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April 28, 2025

Minnesota Pollution Control Agency  
c/o Bill Wilde  
520 Lafayette Road  
Saint Paul, MN 55155

**Re: Wisconsin Central Ltd./Canadian National Railroad (Rainy River Bridge partial replacement) - 401 Water Quality Certification**

Dear Mr. Wilde:

The Rainy Lake Property Owners Association (“RLPOA”) respectfully submits the following comments on the draft Section 401 Water Quality Certification for the Canadian National Railroad (“CN”) Rainy River Bridge Replacement Project (the “Project”). RLPOA urges the Minnesota Pollution Control Agency to revisit its proposed Certification of the Project to either impose additional conditions and/or mitigation requirements on such Certification or secure additional assurances from CN that the Project is compatible with Minnesota’s water quality standards.

The health of the Rainy River-Rainy Lake watershed is vital to the region’s success and any impacts to the water resources that make up this watershed cannot be overlooked. The watershed is not only known for its aesthetics, offering scenic and natural views to all who live in and visit the area, but also provides drinking water to area communities and residents and is home to one of highest quality fisheries in the state of Minnesota.<sup>1</sup>

The reaches of the Rainy River-Rainy Lake watershed directly impacted by CN’s Project have beneficial use designations that include domestic consumption, aquatic life and recreation, aesthetic enjoyment and navigation, and other uses. Despite the assurances provided in CN’s antidegradation assessment, RLPOA is concerned that the Project may have an impact on the very uses that make the watershed so valuable to area communities and businesses and residents and tourists alike.

While the history and presence of CN’s bridge is long-lasting, its impacts on watershed health, including impacts on aesthetics and navigation and aquatic life and recreation are only recently becoming known. Debris left from original construction of the bridge cause navigational hazards for mariners and recreational boaters while also restrict outflow from the lake, thereby contributing to flooding through altered hydrology and reduced water quality through erosion and pollutant loading. In addition to the

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<sup>1</sup> Minnesota Pollution Control Agency, Rainy River-Rainy Lake Watershed Monitoring and Assessment Report, June 2020, 1.

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removal of the original piers, CN should clear the lake bottom of any remaining debris and return the site to original grade to offset the bridge's impediment to flow and navigation.

In revisiting the proposed Certification, MPCA should exercise the full breadth of Minnesota's authority under Section 401 of the Clean Water Act to regulate the impacts to water quality and prevent harm to valuable state waters. Under Minnesota Rules, the MPCA can approve a proposed activity "only when existing uses and the level of water quality necessary to protect them are maintained." Minn. R. 7050.0265, subp. 2. While Minnesota law does not require a "zero impact" benchmark, MPCA must ensure that the existing and beneficial uses of the affected water will be protected. Protection of the existing and beneficial uses of water resources are even more paramount in a watershed such as the Rainy River-Rainy Lake watershed, where the health of the community and economy are dependent on the health of the watershed.

While RLPOA is not opposed to CN's continued operations in the region and values the railway's contributions to international commerce, the communities and residents of the Rainy River-Rainy Lake watershed are unwilling to jeopardize water quality or risk the health of the watershed to accommodate CN's proposed timelines. The health of the watershed and the avoidance of impacts on water quality that have a detrimental effect on area communities, residents, businesses, and tourists is paramount.

Thank you for your attention to these important matters. Please contact us with any questions about these comments.

Regards,

A handwritten signature in black ink, appearing to read "B. Johnson", with a stylized, elongated vertical stroke extending downwards from the end of the signature.

Bennett L. Johnson