal sharing with Ktunaxa ʔ Ksanka people. Relationships, knowledge, language and worldview have all been emerging through the engagements to date. The Ktunaxa ʔ Ksanka holistic approach and guiding principle of ʔa·kxaʔmis ʔapi qapsin is different from the Western scientific approach to defining and understanding watershed pollution. It is essential that the Study Board continue to find ways of working reciprocally, engaging deeply, and building a foundation for continued partnership work at the end of this time-limited Reference. The Study Board is also looking forward to potentially working with other Indigenous Peoples under the umbrella of the CoKKH.

The Study Board is committed to continuing to deepen their understanding of the issues in the watershed by listening to interested parties and engaging in more watershed tours. The Study Board will continue to meet with the Advisory Groups, seeking their input on all stages of the project. In July 2026, a draft final report will be produced and made available for public comment. A final report will be submitted to the IJC by the end of September 2026.

References

International Columbia River Engineering Board (ICERB), 1959. Report to the International Joint Commission United States and Canada – Water Resources of the Columbia River Basin – Appendix II – Kootenay Basin.

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Stickney, E., L. Kunza, G. Hoffman, and K. Chowanski. 2021. Small land cover changes in the transboundary Kootenai River basin greatly alter water quality. *Rivers Research Applications* 37: 605-614. <https://doi.org/10.1002/rra.3783>

List of Acronyms

- CoGAG - Council of Governments Advisory Group
- CoIKH - Council of Indigenous Knowledge Holders
- CoKKKH - Council of Ktunaxa & Ksanka Knowledge Holders
- IAG – Industry Advisory Group
- IEKWSB - International Elk-Kootenai/y Watershed Study Board (Referred to as “Study Board” throughout)
- IJC - International Joint Commission
- KTOI – Kootenai Tribe of Idaho
- IRG – Independent Review Group
- PAG – Public Advisory Group
- SMT – Study Management Team
- TWG – Technical Working Group

Appendices

- I. Plan of Study What We Heard Report
- II. Listening Sessions What We Heard Report
- III. Table of Comments and Responses for the Interim Status Report

Appendix I: Plan of Study What We Heard Report



Abayance Bay Marina at Kootenai Reservoir, Montana

What We Heard

The International Elk-
Kootenai/y Watershed Study
Board Summary Report of
Comments Received on the
Plan of Study



180

Comments Received

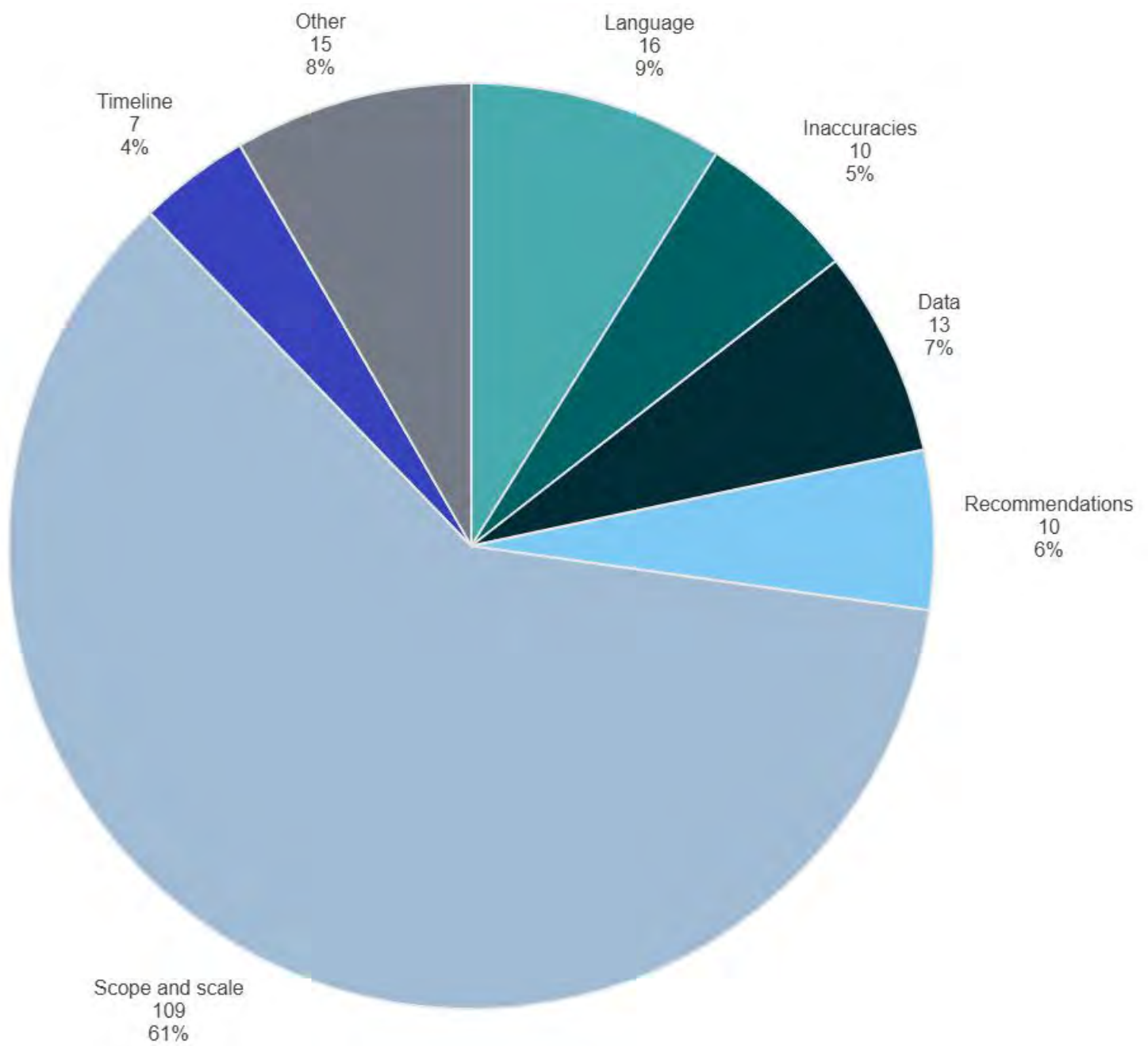
During the Plan of Study
open comment period, from
February 3-17, 2025

This document is a summary of the comments the International Elk-Kootenai/y Watershed Study Board (Study Board) received.

Comments are categorized into main comment themes and the Study Board responses and/or how we incorporated each comment theme into the Plan of Study.

If you would like more information about your specific comment, please email us at elk@ijc.org.

Comment Themes	Page
Language	4
Timeline	4
Data	5
Inaccuracies	5
Recommendations	6
Appreciation	6
Scope and Scale	7
Other	9
Study Area Map	10



Number of Comments	Public Comment Source	Number of Submissions
22	Public Advisory Group	4
30	Industry Advisory Group	3
42	Government & Council of Governments Advisory Group	8
86	Public	158
180	Total	173

Comment Theme:

Language

Comments and questions on words and language used in the Plan of Study.

- definitions
- pronunciations

What you said:

- The Study Board should give careful consideration to differing uses and interpretations of key terms across jurisdictions to ensure clarity and common understanding.
- To help refine the scope, “pollution” should be clearly defined at the outset.
- It would be helpful to include a pronunciation guide, and if necessary, definitions for all Ktunaxa and other Indigenous terms so that all non-Indigenous members of the team, working groups and advisory groups can accurately pronounce them out of respect to the Indigenous members and their people.

Our response: “Pollution” could not be substituted given that it is in the Reference and the Directive. The Study Board provides a definition in the Plan of Study. Other key terms which may require specific definition in the context of the Study will be identified and definitions developed for the draft Interim Report.

As per the Directive, the Study Board includes a Council of Indigenous Knowledge Holders (CoIKH). Ktunaxa language and knowledge flows through the Plan of Study. As per the guidance of the Council, the Study Board will provide recordings of Ktunaxa voices speaking the Ktunaxa words included in the Plan of Study, Interim and Final Reports to the Study Board website at ijc.org/ekwsb. In the interim, Ktunaxa voices speaking the Ktunaxa language can be found at <https://ktunaxa.firstvoicesapp.com/>.

What you said:

- In order to ensure accountability for both the Technical Working Groups deadlines and the reviewing agencies, there needs to be defined timelines/deadlines for reviews and delivery of products.
- We ask that future comment periods be a minimum duration of four weeks, two-week comment periods are insufficient.
- Collaborative regulation, monitoring, governance and oversight of our watersheds must extend until all pollution harms are corrected, and far beyond the current two-year study period.

Our response: The Study Board agreed to strive, whenever possible, to set the public comment period to four weeks rather than two weeks. A timeline for deliverables and events will be available on the Study Board website at ijc.org/ekwsb.

The Study Board was given an important task to complete by September 2026. Before deciding the next steps, we first must understand the issue. To do that, we must collect and analyze existing data. That is our first goal. However, we hear your concerns and appreciate your comments. We hope that you stay engaged with the study and we look forward to your input for next steps after we have all had the chance to look over the data.

Regarding further studies, as explained in the Plan of Study, any future work undertaken under the auspices of the IJC would require a new Reference by governments.

Ongoing monitoring is addressed in the Reference, which stipulates that the Study Board examine “methods and procedures for ongoing monitoring and data analyses to further define the extent of pollution and identify trends in concentrations of contaminants in the watershed.”

Comment Theme:

Timeline

Comments and questions on the Study timeline.

- report deadlines
- public comment periods
- public meeting dates
- what happens after the study

Comment Theme:

Data

Comments and questions on data.

- new data collection
- open data
- transparency
- access to models

What you said:

- Please provide clarity on past and ongoing work versus recommendations for new work (concern regarding timeline constraints and the capacity for new work).
- Asked about the mechanisms for transparency and availability.
- Is the science behind standards and objectives available for review?



Our response: As per the language of the Reference and the Directive, the Study Board will coordinate transboundary data and knowledge sharing for existing and on-going data collection to support a common understanding of pollution within the Elk-Kootenai/y watershed. It is within the scope of the Study to identify data gaps and make recommendations for further data collection.

The Plan of Study does not include details on access to data, transparency and models, however, all considerations for access to data and information (including models and model results) are within the scope of work and objectives of the Technical Working Groups. Please refer to the objectives of the Technical Working Groups for scope as they are developed.

As per the language of the Reference, the United States, Canada and the Ktunaxa Nation agreed on the need for “transparent and coordinated transboundary data and knowledge sharing.”

What you said:

- You pointed out the incorrect or inaccurate citations of the Preamble, Reference, and Directive.
- Comments stated that there was an inaccurate or incomplete description of the Canadian forestry industry side of the Study Area.
- There are incorrect descriptions of water quality standards/guidelines/objectives (e.g. total concentration when it should be dissolved).

Comment Theme:

Inaccuracies

Errors found in the Plan of Study.

- incorrect descriptions
- inaccurate citations

Our response: Edits were made to address the comments. Thank you for bringing them to our attention.

What you said:

- Several recommendations for consideration when the Study Board addresses the requirement in the Directive to “report and recommend on governance and decision-making, including the implementation of its recommendations,” e.g., harmonizing water quality standards/objectives/guidelines; transboundary watershed management; joint and comprehensive monitoring tools; and transparency of water quality data and models.
- Specific recommendations for further study; e.g., accurately assess native fish populations.

Comment Theme:

Recommendations to the Study Board

Comments with specific recommendations.

Our response: The Study Board will consider recommendations received through its ongoing engagement that are within their scope. Any recommendations received are appreciated and encouraged throughout the Study.

Please go to the Study Board website at ijc.org/ekwsb for announcements of upcoming public comment periods and public meetings so that your perspectives and recommendations are in our work as well.

Comment Theme:

Expression of Appreciation

Comments in support of the Study and Study Board.

What you said:

- Thank you for giving us hope for the restoration of the Kootenai/y River, through your efforts to develop the Plan of Study to address the transboundary pollution.
- I am very grateful for your efforts to address the transboundary pollution stemming from coal mining in British Columbia.
- Thank you for gathering input on the Plan of Study for the Kootenai/y River’s transboundary pollution.

Our response: During the Plan of Study public comment period, we have received almost 200 submissions. Some comments were asking for more clarification on topics in the Plan of Study or asked for information they felt was missing. However, we were both surprised and grateful for all the comments we received expressing appreciation for the establishment of the Study and the Study Board.



Scope & Scale

- Mitigation
- Priority Issues
- Geographic Scale
- Stressors vs Pollution
- Technical Working Groups
- Objectives and Scopes of Work

What you said:

- Some comments state that mitigation is outside the scope of the Reference.
- Several comments express strong support for inclusion of mitigation.
- Other comments drill down to specific mitigation measures.

- Mitigation

Our response: Mitigation is referred to in the Reference, which states that knowledge holders and the Study Board are “to report and make recommendations to the Governance Body to reduce and mitigate the impacts of water pollution in the Kootenai/y watershed”.

The Study Board is aware that providing recommendations about reduction and mitigation of water pollution requires specific expertise and experience; therefore, it has been identified that there is a need for a Mitigation Technical Working Group. The Study Board will work with the Mitigation Technical Working Group to achieve an appropriate scope of work commensurate with the time allotted under the Reference and Directive.

- Priority Issues

What you said:

- Some comments suggested particular issues which should be the priority; e.g., water quality, human health, air quality, restoration and mitigation, issues which would benefit from transboundary oversight.

Our Response: The Study Board agrees that prioritization is required, given the broad scope and limited timeline of the Reference. We appreciate the suggestions for priority issues. Prioritization will be an important consideration as the scope of work for each Technical Working Group is developed. To that end, the Study Board has been developing a framework which identifies primary linkages among pollutant sources, pathways, and effects based on current knowledge and understanding gleaned from available data and Indigenous knowledge and science.

What you said:

- The scope and scale of the Plan of Study are expansive given the timeframe of the Reference. Consider narrowing the scope to transboundary areas.

- Geographic Scale

Our response: Please see the Plan of Study Area Map for the geographic scope of the Study Area in this summary report (page 10) and will be soon available on the Study Board website at jjc.org/ekwsb.

In the Reference sent to the International Joint Commission by the governments of the United States and Canada, the geographic scope of the Plan of Study is defined as the Elk-Kootenai/y watershed and is described as, “the Kootenai/y River flowing through Canada and the United States to its confluence with the Columbia River downstream in Canada, the Elk Subbasin, Koocanusa Reservoir, and Kootenay Lake.”

The Study Board interprets this to mean the Elk River Valley and downstream water bodies of the Kootenai/y system, as well as other tributaries in the watershed that may have an influence on water pollution.

What you said:

- Some comments express the concern that inclusion of the broader term “stressors” greatly expands the scope and does not reflect the Directive and call for the Plan of Study to focus on “pollution”.
- A comment called for the study to focus on pollutants from coal mining.
- Other comments call for a comprehensive assessment of the state of the watershed and note that stressors from the entire area be considered.
- Several comments raise specific “stressors” such as wildfire and agriculture.

• Stressors vs Pollution

Our response: The wide range of comments illustrates the need to distinguish between pollutants (defined by the Study Board as substances which can cause deleterious impacts) and stressors (which can include physical, chemical and biological sources of stress to ecosystems and human health; e.g. wildfire, physical habitat alteration caused by various land uses, invasive species). There are often important relationships between stressors and the behavior and impacts of pollutants. The Study Board will work with the Technical Working Groups to develop a workable, and scientifically valid understanding of the stressors. This understanding will be applied to the analysis of the impacts of pollution on ?a kxam’is q’api qapsin (All Living Things).

- Technical Working Groups (TWGs)
Objectives and Scopes of Work

What you said:

- Expressed concerns about the objectives for the Technical Working Groups go beyond the Reference and the Directive.
- Gave support for the Technical Working Groups objectives .
- Suggested specific items for the scopes of work for the Technical Working Groups.



Our Response: The Study Board welcomes the range of opinions and advice expressed regarding the Objectives and Scopes of Work for the Technical Working Groups. The wide range of the comments received reflects the challenges inherent in the requirement to follow the Reference, while also being responsive to comments and advice. The Study Board will work with the Technical Working Groups to achieve focus and prioritization while also considering information and knowledge obtained through engagement. In particular, as stipulated in the Reference, the Study Board will ensure that the specific concerns and information of Indigenous knowledge holders are considered (which will be in addition to the inclusion of Indigenous knowledge and/or Indigenous science in the technical work).

Comments/ Questions that may need an explicit answer



What you said:

- Can members of the Study Board speak to the press about their work on the Board? Could you clarify guidelines or communication protocols?

Our response: Any Study Board inquiries can be emailed to elk@ijc.org. Through these media queries, the Study Board can speak to the press about their work on the Board as they see fit. Per the Directive, the Study Board is only required to notify the IJC what they plan to release to the media, as their work is independent of any government or agency.

What you said:

- What process is being used to select Technical Working Group (TWG) members?

Our response: Candidates for membership on Technical Working Groups (TWGs) have been brought forward by members of the International Joint Commission (IJC), Advisory Groups, government agencies, the Study Management Team and members of the Study Board. Additionally, in May 2024, the IJC asked the public to submit names of any individuals interested in being part of the TWGs. All names were then submitted to the Study Board. The candidates from all sources are being considered using selection criteria developed by the Study Board, who then will appoint all TWG members.

What you said:

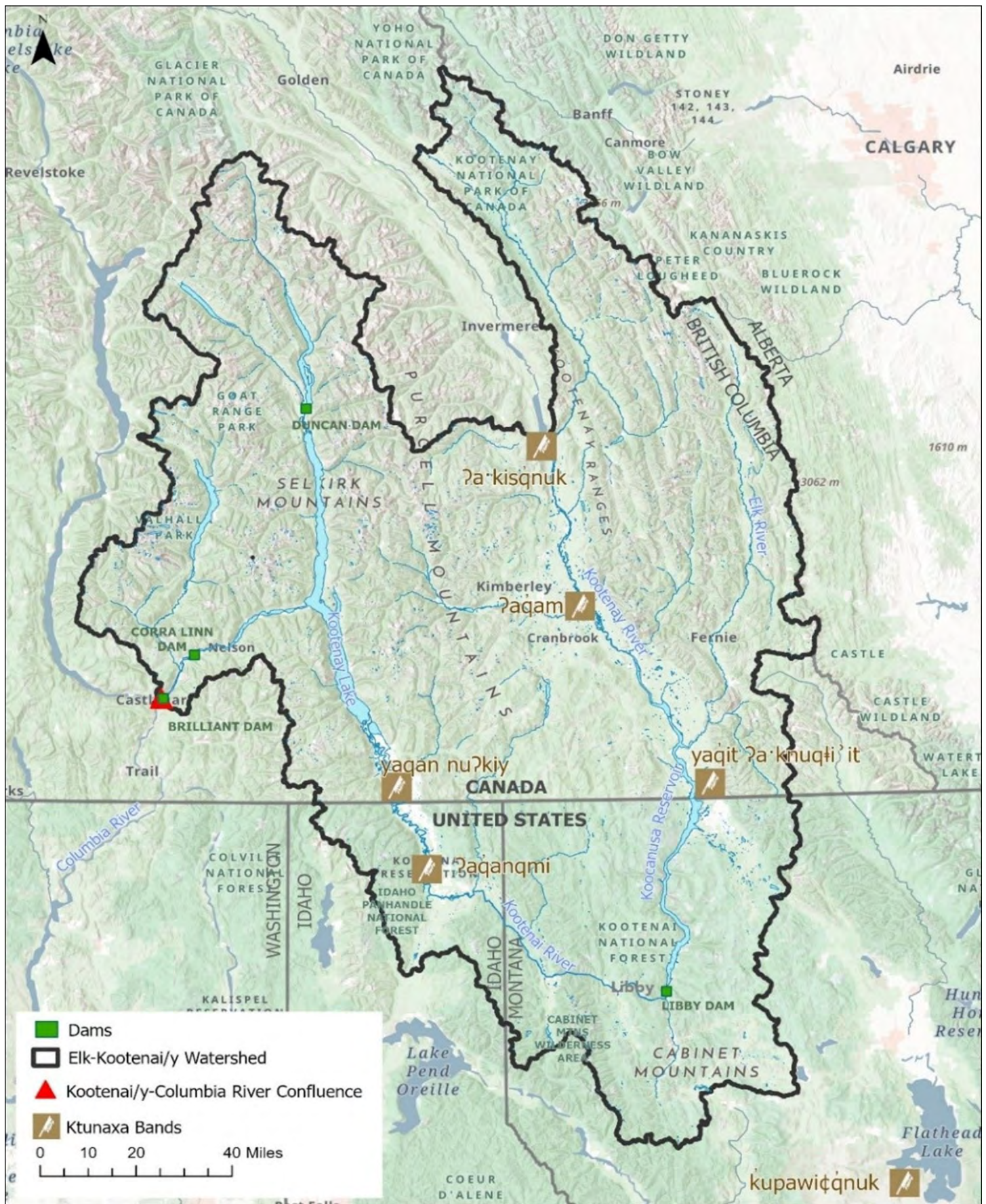
- The report doesn't specify the interactions between Advisory Groups and Indigenous communities – could language be added to the Plan of Study to encourage or not preclude this?

Our response: The Advisory Groups are meant to give suggestions and feedback to the Study Board. Still, to ensure Indigenous communities are involved in every step of this study, the Study Board ensured individuals from the Indigenous communities were part of the Council of Governments Advisory Group. Additionally, the Study Board gets feedback and guidance from the Council of Indigenous Knowledge Holders. Indigenous perspectives will be addressed at all stages and Technical Working Group membership, the Study Board and the Study Management Team membership is inclusive of Indigenous participation.

What you said:

- Will you be posting on Facebook/Instagram or only through IJC social channels?

Our response: Study Board information and announcements will be shared on the IJC Facebook, Instagram and other social channels. They will also be posted on the Study Board webpage at ijc.org/ekwsb.



The Elk-Kootenai/y watershed within the Ktunaxa Territory, including the Study Area

Appendix II: Listening Sessions What We Heard Report



What We Heard

The International Elk-
Kootenai/y Watershed
Study Board Summary
Report of Public Comments
Received During 2025
Listening Sessions



a-kaxapqhi, Montana

This report is a summary of public comments, questions and input to the International Elk-Kootenai/y Watershed Study Board from participants who attended in-person Listening Sessions in Fernie, BC (June 3, 2025) and Bonners Ferry, ID (August 6, 2025) and a virtual Listening Session (July 8, 2025).

The Study Board is grateful to the 90 people who participated across the three Listening Sessions and shared their valuable knowledge and insights.

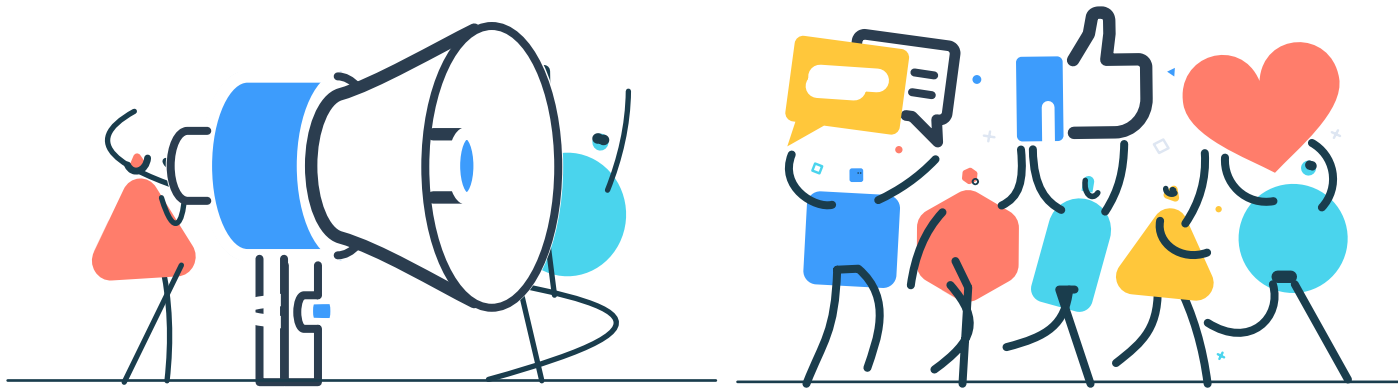
Relevant comments and questions are categorized into main themes and will be shared with the Study Board's four Technical Working Groups examining:

- Water Quality Status and Trends
- Impacts to Human Health and Well Being
- Impacts to Ecosystems, Including Cumulative Effects
- Mitigation

LISTENING SESSIONS

A listening session is a facilitated discussion designed to gather in-depth qualitative feedback, stories and perspectives from participants on a specific topic. These listening sessions allowed participants to share feedback candidly in an informal environment, while also allowing the Study Board to ask follow-up questions to gain a deeper understanding of the diverse opinions.

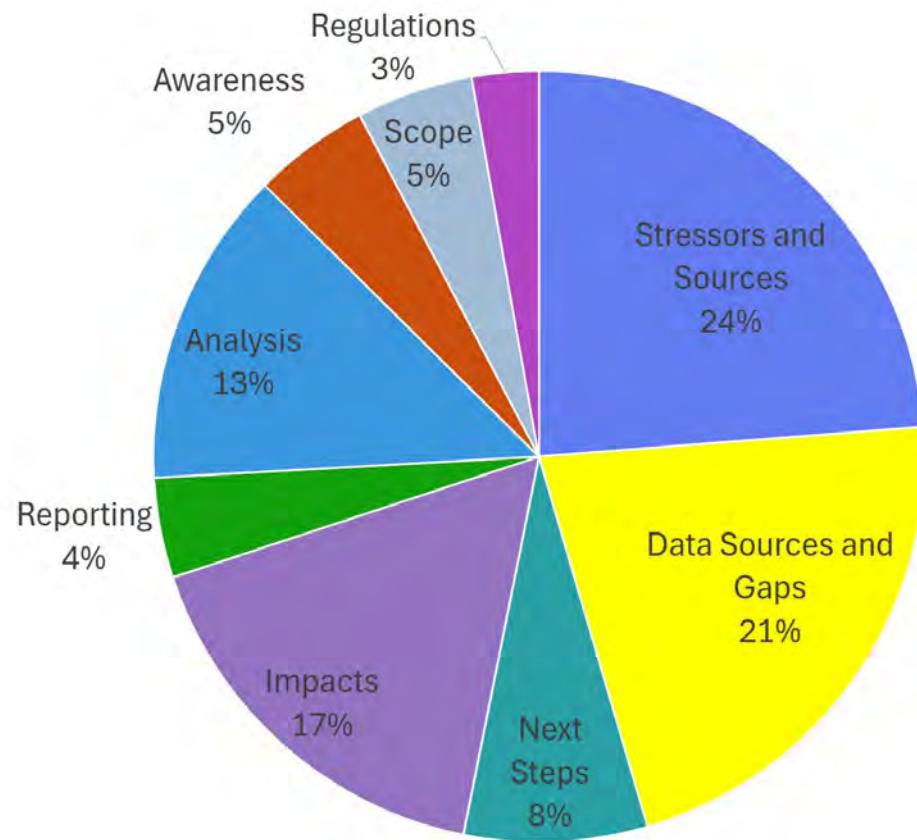
This series of listening sessions, held from June to August 2025, provided a opportunity for the public to provide input directly to the Study Board on the various sources and effects of water pollution to the Study Area. The information collected will be used to guide and prioritize the work of the Technical Working Groups. The Study Board considered the feedback received during these listening sessions during the development of its Interim Status Report.



The Study Board is grateful to the people who participated across the three Listening Sessions and shared their valuable knowledge and insights.



PUBLIC COMMENTS PER CATEGORY



The Study Board received

143 public comments

from listening session participants, which will help guide and prioritize the efforts of the Study Board's technical working groups.

If you would like more information on how your specific comments will be used by the Study Board, please contact us at elk@ijc.org.

PARTICIPANTS WERE ASKED THE FOLLOWING SET OF QUESTIONS AT EACH LISTENING SESSION:

Water Quality Status and Trends

- What do you view as the water pollutants of greatest concern in the Study Area?
- Where in the Study Area do these pollutants of greatest concern occur?
- Are you aware of reports or data sets that can be used to evaluate the issue?
- To your knowledge, what entities (e.g., agencies, watershed groups, industry, NGOs, working groups) have been working on this water pollution of greatest concern? Who are the main contacts?
- What data gaps are you aware of and what additional studies would you suggest?



Impacts to Human Health and Well-Being

- What particular issues do you view as the greatest concern about human health and well-being related to water pollution?
- Where are these greatest concerns regarding human health and well-being present in the Study Area?
- Are there data sets, studies, or syntheses on human health and well-being that we should be aware of?
- To your knowledge, what entities (e.g., agencies, watershed groups, industry, NGOs, working groups) have been working on risk assessments and well-being studies? Who are the main contacts?
- What data gaps are you aware of and what additional studies would you suggest?



Mitigation

- To your knowledge, what mitigation has been conducted related to water pollution in the Study Area?
- What water pollutants have been addressed with these mitigation efforts?
- Do you know if those mitigation efforts reduced the impacts of pollutants of concern?
- Are you aware of data sets, studies, or syntheses regarding mitigation of water pollution in the Study Area that we should be aware of?
- To your knowledge what entities (e.g., agencies, watershed groups, industry, NGOs, working groups) have been involved with mitigation efforts? Who are the main contacts?
- What data gaps are you aware of and what additional studies would you suggest?
- Do you know of mitigation measures that have been used successfully elsewhere?

Impacts to Ecosystems, Including Cumulative Effects

- What impacts on ecosystems due to water pollution in the Study Area are the highest priority to address?
- Where in the Study Area have these impacts occurred?
- Are you aware of data sets, studies, or syntheses on impacts of water pollution on ecosystems that we should be aware of?
- To your knowledge, what entities (e.g., agencies, watershed groups, industry, NGOs, working groups) have been working on assessments of ecosystem impacts and cumulative effects? Who are the main contacts?
- What data gaps are you aware of and what additional studies would you suggest?

THEMES

A total of 143 comments were received in response to the standard set of questions designed to generate input for the Technical Working Groups. This input was categorized into Themes. The top Themes across all the Listening Sessions were Sources and Stressors, Data (and Data Gaps), Impacts, and Analysis.

Sources and Stressors

The sources and stressors listed below are presented in the order of the number of times they were identified as a concern by participants.

SELENIUM from metallurgical coal mines in the Elk Valley was the most commonly identified source/stressor combination at all three Listening Sessions. It was often referred to as the issue of highest concern with respect to effects on the base of the food chain, fish (specifically Westslope cutthroat trout, bull trout, burbot, and white sturgeon), birds, and human health and well-being. Another prevalent concern was the long-range transport of selenium into and beyond the Koocanusa Reservoir, with elevated levels now being reported in Kootenay Lake and potentially downstream into the Columbia River (which is beyond the scope of the Study).



"There's been a lot of work on selenium but the problems are not solved."

NITRATES from metallurgical coal mines were also raised as an issue. Current mitigation of nitrates via blasting practices, active water treatment, and saturated rock fills were recognized but concerns were expressed about continuing elevated levels downstream of the mines.

Several comments pointed out that sources of nitrates (and nutrients in general) go beyond mining. Additional sources identified included agriculture, wastewater treatment effluents from municipalities, runoff from golf courses, and runoff from logged areas.

MERCURY was raised as an issue because of concerns about fish consumption advisories in Koocanusa Reservoir and the Kootenai River downstream.

NICKEL from metallurgical coal mine waste rock areas was identified as an issue which needs more attention. Participants indicated it has been associated with effects on aquatic invertebrates in the Elk River. Participants questioned how much is known about nickel toxicity at other locations.

TEMPERATURE was raised relative to several land uses, including forestry, dams, and urbanization. For example, forestry and urbanization can result in reduction or removal of riparian vegetation which provides shade for streams. Dams can alter the temperature regime downstream. Participants pointed out that temperature and water quantity (volume and flow) are inter-related issues.

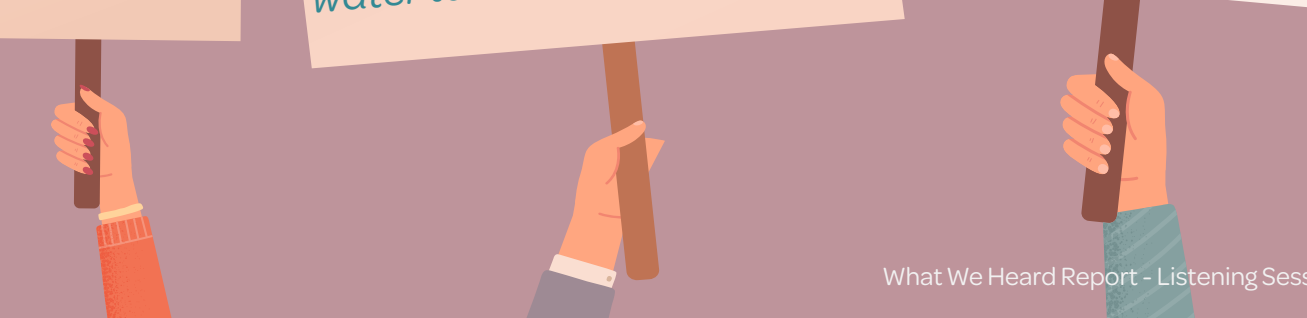
SEDIMENTATION was raised as an issue due to concerns about effects of logging on private lands, where practices lead to erosion and release of high loads of sediment to tributaries and the mainstem Elk River.

Comments were made about calcite and cadmium from metallurgical coal mines and persistent organic compounds (such as some pesticides, PCBs, PAHs, PFAS, dioxins) from highway runoff, agriculture, pulp mills, and unspecified sources.

CONCERNS ABOUT HUMAN HEALTH AND WELL-BEING included mental health issues, nutrition, polluted drinking water, fish consumption advisories, and less access to fish and wildlife. Mental health issues related to the potential closure of mines, losing jobs and not knowing how to cope with change were raised. Participants noted that anxiety related to uncertainty about specific pollution issues such as mercury and selenium as well as broad issues such as climate change can affect health and well-being.



"We are concerned about the focus of the reference around mine-related pollutants. There are great concerns around overharvesting in forestry, particularly the impact on private lands and impacts on water pollution."



"What about invasive species such as whirling disease in trout?"

"What about all of the tributaries that might have problems not evident in the mainstem such as too much water taken for agriculture?"

"The bottom line issue is uncertainty about how to cope with change. It's very complicated."

DATA

Participants identified over 30 data and information sources from industry, federal, state and municipal governments and agencies, Ktunaxa Nation Council, Kootenay Tribe of Idaho, academia, and non-profit organizations. The Technical Working Groups will be sure to explore these data and information sources.

IMPACTS

There was a wide range of observed and suggested impacts contributed by participants. Participants reported seeing impacts in the Elk and Fording Rivers, Koocanusa Reservoir, Kootenai River in Montana and Idaho and in Kootenay Lake. Observed increases in fish deformities caught by anglers, including missing or deformed gill plates, facial deformities, and curved spines were reported. Exceedances and/or increasing trends of selenium in egg/ovary tissue of fish have been measured. Reductions in size and number of fish in Koocanusa Reservoir were noted.

Nitrates, changes in nitrogen/phosphorus ratios, and nutrients in general were associated in some comments with changes in community structure of benthic macroinvertebrates and attached algae (periphyton). For example, participants reported impacts upstream and downstream of Koocanusa Reservoir.

Ecosystem impacts noted by participants included loss of forest cover leading to higher peak flows, erosion, deposition of sediments, and degradation of aquatic habitat. There were a number of comments about the importance of considering cumulative effects on key populations of aquatic species. It was noted that logging on private land, linear development (especially roads), mining, and urban development can all contribute to increased loading of pollutants. Participants noted that changes in water quantity (river flows, lake levels) and water temperature related to climate change, water withdrawals, and flow regulation affect the quality and quantity of aquatic habitat and life cycles of aquatic life.

Impacts on mental health and well-being were identified and discussed. On the one hand, mental health effects related to mine closures, job losses, and loss of potential future jobs due to the declining role of coal were raised. On the other hand, effects on mental health and well-being to questionable drinking water quality and loss of access to traditional foods either via consumption advisories or reduction of fish and wildlife populations were described.

“Bull trout don’t look healthy and look under-nourished in Koocanusa Reservoir.”

Anxiety and “not knowing how to cope with change” were primary concerns.

IEKWSB Public Listening Session in Bonners Ferry, ID on August 6, 2025

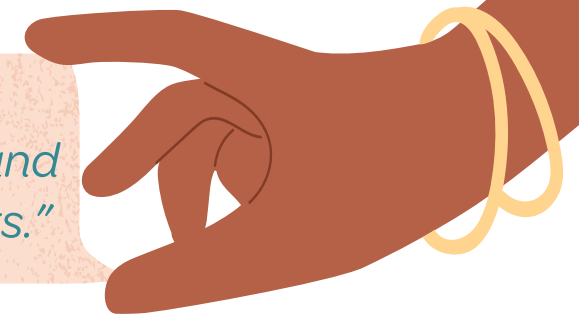


ANALYSIS

All three Listening Sessions had questions regarding analysis of the effects of selenium not captured by current treatment operations. There were also calls for examination of cumulative effects. Reference was made to using indicators and benchmarks of cumulative effects to evaluate the overall effects of the combination of land uses in the study area.

The majority of suggestions for analysis were about mitigation. There was interest in mitigation efforts and their impacts on pollutants of concern. Analysis of uncertainty associated with the efficacy of mitigation was recommended, including the effects of scaling up technology to full-scale application. Analysis of emerging and underutilized technologies was encouraged. Several examples of mitigation at other sites outside of the study area were provided as useful sources of information. There was interest in a tally of the pollutants that are removed by the range of water treatment facilities in the study area including mines, municipalities and pulp mills.

“Think about climate impacts and cumulative effects.”



DATA GAPS

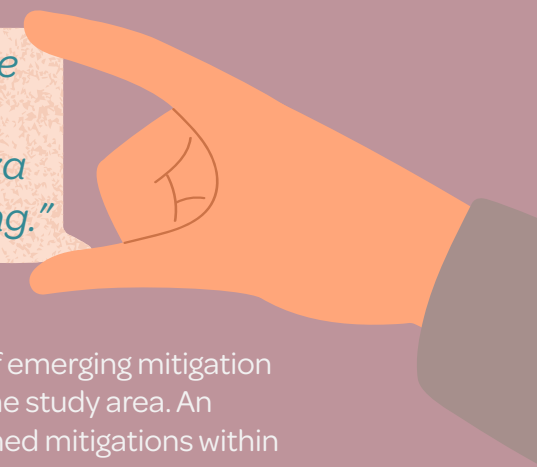
Gaps in water quality data were identified discussed primarily with reference to portions of the study area outside of the Elk watershed and Koocanusa Reservoir, and/or for pollutants generated by sources other than mines (e.g. forestry and agriculture) anywhere in the study area. Gaps specifically mentioned included: sedimentation/total suspended solids downstream from logged areas; nutrients and pesticides from agriculture; hydrocarbons and salts from highways; and persistent organic pollutants from urban areas, highways and railways. There were several comments expressing concern about the lack of baseline information to establish trends over time, particularly with respect to data from 30 or more years ago when laboratory analytical methods were different or not available at all. It was suggested that historic records for the presence and relative abundance of Westslope cutthroat trout be sought.

There were many data gaps identified for impacts. Data gaps in the Elk watershed included impacts of logging in the Elk, and effects on tributaries to the Elk which are not evident in the mainstem. Downstream data gaps included effects on burbot, reasons for the lower numbers and size of fish in Koocanusa Reservoir, impacts to birds, and percent mortality of fish due to the increased incidence of deformities being observed. General gaps included effects of agriculture, urban areas (particularly sewage and stormwater discharges), and road runoff.

Data gaps for effects on human health focussed on mental health and well-being. There was uncertainty regarding the existence and availability of data from such a large study area with different health regions and authorities.

Data gaps for mitigation included a better understanding of passive treatments, including wetlands and an analysis of emerging mitigation technologies in terms of their applicability to the pollutants of concern in the study area. An overarching topic was the need for holistic analysis of the effects of combined mitigations within specific areas.

“Data gaps include specific studies focused on Ktunaxa health and well-being.”



OTHER THEMES

SCOPE

There continued to be several comments on the scope of the study, particularly given the 2-year timeframe. The Study Board is aware of the challenges of this timeframe, and accordingly set the primary goal of the Listening Sessions as obtaining input about prioritization of the work to be done by the Technical Working Groups. There were also many comments cautioning against exclusive focus on selenium and other coal mine-related pollutants such as nitrates. Calls for consideration of cumulative effects and the use of holistic approaches on a watershed-wide scale were made at all of the Listening Sessions.

FURTHER WORK

There were several suggestions which can be considered by the Study Board as they develop recommendations for further work. These suggestions included improved land use data collection and mapping with regular updates. There was a recommendation for real time water quality data sharing between Canada and the United States, particularly with respect to emergency management or transportation. Specific ideas for future work included more toxicity data for all species of fish in the Koocanusa Reservoir, Kootenai River and Kootenay Lake. The need for fish population studies was highlighted. There was a suggestion that studies should be done by third parties.



There were several calls for developing effective processes for connecting between data, impact analysis and taking action.

REGULATIONS

Differing regulatory standards, objectives or guidelines across jurisdictions was the primary concern related to regulations. There were several calls for investigation of the reasons for the differences. One of the objectives of the Mitigation Technical Working Group addresses this issue (see the Plan of Study).

Another issue identified by participants was the varying degree of regulation and enforcement across industries and other land uses such as urban development and agriculture.

REPORTING

There were a number of suggestions provided by participants for the final report. Ideas included a list of studies pertaining to the various geographic areas within the study area, accompanied by a commentary on where data are not limited versus limited. A map portraying the location of data was suggested.

AWARENESS

This Theme was created because there were several helpful suggestions for effective communication and engagement. The need for readily accessible and sufficiently frequent communications was raised. This need is illustrated by the frequency of certain questions being asked, despite their being answered in previous public communications and engagement exercises (e.g. the previous What We Heard document summarizing questions and answers regarding the Plan of Study).

Specific suggestions included bringing the Plan of Study information to a non-technical level so that it is understandable. Another idea was to provide opportunities for people to bring up mitigation strategies to show that there are actions that citizens can take to mitigate impacts. There were also questions about whether there will be more in-person meetings throughout the study area. There was a request for more information about the Advisory Groups and their role.

The Study Board will include these ideas and suggestions in our ongoing reviews of our Engagement Plan.

SOME MEMORABLE COMMENTS

There were some memorable public comments from the Listening Sessions. Here are some of the many memorable comments we heard. These comments illustrate the breadth of knowledge and the depth of concerns among participants.

"Don't waiver from the science."

"There is a steep learning curve for non-Indigenous people involved in the study. Compile and assess lessons learned."

"This is a room of experts. We need to get more community people involved and use really good communication output."

"The entire system is impacted and important so it's hard to choose which is most valuable."

"There are few opportunities for wider discussion of theories or suggestions on mitigations strategy. We want to know things we can do to make a difference."

"Don't reinvent the wheel."



Thank you to all participants for your time and valuable input.



Engagement with individuals who live, work or have interests in the Elk-Kootenai/y watershed is vital in ensuring the success of the Study Board's work. The Study Board plans to implement further opportunities for providing feedback as our work progresses. We welcome suggestions for methods of obtaining input which best suit the needs of people in the study area.

For more opportunities to learn more, please go to the Study Boards webpage at ijc.org/ekwsb.

You can also find Study Board updates on the International Joint Commission's social media channels.



IJC - International Joint Commission



@IJCsharedwaters

Appendix III: Table of Comments and Responses for the Interim Status Report

Review group	Page number	Comment received during the Interim Report review period	Potential Solution from Commenter	Response
Public	N/A	The amount of allowable selenium should be capped at 0.8 mg/L on both sides of the border, and this limit should be enforced to protect Montana's waters and fish populations; No new mines should be permitted in British Columbia until existing mining operations adequately address these harmful levels of selenium, and mine bonding in British Columbia is increased to cover the costs of mitigating existing pollution. There needs to be a plan to treat polluted water, including building and funding infrastructure to adequately treat far more significant portions of water runoff from the mines. Water should be monitored continuously. The owners of the mines should be held financially liable for damages to U.S., State, and Tribal government resources.	None provided	The recommendation related to selenium limits in water has been received. Regarding what should be done, the Reference indicates that the Governance Body is to develop an action plan that makes use of Study Board's final report. No change to the Interim report
Public	N/A	As evidenced by our continual support of the site-specific standard in Lake Koocanusa because the levels of selenium coming from Canadian coal mines are toxic for fish and threaten the health of our waterways, as well as our outdoor recreation economy. The amount of allowable selenium should be capped at 0.8 mg/l on both sides of the border and this limit should be enforced to protect Montana waters and fish populations and a good monitoring program should be established.	None provided	The recommendation related to selenium limits in water has been received. Regarding what should be done, the Reference indicates that the Governance Body is to develop an action plan that makes use of Study Board's final report. No change to the Interim report
Public	N/A	Thanks to all those who have worked so diligently on this and I wish you well in your efforts over the next year. My particular interest is the effect of mine effluents and their impact on water quality of the Elk River and Lake Koocanusa.	None provided	General comment, no change required.
Public	N/A	Data was accumulated from the past three years and shows a downward trend in cumulative fish sightings and releases as explained in the body of the three pages of the attachment. We are submitting this to IJC because several participants in the IJC meeting in Bonners Ferry last month mentioned that anecdotal experience from people who recreate on or live near the Kootenai River is as important as professional research endeavors in arriving at a picture of what the Kootenai River is enduring; see attached file for data for ecosystem twg	None provided	Potential data source forwarded to TWGs for consideration.
Public	N/A	The interim report suggests a Phase II may be required for the Study Board given the broad scope and extent of the watershed. The IJC should commit to supporting a Phase II while the first round of recommendations are being implemented.	None provided	No change needed to the document, but comment was flagged for discussion with IJC commissioners and/or governments. While the Study Board is required by the Directive to make recommendations for further study as part of its Final Report, it is the understanding of the Study Board that a subsequent reference from governments would be required to conduct them.
Public	N/A	A major gap in the reference and tech review is the complete absence of mentioning mining. Perhaps this will emerge if additional time is allotted Obviously the source of selenium pollution and high nitrates in the Elk-Kootenai/y watershed are from Elk Valley Resources' massive coal mining operations. While perhaps this was a political decision to avoid mentioning mining, the reference needs to address conflicting standards for mine contaminants in the different jurisdictions and ensure that EVR comes into compliance and is accountable to recommendations out of the Study Board.	None provided	All sources of water pollution within the watershed are within scope. As indicated in the Reference, the Governance Body will consider the recommendations of the Study Board and develop an action plan.
Public	N/A	While on a tour of EVR's water treatment facility at Fording River South, there was suggestion of other potentially more cost-effective treatment options for selenium and nitrates. The Study Board should evaluate effectiveness of the current treatment (and lack of scale), and also evaluate these new treatment techniques (should they be pursued), and what other options might be available for all EVR operation source pollution.	None provided	This comment was forwarded to Mitigation TWG for consideration.
PAG	N/A	Overall, the report is well-written and in plain language, making it easily understood by anyone wanting to read the report. This outlines a clear plan for the remaining Reference time and what will be achieved by TWGs. This gives a strong line in the sand for expected deliverables.	None provided	General comment, no change required.
PAG	29	Mitigation TWG: This TWG aims to analyse how mitigation techniques have been used in the watershed so far and evaluate their effectiveness. The Elk Valley community will want to see what mitigation strategies are going to be effective going forward, not just what's been effective so far. It's fairly obvious there's an issue if the IJC is investigating watershed pollutants, so therefore current mitigation strategies aren't working as well as they should. Emphasis should be on future mitigation strategies and recommendations	Consider renaming this TWG so community doesn't get the wrong impression that it's about mitigation recommendations. People will be expecting to see a list of recommended mitigation strategies and this report doesn't seem to provide this. We should be drawing on global knowledge, understanding what's working elsewhere, and recommending those mitigation strategies are implemented.	Considered by SB but decision not to change. Readers are directed to the Mitigation TWG Objectives in the Plan of Study and the Interim Report which provide additional context for the work of the Mitigation TWG.
PAG	26	WQST TWG: Focus on activity point 4. We want to know the actionable outcomes and next steps as a result of this work.	N/A	The comment was forwarded to WQST TWG for consideration.
PAG	26	WQST TWG: The focus on transboundary pollutants is great. However, don't discount the local contaminants that communities care about and risk alienating them or risk them not feeling seen or heard.	A table of relevant pollutants to the Reference and whether they're local (including which region they relate to) or transboundary in scale would be a nice way to address local concerns. This will bridge the gap by ensuring local communities feel represented while also keeping scope by focusing on transboundary pollutants of concern in the Reference. This was discussed at the PAG meeting on September 4	This comment was forwarded to WQST TWG for consideration.

Review group	Page number	Comment received during the Interim Report review period	Potential Solution from Commenter	Response
PAG	26	WQST TWG: Different watersheds/states/nations have different pollutant exceedance levels	Consider incorporating a schematic that shows the discrepancies for differing exceedance levels for different contaminants of concern. Using selenium levels in BC vs Montana is a good example of this and would be a good thing to visualise for end readers and decision-makers to aid comprehension.	This comment was forwarded to WQST TWG for consideration.
PAG	28	EICE TWG: This TWG seems the least fleshed out. It doesn't have a breakdown of what the proposed key activities are in the workplan. It feels like it needs more work to define the scope, but that is also too little too late nearly a year into the study. Cumulative effects and hydrologic impacts on watersheds is so important to understand the full picture of pollutants of concern. It would've been good to see this scoped out. Has it been hard to source SMEs for the TWG and is that why it's not fully developed?	Given the little progress that's been made since the Reference began, another status report is required to understand TWG progress and whether or not this study will realistically meet those goals.	TWG Workplans have advanced since the Draft Interim Report was put out for comment. The complete workplans will be included in the final report.
PAG	19	It's nice to see the study outline its Indigenous engagement and knowledge incorporation to date. However, be sure to check the balance between showing people it's happening and being viewed as tokenist. The line on page 19 about the SB learning to introduce themselves in Ktunaxa, along with all the bullet pointed activities, seems unnecessary. These activities are great, but they don't need specific mentioning. Makes it sound like it was only done so that SB members could talk about it and feel good about themselves. Further, at the public webinar no one used their Ktunaxa introduction etc, again making it feel like an activity completed to fulfil a line item in the report.	If Ktunaxa members of the SMT & SB want this information included then please continue. However, consistent and meaningful engagement should be happening all the time without the need to turn it into line items in the report. This section could be shortened and made more meaningful without the specific breakdown.	The SB thought it was important to include specifics with respect to Indigenous engagement to date, the interim report was not changed.
PAG	N/A	The final draft report is due for public consultation in 10 months. According to the Interim Status Report timeline there will be no further public comment period before then. Is there any way there could be a review of the actual report outline including items such as outline of report content, TWG progress or whether objectives have been met? This would bring public on the journey and ensure there aren't surprises when the draft report comes out if progress hasn't been as intended	Introduce an additional comment period for a wireframe report or TWG progress tracking against objectives in March or April next year. OR include a wireframe in an upcoming IJC newsletter and discuss progress and projections, not just a list of 'here's the random stuff we've done'	The Interim Report indicates the SB's draft final report will be made available for public comment in July 2026, no change to the interim report.
PAG	N/A	This study has a \$4.9M budget. Use this to your advantage by helping other organisations with relevant information beneficial to the study. Find ways to streamline and speed up the process to get as much done as possible. Common sentiment in the Elk Valley is that this study will be a waste of time with no hope anything will come of it. Prove them wrong!	Engage with local organisations with local, relevant knowledge. For example, the Elk River Monitoring Collaborative could work with the IJC to expedite its consolidation code development for water quality indicators in the Elk Valley and provide this to the appropriate TWGs.	The SB released a call for data and information in October, which resulted in 30 responses. The SB, through the SMT, is coordinating interactions between the TWGs and Advisory Groups. No change to the Interim Report.
PAG	32	Really this is a study that will say 'we need to do more study'. Indication is that this report is largely going to be a synthesis of available data, or aiming to understand the state of knowledge (e.g. Impacts to Human Health TWG). Seems like this is a two year metadata review with no actual new science added to the knowledge base, with the main outcome being 'here are the data gaps'. The Report outlines this in the issues section at the end, but this really needs to be highlighted up top, otherwise people are going to get frustrated reading the report and not even get to the section where you recognise and outline the issues	The 'Issues for Commission Awareness' need to be brought up to the top of the document. This brings a sense of connection between the IJC's work and the community - it's good to know that the SMT & SB recognise these same issues and are raising them with the IJC. Why leave it to the end when there's such a small chance of people even reading until then anyway? It needs to be front and centre up the top of the document where people can read it, and understand and contextualise the Reference environment	This report organization suggestion will be considered by the SB for the Final Report.
PAG	N/A	We hope that your final recommendations include strong regulatory measures that ensure water quality downstream is protective of aquatic life and cultural resources. Polluters must be held accountable for cleanup costs, so that the burden does not fall on taxpayers or downstream communities.	None provided	The Directive asks the Study Board to conduct "A synthesis of the available data and scientific information and a resulting understanding of the water quality issues in the Kootenai/y watershed including contaminants of concern, areas, and water and ecological resources affected". The Final Report will provide recommendations for "improving understanding, measurement, and monitoring of the matters reviewed by the Study Board".
PAG	N/A	No new mines or expansions should be permitted until wastewater treatment systems are proven capable of eliminating all current and future sources of contamination. Please require the Province of British Columbia to honor its role on the Study Board by refraining from permitting new mines or expansions until your study and recommendations are complete.	None provided	The concern about providing recommendations to mine expansion is outside the mandate of the Study.
PAG	N/A	British Columbia is on the verge of revising its Area Based Management Plan. This work must not be completed before your recommendations are finalized, so they can be integrated. Proceeding prematurely would be inappropriate and undermine the Study Board's mandate. Please require the Province of British Columbia to honor its role on the Study Board by delaying the Area-Based Management Plan until your study and recommendations are complete.	None provided	The SB has a timeline it has been given and it has met all deadlines to date. This recommendation is outside the mandate of the SB. The Reference indicates that the Governance Body will be developing an action plan upon receipt of the Final Report from the Study Board.
PAG	N/A	Glencore should be required to invest in treatment technologies that fully clean water leaving their mines, ensuring Montana's standard is met at the U.S.-Canada border.	None provided	This recommendation on requiring investment in treatment technology is outside the mandate of the SB. The Reference indicates that the Governance Body will be developing an action plan upon receipt of the Final Report from the Study Board.

Review group	Page number	Comment received during the Interim Report review period	Potential Solution from Commenter	Response
PAG	N/A	Adequate bonding must be required to fund perpetual treatment, independent of continued mining. Glencore/Elk Valley Resources claims it can remove 95–99% of selenium from treated water. They must be required to treat all water leaving their mines.	None provided	This recommendation regarding mine bonding is outside the mandate of the SB. The Reference indicates that the Governance Body will be developing an action plan upon receipt of the Final Report from the Study Board
PAG	N/A	ask that final recommendations include 1. Improved water treatment: Current treatment projects are significantly insufficient to protect downstream waters. Infrastructure must be built at the speed and scale required to permanently safeguard aquatic life, fisheries, human health and cultural values. 2. Adequate mine bonding and financial assurances: Responsible parties must be held financially accountable for perpetual treatment needs, and the IJC should recommend permanent funds to finance long-term wastewater treatment. 3. Consistent, enforceable standards: Strict water quality standards must be applied on both sides of the border. Specifically, selenium should be limited to 0.8 micrograms per liter, in line with Montana's standard under the U.S. Clean Water Act. Governance and enforcement mechanisms must be explicit and effective. 4. Long-term shared management: Watershed governance and oversight must continue well beyond the two-year study period, until all pollution harms are fully addressed.	None provided	The Reference indicates that the Governance Body will be developing an action plan upon receipt of the Final Report from the Study Board.
PAG	27	Acknowledge and address differences in government guidelines and nutritional guidelines that can impact human health. For example comparing Montana's, US federal, Canadian and British Columbia's guidelines including nutritional guidelines for Se with the basis for each would be helpful for resolving the misalignment that leads to public confusion and muddled action. A commitment to harmonize guidelines in this section will highlight the need for unified, science-driven standards (as opposed to conflicting limits) to provide science based limits for drinking water and overall well-being of communities on both sides of the border.	Recommended Addition at end of Objective 3: "Moreover, this TWG will evaluate discrepancies in water quality guidelines including nutritional guidelines across jurisdictions and develop science-based recommendations to harmonize these standards (e.g., for selenium) for humans."	The Reference indicates that the Governance Body will be developing an action plan upon receipt of the Final Report from the Study Board.
PAG	28	Differing regulations can undermine ecosystem protection. For example, current selenium criteria for Lake Koocanusa differ significantly: Montana adopted a water column standard of 0.8 µg/L in 2020 to protect aquatic life, whereas British Columbia's guideline remains 2 µg/L for aquatic health. Canada's Federal Environmental Quality Guidelines for Se are based on fish tissue. US EPA has yet another guideline for Se and fish health. Such misalignment could lead to uneven health protections and public confusion, which has direct implications for aquatic ecosystems and species in Lake Koocanusa and downstream. CLEAR Society recommends the Study Board explicitly task the Ecosystems TWG with examining these regulatory inconsistencies and urging a science-based harmonization. By doing so, the Study can facilitate a unified approach to pollutant thresholds that reflects the most up-to-date research on ecological effects.	Recommended Addition at end of Objective 3: "Additionally, this TWG will consider how inconsistent water-quality standards between jurisdictions may affect ecosystem health, and will recommend harmonization of key guidelines (e.g., selenium limits) based on science to ensure equal protection for aquatic and terrestrial life across the basin."	The process includes Study Board review of all TWG work produced. This TWG work in addition to SB work forms the basis of SB recommendations in the Final Report. Recommendations will be determined at that time.
PAG	7	The description of the route of the water flow does not mention groundwater as a route for the water and that aquifers like the Lower Elk Aquifer can act as natural mitigation for mine contaminated water like Se.	Recommended addition at line 1 of Page 7: "Part of the Elk River travels unseen beneath the land, flowing quietly through the Lower Elk Aquifer before joining Koocanusa. The groundwater occasionally surfaces through springs, ponds, lakes and creeks weaving a living path from Elko to Koocanusa."	Added a sentence referring to groundwater and surface water interactions throughout the basin.
PAG	27	The current draft does not mention the Lower Elk Aquifer, an important hydrologic feature in the watershed that acts as a filter for Se (a natural mitigation measure). CLEAR Society's studies have found that the aquifer contributes approximately 1.1 cubic meters per second of flow to the Koocanusa (Doppler Flow Measurements available upon request). The aquifer's geology and the bacterial processes in lakes promotes the attenuation of selenium through natural processes (Se water analysis available upon request). Including this information will fill a knowledge gap in the report's characterization of pollution transport. It underscores the need to protect such natural filtration functions. Note: Se levels are attenuated to levels that make the water safe to drink from domestic wells in the Baynes Lake Area.	Recommended Addition in line 28 before last sentence in paragraph: "Also include natural mitigation measures like the Lower Elk Aquifer and its attenuation of Se."	This comment was forwarded to WQST TWG for consideration.
PAG	N/A	Myself and others in the public advisory group expressed dissatisfaction about the lack of warning and short time period for submission. These concerns seem to have been ignored, which was disappointing, but not unusual given that most concerns in the PAG meetings have also been ignored or dismissed. Despite this dissatisfaction I will continue to participate in ways that I see as having a chance of being effective.	None provided	As the study board continues to navigate this 2 yr timeline, the Study Board will endeavour to provide a longer comment for the Final Report.
PAG	N/A	I found the failure to even mention coal mining impacts in the interim report concerning. The report displays the intention to improve transparency and understanding of these impacts. However, I believe there are several critical areas that must be addressed in the next phase of the study to ensure it delivers actionable outcomes.	None provided	The Study Board and TWGs will be considering all available industry data and reporting regarding all sources of water pollution in the watershed.

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PAG	N/A	Inclusion of a Mitigation Study. Without an explicit study of feasible mitigation and treatment options, the Commission's work risks stopping at problem identification rather than advancing solutions. A dedicated mitigation study with an examination of costs and funding opportunities should be integrated into the IJC's work program so that governments, communities, and regulators have a science-based foundation for evaluating what actions can reduce pollution and restore aquatic ecosystems. Whether this takes place in this study or is able to be fit into an expanded IJC phase 2 is another question. The short timeline associated with this study would make it difficult to do this important topic justice.	None provided	This recommendation has been forwarded to Mitigation TWG for awareness.
PAG	N/A	Support for Phase 2 of the Study. I strongly support the launch of a Phase 2 study. While the interim report provides valuable baseline information, more detailed and targeted research is urgently needed. Phase 2 should build upon existing monitoring while broadening the scope to include hydrological modeling, ecosystem risk assessment, and the evaluation of mitigation strategies. Without this second phase, the effort risks leaving critical questions unanswered at a time when they are most needed	None provided	The Study Board is required by the Directive to make recommendations for further study as part of its Final Report, it is the understanding of the Study Board that a subsequent reference from governments would be required to conduct them.
PAG	N/A	Concerns About Timing Relative to BC's Area-Based Management Plan Amendments. Finally, I am deeply concerned about the timing of the study in relation to the Province of British Columbia's ongoing amendments to the Elk Valley Water Quality Plan and Area-Based Management Plans. Decisions are being made now that will lock in long-term management approaches, and are likely to undermine the chances that any recommendations made in the report will be utilized. To me, the timing of ABMP amendments and IJC report release seems extremely unfortunate, again signaling the importance of a phase 2 study if we are hoping to have positive impacts on water quality.	None provided	The Reference indicates that the Governance Body will be developing an action plan upon receipt of the Final Report from the Study Board.
IAG	24	TWG membership and "scientific objectivity" – The report states that TWG members were selected based on several criteria, including "scientific objectivity," but does not readily identify members here or on their website or describe how objectivity is being ensured. Readers may wish to ask for clarity on membership and how objectivity will be maintained, particularly where members (e.g., USGS) may already have taken public positions on matters in Lake Koocanusa/the Kootenai River.	Release the names of the TWG members and their affiliated organizations. This is required for transparency and credibility of the results. Despite being asked to contribute as individuals, there are numerous apparent conflicts of interest that should be divulged. The credibility of the work produced cannot be reasonably assessed without an understanding of the qualifications of the authors.	The names of TWG members will be posted to the Study Board website when the final study report is completed; no change to document.
IAG	25	Data analyses – The report confirms that no new field data will be collected, but that additional analyses of existing datasets may be undertaken. The report also notes that such analyses may be truncated due to time and funding constraints. To the extent that additional analyses are performed, it is important that the Study Board clearly disclose the scope of work, methodology or analysis, identify data gaps, and expressly acknowledge the limitations imposed by time and resources.	Any conclusions must include appropriate information that contextualizes time/scope/expertise/methodology limitations; so reliance is limited and accurately informed. Given the relatively short time available to complete the work it appears unlikely that there is sufficient time to complete a robust synthesis and analysis of all available information.	TWGs are aware of these challenges and are continuing to develop and implement their workplans in an iterative manner commensurate with the timeline. No change to Interim Report.
IAG	26	Data quality criteria – The Water Quality Status and Trends TWG is tasked with compiling "high-quality data sources" and eliminating others from further evaluation.	Determination of data quality needs to be transparent; identify what constitutes "high-quality data," as well as disclosure of which data sets are excluded and why.	The comment related to data quality criteria is examined within the SB Data Management Plan, which applies to the work of all TWGs.
IAG	23	Technical Working Groups outputs - The recommendations put forward by the Study Board need to be supported by transparent disclosure of the reports prepared by the Technical Working Groups; if they are not the credibility of the recommendations is in question.	Release all TWG reports prepared for the Study Board as a matter of transparency. Technical outputs should be transparent as to authorship, references and basis of conclusions as is standard for any technical work.	Process suggestion which will apply to the future SB process for release of TWG reports, no change to Interim Report.
IAG	31	Independent Review Group - lack of transparency	The participants in the IRG should be divulged including name and affiliations.	The IRG names will be released when the IRG report is released. No change to the Interim Report.
IAG	32	The Study Board is not appropriately respecting the established 2 year process timeline.	Despite many comments suggesting that the Plan of Study was too broad to be reasonably achieved within the remaining timeline, there is no evidence that adjustments were made. At numerous places within the Interim Report references are made to recommendations for future work; which has also come up more regularly in discussion. "Phase 2" is casually mentioned, people involved in the process have quipped that it will go on forever and there does not appear to be any effort to rein this in. If there are recommendations for continued work the Study Board should focus only on the specific transboundary issues that would benefit from a transboundary working group effectively re-narrowing the scope to the most pertinent issues.	Scope and timeline are defined by the Reference, Proposal and Directive, and cannot be changed, no change to Interim Report.

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IAG	N/A	The establishment of the TWGs at the 11 mo. point results in only a year left in the program to complete their required work. Although I have been assured there are many highly qualified and dedicated people on the TWGs, and I have no doubt that they will work extremely hard, I am highly concerned that this amount of time will not permit any new analysis of data or meta-analysis that should be done as part of this study as per the directive to the Study Board. I am concerned that the TWGs will simply compile the existing literature on water quality, without doing any new analysis or work to advance our understanding.	Provide an additional year and additional funding for the TWGs to complete their work. Ensure they have access to relevant existing data on water quality in the study area to analyze.	The Study is required to work within the timeframes of the Reference.
IAG	6	The Directive to the study board included 'independent peer review'. Yet I see no mention of this in the interim draft report. Has this been done yet or is this a component of reviewing the work the TWGs do.	None provided	Added a statement that says that the IRG review was concurrent with public review. Note that this was a peer review. The IRG will review the Interim and Final Reports. The IRG's reviews/comments will be made public.
IAG	27	The Objectives for the TWG on Human Health and Wellbeing and on Water quality do not mention stressors such as wildfire. The excessive sediment in water resulting after severe wildfires can significantly and negatively impact drinking water quality and make treatment extremely difficult and expensive. This needs to be considered, given that wildfires are becoming more frequent and more severe in western NA (there are peer-reviewed papers demonstrating this).	Please ensure the TWGs all consider the 'baseline' including the impact of wildfires on drinking water quality, water quality in general, aquatic organisms, etc.	This comment was forwarded to TWGs for consideration.
IAG	29	The objectives for the TWG on Ecosystems and Cumulative Effects must consider the drought and other changes in climate the study area has been impacted by over the past 15 years or so, which are resulting in decreased water levels in lakes and wetlands from valley bottom to alpine (pers. obs from extensive field experience). This drought is likely having impacts on aquatic animals and terrestrial ones - it certainly is on trees. Many of our largest and oldest trees are dying from a combination of water stress, insect attack, and/or wildfire.	None provided	This comment was forwarded to EcoCE TWG for consideration.
IAG	29	For data on pollution related to forestry, contact the Ministry of Environment in Cranbrook to obtain water quality monitoring records.	None provided	Potential data source forwarded to TWGs for consideration.
IAG	29	For data on sedimentation related to forestry roads, contact the FREP (forest and range evaluation program) water quality monitoring program website. Contacts there can share monitoring data and results with you from throughout the study area in Canada. The BC Forest Practices Board has completed a recent report on water quality and forestry, also available from its website.	None provided	Potential data source forwarded to TWGs for consideration.
IAG	N/A	There are additional information on water quality related to forestry in Canada and mitigation measures, Dr. Silins from University of Alberta has conducted studies on recent logging practices that can be informative and should be considered. These were conducted just adjacent to the study area in similar terrain, geology, and ecosystems. As example is provided. I strongly suggest that Dr. Silins' work be included in the literature reviews for all working groups.	https://chemrxiv.org/engage/api-gateway/chemrxiv/assets/orp/resource/item/65ef26eb66c1381729bfc1b/original/contemporary-forest-harvesting-impacts-on-water-quality-and-treatability.pdf	Potential data source forwarded to TWGs for consideration
IAG	N/A	There are data collected by independent professional hydrologists in a BACI framework for an intact watershed (2 yrs before, 2 yrs post-harvest) water quality monitoring that I can share. It is from the Upper Flathead, this is a few Km away from the study area and virtually identical in terms of soils, terrain, forests, etc. The study showed no detectable impact of forest development on TSS or turbidity. There are also many years of water quality monitoring data from periods from 1996 through 2008 on the Kootenay River (at Skookumchuck Cr. above the pulp mill intake) and on Matthew Cr. on the St. Mary's River which we can share if there is interest.	see attached study pdf	Potential data source forwarded to TWGs for consideration.
CoGAG	N/A	It would be beneficial to review accessibility of document especially sections with blue backgrounds and hyperlinks.	None provided	Document was reviewed to consider accessibility.
CoGAG	5	In the blue box on page 5, all the excerpts included are from the Proposal. For accuracy, the second, that attributes to direction from the Reference, should also make clear it is from the Proposal.	Revise to make it clear that it is the Proposal, not the Reference, that requested the IJC to assist in the establishment of the Governance Body and to convene experts and knowledge holders in a Study Board.	Document was reviewed and original text appropriate
CoGAG	5	The Interim Report states that the "IJC, after its own review and process, will share the recommendations and findings with governments and the Governance Body." Is there a timeline for the IJC review? Will there be a public comment period on the final report?		A sentence was added indicating that there will be a public comment period on the draft Final Report.
CoGAG	6	The blue box on page 6 that spells out what the Directive requests of the Study Board does not reflect the 3rd duty, which is to: "Conduct Broad Engagement: Consistent with the March 8, 2024, Reference to the Commission, the Study Board is expected to draft and implement an engagement plan that includes engagement with federal, provincial, state, First Nations, Métis, and Tribal governments, industry, local communities, organizations, the public and others who live, work or have interests in the watershed. The overarching goal is to build relationships and seek, document and consider the resulting input and perspectives in assessments, conclusions and recommendations, as appropriate."	The Reference and the Proposal are the two main documents that highlight what is being requested of the Study Board. However, if including language from the Directive, which is IJC's direction to the Study Board to implement the Reference, please make the distinction between the two document clear and include all the parts of the Directive, if that is the document being referenced, that apply to the Study Board.	The box was removed to reduce confusion

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CoGAG	6	With respect to the blue box on page 6 that spells out what the Directive requests of the Study Board, issues related to governance and decision making are outside the scope of the Reference. For example, "how governance and decision-making as it is currently structured creates challenges or opportunities in the potential implementation of Study Board recommendations" are not scientific matters but matters for the responsible governments to determine once the Study Board's recommendations have been received - and consideration of these challenges is in fact part of the Governance Body's ToR. The scope is more accurately captured on page 10, paragraph 2, which states: "to support a common understanding of pollution within the Kootenai/y watershed and the impacts of that pollution on people and species".	Ensure the focus of the Study Board and its TWGs is to share, synthesize and analyze data and information to support a common understanding of pollution within the Kootenay watershed and the impacts of that pollution on people and species.	It is a quote from the Directive issued to the SB by the IJC; no change to document.
CoGAG	7	As noted in input on Plan of Study, the current text doesn't acknowledge other First Nations beyond the Ktunaxa in the watershed. Other First Nations also identify traditional territory in the Kootenay watershed (i.e.: Shuswap Band, Okanagan Nation Alliance).	For a comprehensive snap shot of the watershed/region, other First Nations that identify traditional territory in the Kootenay watershed should be acknowledged. Adding that in several points throughout document in referencing the territory and region, the language depicting and describing Ktunaxa territory should be represented as the "view of the Ktunaxa Nation" as this reference should not be viewed as a rights and recognition process as that is outside the mandate and purview of the IJC and the scope of this Reference.	A sentence was added acknowledging the other Nations in the watershed.
CoGAG	10	Resolution of Figure 2 is low – is there a higher resolution copy that can replace it?	Higher, clearer resolution of picture should be inserted; alternatively, it can be added to an annex if requires a full page to ensure optimal resolution.	Higher resolution photo was provided.
CoGAG	11	An explanation of how the Study Board was appointed would be helpful context. I.e. where did the IJC find suitable participants? What was considered when appointing people to the Study Board?	Include an explanation of how the Study Board members were chosen and appointed to the Study Board.	No change to Interim Report which describes the progress of the Study thus far. The IJC selected Study Board members for their expertise and ability to provide independent, unbiased, scientific advice for the basin.
CoGAG	11	This section states that the responsibilities of the Governance Body are set out in the Reference, with the link provided to the Reference. This is not accurate. In fact, the Governance Body is governed by its own Terms of Reference agreed by all of its member governments and the appropriate link is the following: https://ijc.org/en/terms-reference-governance-body	Please correct this to state that the Governance Body is governed by its own Terms of Reference agreed by all of its member governments and change the link from the Elk-Kootenay Reference to the Governance Body's ToRs.	Change made per commenter recommendations.
CoGAG	11	It is noted here that the "Study Board regularly consults with a Council of Indigenous Knowledge Holders...". A better description of how often "regularly" occurs would be helpful (i.e. once a month?).	Elaborate at what frequency is "regular" engagement with the Council of Indigenous knowledge Holder occurs, as well as provide some additional context with respect to update reports on Study Board's engagement that is requested of the Study Board in the Reference (i.e.: "The Study Board is expected to seek opportunities for public engagement, provide regular update reports, and make its reports available in a transparent, publicly available format.").	Changed to "periodically".
CoGAG	11	With respect to the following sentence: "It is recognized that other sub-Councils may be formed as the Study proceeds." This sentence could be extended to note that "other sub-Councils may be formed if other Indigenous Nations with traditional territory in the watershed wish to engage as the Study proceeds".	Modify last sentence to say, for example, the following: "other sub-Councils may be formed if other Indigenous Nations with traditional territory in the watershed wish to engage as the Study proceeds".	Change made.
CoGAG	11	Have any other First Nations or Tribes expressed an interest in being part of the Council of Indigenous Knowledge Holders (CoIKH)?	None provided	Included a statement that the CoIKH is in the process of including other FN and tribes. There is language in the Interim Report about how other Indigenous knowledge will come into the study (please see CoIKH section - last sentence).
CoGAG	14	Better to use the term Study Board here as this acronym (IEKWSB) is hardly used elsewhere in the report.	Change IEKWSB to Study Board to be consistent with the rest of the report.	Change made throughout.
CoGAG	15	PoS - This acronym is not necessary. It is not used anywhere else in this document except the acronym list.	Removed acronym "PoS" as it is not used elsewhere in the report.	Change made.
CoGAG	18	There is a spelling error with the word "focused", it is spelled "focussed" in the report.	Revise the word "focussed" in the report to "focused".	Change made.
CoGAG	18	With respect to the following statement in the report: "This time in-person with five out of the six Ktunaxa communities on the land..." Why not the sixth?	None provided	The sentence "meeting with five of the six Ktunaxa bands" was removed and additional language that engagement is ongoing was added. There has not yet been an opportunity to meet with the sixth Ktunaxa band. The SB looks forward to such a meeting, pending discussions with the band.
CoGAG	19	The Study Board meetings in Montana included hearing from US and State government officials. Meetings in BC did not include hearing from Canada and BC government officials.	Ensure that future meetings in British Columbia include meetings with BC officials, as was done as part of the November 2024 watershed tour in Montana.	The Study Board has heard from natural resource managers from Canada, US, Montana, BC and the Ktunaxa Nation and intend to ensure full engagement with all governments including Idaho. Further engagement with governments also occurs through our CoGAG.
CoGAG	20	Formatting errors: "During" and "Experienced".	The indent ahead of "During" should be removed and "Experienced" should be lowercase to match the rest of that section's formatting.	Change made.

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CoGAG	20	The Interim Report states that the tour of KTOI's Twin Rivers Fish Hatchery and Kootenai River restoration sites allowed the Study Board to "see firsthand different impacts of pollution on the watershed". It is suggested that this be made more factual without implying causes/effects.	Removal of "see firsthand different impacts of pollution on the watershed." Alternatively, this can be paraphrased to say "see firsthand the restoration efforts of the KTOI" which is more factual.	Change made.
CoGAG	24	One of the selection criteria for the TWG members is listed as "strive for parity between Canada and the United States." This should not be just to strive for parity but rather ensure parity between Canada and the US. If there is an imbalance in numbers, for example, then the numbers should be modified to ensure an equal representation from Canada and the US.	Ensure that parity is achieved not just sought.	At the time of the Interim Report, TWG membership was still being finalized; membership across the TWGs has now been balanced and will be reflected in the final report. No change to the Interim Report.
CoGAG	25	There is reference to a "draft conceptual model that was developed as part of the guiding framework to serve as a tool", however, this model is not included in the Interim Report.	Include the conceptual model since it is referenced, or remove reference to it if prefer not to include.	The conceptual model text has been removed and replaced with "Provided them a general understanding of linkages of pollutants and stressors."
CoGAG	25	The data will be collated from a wide range of sources. What agreed criteria will be used to screen credible data/ensure that only high quality data will be used?	None provided	Note that additional data criteria are in the process of being developed and articulated in the Data Management Plan, and will be shared as part of the draft Final Report.
CoGAG	25	The blue box on this page includes the following text: "Any new analyses of existing data...". What is the internal or peer review process for the TWGs' work? In particular, how would new analyses of existing data be reviewed/assessed before recommendations are integrated into the Final Report and reviewed by the IRG?	None provided	The process includes SB review of TWG work produced, as this forms the basis of SB recommendations in the final report. The process used by the SB will be set out in the Final Report.
CoGAG	26	The main activities of the Water Quality TWG include references to "with an emphasis on transboundary contaminants" (line 38) and "evaluate potential sources of the prioritized transboundary contaminants" (line 49). The focus should be on the transboundary area, however, a focus merely on "transboundary contaminants" is insufficient to understand the impacts of any pollution. All major stressors in the watershed, even if these are localized, are necessary to understand the state of the entire watershed and should be examined.	Focus of the study should not just be on "transboundary contaminants" but on all major stressors in the watershed, even if these are localized, to fully understand the state of the watershed and relative impacts relevant to the transboundary area. The scope of the work of the Water Quality TWG should resemble that of the Ecosystem TWG, which, according to the Interim Report, will look at "water pollutants and other stressors".	Recommendation forwarded to TWGs, no change to Interim Report.
CoGAG	26	"2. Data Compilation and Evaluation for <i>Focus Areas</i> " - Please define this term or explain how they are arrived at.	Explain the term "Focus Areas" which is part of the main activities listed for the Water Quality TWG.	Focus areas are defined in the previous paragraph "the focus of the WQST TWG will be on those pollutants that have broader basin-wide or transboundary effects".
CoGAG	26	Issues related to governance and decision making are outside the scope of the Reference. For example, it is out of scope for the Water Quality TWG to "Identify trends and exceedances of state, provincial and federal regulatory criteria in the focus areas." The IJC Study Board is not an enforcement regime. In the absence of an agreed transboundary objective for which the IJC has been requested to monitor governments compliance with, which does not exist, determination of any "exceedance" must mean in a specific state, provincial or federal area, none of which are the jurisdiction of the IJC. These are domestic matters for the responsible authorities within the context of their own regulatory frameworks. This line of inquiry and scrutiny of domestic regulatory affairs is non-scientific and goes beyond the scope of the Reference.	Ensure the focus of the TWGs is to share, synthesize and analyze data and information to support a common understanding of pollution within the Kootenay watershed and the impacts of that pollution on people and species.	The Study Board has provided guidance to the TWGs which includes the requirement to conduct their work according to the Reference and Directive, including the partial quote from the Directive provided by the commenter. No change to the Interim Report.
CoGAG	28	Objective 2 of the Ecosystem TWG references the following: "Report on knowledge status of data for each component...". Additionally, Objective 1 of the Ecosystem TWG includes the following "draft a conceptual model...". Please provide definition of conceptual model to ensure appropriate rigour.	Some parts of the Ecosystem TWG's objectives are not clear, namely what is meant by "conceptual model" in Objective 1 and "component" in Objective 2. These need to be clarified/elaborated on.	This comment was forwarded to EcoCE TWG for consideration.
CoGAG	29	Issues related to governance and decision making are outside the scope of the Reference. For example, it is out of scope for the Mitigation TWG to "Compile and examine the development, content, and any inconsistencies between existing regulatory standards and guidelines for water pollutants in the Study Area, and assess if these inconsistencies have influenced, impacted sources of, altered the status of, or shifted the trends in water pollution in the Study Area." Determination of any "inconsistencies" must mean in a specific state, provincial or federal area, none of which are the jurisdiction of the IJC. These are domestic matters for the responsible authorities within the context of their own regulatory frameworks. This line of inquiry and scrutiny of domestic regulatory affairs is non-scientific and goes beyond the remit not only of the reference but also of the IJC.	Ensure a balanced and neutral approach to the study, ensuring that all major stressors and relative impacts relevant to the transboundary area are examined/considered. Specifically, ensure the focus of the TWGs is to share, synthesize and analyze data and information to support a common understanding of pollution within the Kootenay watershed and the impacts of that pollution on people and species.	The SB has provided guidance to the TWGs regarding suggested approaches for achieving a common understanding of pollution within the Kootenai/y watershed and the impacts of that pollution within the timeline available. No changes to the Interim Report.
CoGAG	29	The foundational piece of work for the Mitigation TWG will be to compile an overview, based on existing sources, of potential, not current, water pollutants with cross-border effects for which mitigations being applied within the watershed will undergo further study by this TWG. This is a presumptive statement that needs to be revised.	Revise the following: "The foundational piece of work for this TWG will be to compile an overview, based on existing sources, of "potential" water pollutants..."	Change made.
CoGAG	29	It is noted here that the Mitigation TWG will "compile an overview, based on existing sources, of current water pollutants with cross-border effects...". As noted for the Water Quality TWG, all major stressors in the watershed (e.g. water control structures), even if they are localized, are necessary to understand the state of the entire watershed and should be examined.	Focus of the study should be on all major stressors in the watershed relevant to understanding impacts in transboundary area, even if these are localized, to fully understand the state of the watershed. The scope of the work of the Mitigation TWG should resemble that of the Ecosystem TWG, which, according to the Interim Report, will look at "water pollutants and other stressors".	This comment was forwarded to TWGs for consideration.

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CoGAG	29-30	Issues related to governance and decision making are outside the scope of the Reference. The IJC has been asked to establish whether there are reasons for transboundary concern, i.e. to establish a "common understanding of pollution within the Kootenai/y watershed and the impacts of that pollution on people and species", and it is not possible to determine whether a mitigation is relevant to the transboundary area prior to establishing this understanding. Further, mitigation measures are the purview of the implementing jurisdictions.	The work of the Mitigation TWG should be revised to stay within the agreed scope of the Reference.	The SB has removed the text "for future study and assessment "and changed to "and evaluate mitigation measures..."
CoGAG	30	Bullet 1: "Developing a focused source-mitigation specific conceptual model " - Please provide definition and explain how this is developed.	Define and elaborate on how "source-mitigation specific conceptual model" will be developed.	This comment was forwarded to Mitigation TWG for consideration.
CoGAG	30	Bullet 2: "Conduct literature searches and interviews" - Interviews may be highly subjective so sources of information need to be clearly delineated.	Interviews may be highly subjective so sources of information need to be clearly delineated.	This comment was forwarded to TWGs for consideration.
CoGAG	30	Bullet 3: "Developing synthesis products: Prepare three workgroup sub-reports on major objectives" - Why is report not integrated?	All Study Board products should conform to the Reference and be included in the Final Report, which will be reviewed by the public, the IRG and the IJC.	The Study Board's Final Report will incorporate Study Board products with careful and complete consideration of the requirements of the Reference and Directive.
CoGAG	31	With respect to the following: "The co-chairs can involve external experts to assist with the review as needed." - Are the co-chairs IJC staff? What is meant by external experts? This could be more clearly described.	Please elaborate who are the IRG co-chairs, how they are identified and selected, against what criteria, and what is meant by external experts.	Names will be released when the IRG report is released. IRG Co-chairs, chosen by the IJC, are selected based on their expertise and ability to provide independent, unbiased advice. They are not IJC staff.
CoGAG	34	IJC Study Board would be better served by ensuring a balance between Canadian and US sources. Three of the four publications seem to be from US periodicals.	Ensure a balanced approach to the study by ensuring that references are from Canadian and US sources	The SB will do its best to ensure that all relevant publications, regardless of source, will be brought to bear on the Directive given to it by the IJC.
CoGAG	N/A	Given the short timeline to produce the Final Report by September 2026, we note that the scope and specifics of the TWGs objectives and activities, as described in the Interim Report, are not sufficiently detailed and in some cases do not appear to be finalized. "There are concerns" this could result in the TWGs taking on work outside the remit of the Study Board. The purpose of the Study Board's Final Report is to provide a common understanding of the current state of the watershed using the latest existing data from all available sources. That will be a significant undertaking. The review, synthesis, and analysis of this data therefore needs to be carefully conducted to ensure it is thorough and does not delve into the undertaking of new science. The development of new science is out of scope of this reference and would jeopardize the Study Board's ability to meet the timelines set forth by the IJC and the governments of Canada, Ktunaxa and the United States. Issues relating to governance and decision making are also outside the scope of the reference.	None provided	The TWGs have been instructed that new science is not to be produced. The Study Board understands that "A synthesis of the available data and scientific information and a resulting understanding of the water quality issues in the Kootenai/y watershed including contaminants of concern, areas, and water and ecological resources affected" is within scope. Indigenous knowledge may however be new to this discussion. Governance and decision-making are within scope. They can for example affect data accessibility (the reasons for data accessibility) and comparability (the requirements, or lack of, for comparability), and influence reporting methods (what methods have been mandated). This is relevant to the requirement in the Reference to provide recommendations for "improving understanding, measurement, and monitoring of the matters reviewed by the Study Board".
CoGAG	N/A	The Interim Report mentions that due to the short timeline for this work, tasks that would normally be conducted in sequence must be completed concurrently. There is concern this could jeopardize the ability of the TWGs to properly carry out their work. The Water Quality TWG's compilation and summary of existing water quality data and trends will be foundational to the work of the other TWGs. For example, understanding current conditions of exposure will be necessary in order to explore risks to human health and aquatic ecosystems.	None provided	The Study Board must abide by the timeframes set out in the Reference. The Study Board and the Study Management Team are ensuring that there are weekly inter-TWG Coordination meetings in order to ensure active collaboration among the TWGs, with guidance from the Study Board.
CoGAG	N/A	We are also concerned that the sources of information that the Interim Report indicates will be gathered does not appear to include industry data. Elk Valley Resources is required by permits in B.C. to collect and make publicly available an abundance of high-quality monitoring data. This data is collected by Qualified Professionals and is subject to a rigorous quality assurance and quality control process. Data and analysis reports are reviewed by B.C. regulators and other experts. This information must be included in the work of the TWGs to ensure a thorough, transparent and trustworthy assessment of the state of the watershed.	None provided	Potential data source forwarded to TWGs for consideration; industry data will be included in the work of the TWGs where relevant. The Study Board issued a broad call for data pertaining to all water pollution and will carefully consider all submissions.
CoGAG	N/A	We note that the TWGs do not appear to be consistent in their stated intent to rely on peer-reviewed scientific information. It is our view that all western scientific information included in the work of the TWGs must be collected by Qualified Professionals and have undergone a robust quality assurance and quality control process, which may include peer-review, to ensure reliability.	None provided	The Study Board is ensuring that the TWGs QA/QC process will be fair, balanced, and transparent.
CoGAG	N/A	We strongly encourage the Study Board to engage technical scientific experts to provide workshops and/or presentations to equip the TWGs with a deeper understanding of available data, the latest data trends, and water treatment techniques and outcomes, and other important contextual information related to our regulatory activities. In particular, the Water Quality and Mitigation TWGs would greatly benefit from this information and from discussions directly with "relevant" subject matter experts.	None provided	Study Board agrees that the TWGs have the mandate to do this and are making every effort to support this. Potential data source forwarded to TWGs for consideration.
CoGAG	N/A	It is critical for the Study Board to ensure a balanced and neutral approach to the study that takes into consideration all major stressors and relative impacts relevant to the transboundary area, including the role of reservoir and Libby Dam.	None provided	Study Board has and is exercising its mandate to consider dam operations and reservoir hydrology in so far as it helps to inform the understanding of water pollution in the system.

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CoGAG	N/A	Issues relating to governance and decision making are outside the scope of the reference. E.g. the Water Quality TWG identifying trends and exceedances of regulatory criteria in the focus areas; or the Mitigation TWG assessing if inconsistencies between existing regulatory standards (...) have influenced, impacted sources of, altered the status of, or shifted the trends in water pollution in the Study Area.	None provided	Governance and decision-making are within scope. They can for example affect data accessibility (the reasons for data accessibility) and comparability (the requirements, or lack of, for comparability), and influence reporting methods (what methods have been mandated). This is relevant to the requirement in the Reference to provide recommendations for "improving understanding, measurement, and monitoring of the matters reviewed by the Study Board".
CoGAG	N/A	The kinds of information captured by literature reviews in different TWGs should be consistent. e.g. "peer reviewed science" vs. "scientific articles." All western scientific information included in the work of the TWGs should be collected by Qualified Professionals and have undergone a robust quality assurance and quality control process, which may include peer-review, to ensure reliability.	None provided	This comment was forwarded to TWGs for consideration. There is active collaboration among the TWGs regarding QA/QC of data and published information. The Study Board has provided guidance regarding QA/QC to the TWGs.
CoGAG	N/A	There is vague language throughout the report when discussing how TWGs will be identifying data gaps that could suggest some TWGs may intend to conduct data analysis to fill those gaps. New analysis may overreach the Study Board's scope of authority. Language needs to clearly define the intent and provide clear direction to the TWGs.	None provided	The SB will continue to provide direction to the TWGs to ensure they stay within the scope they have been provided.
CoGAG	N/A	The language used to identify TWG objectives and activities indicates that some TWGs are still developing strategies, refining their objectives, or are otherwise unsure of their focus. Given the short time available it will be important moving forward to ensure that the scope of the Study Board and the TWGs is consistent with the Reference and Plan of Study and remains tightly focused on reviewing existing science in the watershed.	None provided	Scope caution; no change to Interim Report. The Study Board has and will continue to provide guidance to the TWGs regarding the focus of their work, as well as other important considerations such as data management, approaches for screening and prioritization of their work (including ideas obtained from Listening Sessions conducted in June, July and August across the Study Area and virtually), engagement with Indigenous peoples and Non-Indigenous communities, collaboration among TWGs, tours by TWGs of the study area, and information sessions on topics such as the Area Based Management Plan.
CoGAG	N/A	What are the highest priority questions or issues you think the Study Board should be addressing via the Technical Working Group workplans? Adhering to the scope of the reference a) Including evaluation of major sources of pollution and influences on water quality on both sides of the international border (including the role of the reservoir and Libby Dam).b) Issues relating to governance and decision making and consideration of regulatory standards/guidelines are out of scope. c) The latest water quality data and trends need to be considered in the context of B.C.'s regulatory processes. Listed data sources do not include industry data and reporting – this is a critical source of information that must be included.	None provided	Governance and decision-making are within scope. They can for example affect data accessibility (the reasons for data accessibility) and comparability (the requirements, or lack of, for comparability), and influence reporting methods (what methods have been mandated). This is relevant to the requirement in the reference to provide recommendations for "improving understanding, measurement, and monitoring of the matters reviewed by the Study Board". Industry data and reporting will be included as the relevant TWGs do their work.
CoGAG	N/A	Given the wide breadth of and the short timeline of this study, and the extensive experience with this topic that many of you have, what are the most important pieces of advice that you can provide to the SB and the TWG's to carry out their work? The Water Quality TWG's compilation and summary of existing water quality data and trends will be foundational to the work of the other TWGs. For example, understanding current conditions of exposure will be necessary in order to explore risks to human health and aquatic ecosystems. The scope of TWG efforts needs to be carefully focused on reviewing existing data and information and should not delve into the undertaking of new science.	None provided	The Study Board has applied its experience to a workplan guidance document, has produced and updated a Data Management Plan and an Engagement Plan, and has advised the TWGs to have regular (usually weekly) meetings as well as a weekly Coordination meeting among all 4 TWGs. Two Study Board members have been assigned to each TWG, together with two SMT Members. It has been clearly articulated to the TWGs that new scientific studies are out of scope of this Study.
CoGAG	N/A	Do you have any suggestions for how the SB could improve the Study going forward (e.g., opportunities for engagement, communication, timing for public meetings and comment?) We strongly recommend the TWGs accept offers "for presentations of" an overview of the latest water quality data and recent trends, and how mitigation planning and implementation is carried out in the Elk Valley through existing regulatory processes.	None provided	No change, flagged to SMT to continue to organize these sorts of presentations
CoGAG	N/A	Water Quality Status and Trends Objectives: Identifying sources of pollution must be given careful consideration as an objective as it will depend heavily on the data available and would need to include identifying potential causal relationships that merit further study.	None provided	This comment was forwarded to WQST TWG for consideration.
CoGAG	N/A	Water Quality Status and Trends Objectives The latest available data must be included to accurately capture the stabilization and reduction in selenium concentrations that we have measured in recent years, especially with regards to the objective to 'determine the trajectory' of water quality trends. This data will be critical to capturing an accurate representation of the current state of the watershed. "External groups would appreciate opportunities to present to the TWG regarding the latest water quality data and recent trends, as well as an " overview of the existing data and a deeper understanding of the ongoing data collection and treatment implementation.	None provided	No change, flagged to SMT to continue to organize these sorts of presentations.
CoGAG	N/A	Water Quality Status and Trends Objectives Listed data sources do not include industry data and reporting – this is a critical source of information that must be included.	None provided	The Study Board and TWGs will be considering all available industry data and reporting regarding all sources of water pollution in the watershed.

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CoGAG	N/A	Water Quality Status and Trends Objectives Identifying trends and exceedances of regulatory criteria in the focus areas is not a review of existing science and is out of scope for the Study Board.	None provided	The Reference section 2, subsection (a) specifically identifies trends as a required focus of the SB work. Review of exceedances - as a scientific issue, not a regulatory compliance issue - are considered to be a key element of methods and procedures for ongoing monitoring and data analysis as that relates to the extent of pollution and the identification of trends in concentrations of contaminants (as required by the Reference). For example, a question related to whether monitoring is capturing the exceedance and the corresponding data shift or potential ecosystem impact would be within scope.
CoGAG	N/A	Human Health and Well Being The objectives appear to be very preliminary – e.g. developing a literature search strategy, rather than conducting a literature review.	None provided	Early in the process: workplans were in development at the timing of the Interim Report and TWGs will be conducting literature reviews; no change to document.
CoGAG	N/A	Human Health and Well Being The activities section suggests this group is behind in its work and may not be able to achieve its stated objectives. For example, activities include 'Refining workplan objectives' which suggests the scope of this TWGs work, as articulated in the interim report is premature. This raises serious concerns about timeframe and achievability for this TWG.	None provided	The elements of the TWG's work is to be prioritized to meet timing requirements within the Reference. The TWG workplans included in the draft Interim Report were early versions provided to illustrate the progress made at the time of preparation of the draft Interim Report. The workplans have subsequently been revised by the TWGs in response to SB, SMT and public comments. The workplans are living documents which will evolve as the work progresses.
CoGAG	N/A	Human Health and Well Being Data and information used should be carefully evaluated for relevance and accuracy. All western scientific information should be collected by Qualified Professionals and have undergone a robust quality assurance and quality control process, which may include peer-review, to ensure reliability.	None provided	TWGs will assess the quality of available data and studies per QA/QC processes they are developing.
CoGAG	N/A	Impacts to Ecosystems including Cumulative Effects It would be helpful to clarify what is meant by the modeling described in the TWG objectives and clarify what would be a reasonable interpretation of the TWG scope.	None provided	Further detail regarding what is meant by modeling is in development and will be part of the Final Report.
CoGAG	N/A	Impacts to Ecosystems including Cumulative Effects The wording on these objectives is somewhat vague. For example, developing models of stressors could be intended as a synthesis of existing data but could also be interpreted as an overreach of the Study Board scope of work.	None provided	Workplans were in development at the timing of the Interim Report; no change to document.
CoGAG	N/A	Mitigation Objective 3 includes assessing if inconsistencies between existing regulatory standards (...) have influenced, impacted sources of, altered the status of, or shifted the trends in water pollution in the Study Area appears to be asking the TWG to engage in non-scientific speculation and straying beyond the Study Board's scope.	None provided	The Study Board and IJC have discussed Mitigation since the beginning of the Study. The Proposal and Directive state that a goal is "...to ensure more timely action to reduce and mitigate the impacts of water pollution in the Kootenai/y watershed...", therefore Mitigation is in scope. The SB views regulatory standards as a mitigation tool which "influence sources, status of and trends in pollution in water" (language from the Directive). Therefore the SB views Objective 3 for the Mitigation TWG to be in scope. TWG work will be based on "the best available observational data, scientific research, and Indigenous knowledge" (language from the Directive).
CoGAG	N/A	Mitigation We are concerned the objective of 'assessing treatment technology' could veer beyond the scope and expertise available to the Study Board. The behaviour of contaminants in a watershed, and the effectiveness of treatment technology to address that behaviour is inherently site specific, especially with regards to selenium. The viability of a treatment technology can vary within one watershed. Evaluating or assessing potential mitigations or best achievable technologies must take into account site specific conditions and considerations without making generalizations across the watershed.	None provided	The study board acknowledges the scope recommendation, forwarded to Mitigation TWG for awareness.
CoGAG	N/A	The Mitigation TWG should clarify how the objective of 'identify, assemble, and review' differs from the objective to 'assess'. Both would seem to include considering how mitigation and remediation efforts have impacted the behaviour of contaminants in the watershed.	None provided	This recommendation was forwarded to Mitigation TWG for awareness.
CoGAG	N/A	Mitigation "External parties" would appreciate the opportunity to present to the TWG regarding the latest water quality data and recent trends, and how mitigation planning and implementation is carried out in the Elk Valley through existing regulatory processes. We are available to offer an overview of the existing data and a deeper understanding of the ongoing data collection and water treatment implementation.	None provided	Process recommendation, the SB has tasked the SMT to continue to organize these sorts of presentations.
CoGAG	N/A	Comments have been submitted concerning CRT Article 13. I strongly believe some reference should be made. Since CRT allows a right to divert up to 26 per cent of the pure Kootenay upstream of the Elk River, it should be easy to state the ensuing concentration change of selenium concentration in Lake Kootenay. The 26 percent change comes from an average annual flow of 5.8 million acre feet through Libby Dam. A diversion of 1.5 million acre feet at Canal Flats would reduce the average annual flow to 4.3 million acre feet. I believe that scientists and the general public on both sides of the border should be aware of this possibility which is allowed by Article 13, Columbia River Treaty. This must be recognized by this group and noted by this group.	None provided	The Columbia River Treaty is not part of the Reference or the Directive to the Study Board, but we do acknowledge that the CRT is an important part of the context for the data and information being assembled and evaluated by the TWGs and SB.
CoGAG	N/A	The comments in the document talk about natural mitigation measures these aquifers must be looked at as one of the measures to reduce the selenium levels in Kootenay lake.	None provided	Issue is within scope, no change to Interim Report.
CoGAG	N/A	in the study of selenium levels what are the levels of measured selenium at the 49th parallel ,the Levels at the Libby Dam and the levels at Kootenay lake ,this would be good information to help make good decisions on next steps.	None provided	No change in the interim report, the Study Board recognizes that this is within scope and information has been forwarded to the TWGs.