

INTERNATIONAL JOINT COMMISSION

Directive to the International Souris River Study Board

September 5, 2017

The purpose of this directive is to establish and direct the International Souris River Study Board (Study Board) to examine and report to the International Joint Commission (Commission) on the matters raised by the Governments of Canada and the United States in a reference provided to the Commission dated July 5, 2017 (copies of these reference letters are included as Appendices to this directive).

The Commission submitted to the governments "Plan of Study: For the Review of the Operating Plan Contained in Annex A of the 1989 International Agreement Between the Government of Canada and the Government of the United States of America" on June 7, 2013. The July 5, 2017 reference provided to the Commission by governments asks it to "evaluate and make recommendations regarding the Operating Plan contained in Annex A to the 1989 Agreement, and additional flood protection measures and beneficial water supply measures." Accordingly, the Commission establishes the Study Board to aid it in fulfilling the terms of this reference, and provides the following instructions in order to guide and direct its activities.

1. The mandate of the Study Board is to assist the Commission in completing the work outlined in the reference and the 2013 Plan of Study. An initial workplan shall be provided to the Commission from the Study Board within two months of date of this directive and shall include a detailed schedule and budget for the studies and tasks to be undertaken.
2. The Commission will appoint an equal number of members from Canada and the United States to the Study Board, and the Commission will name a member from Canada and a member from the United States to be the co-chairs of the Study Board. The Commission may appoint an alternate member to act in the place of a member whenever that member, for any reason, is not available to act as a member of the Study Board. The co-chairs of the Study Board shall convene and preside at meetings of the Study Board and shall jointly take a leadership role in planning and implementing the Study Board's mandate. The co-chairs shall keep the Commission currently informed of the Board's plans and progress and of any developments or cost impediments, actual or anticipated, which are likely to impede, delay, or otherwise affect the carrying out of the Board's responsibilities.
3. The Study Board will appoint two Study Managers, one from each country, to assist the Study Board in delivering on its mandate. The Study Managers shall work under the joint direction of the co-chairs of the Study Board, shall not be members of the Study Board but will participate at every Study Board meeting, shall keep fully abreast of the work of the Study Board. The Study Managers will be responsible for the effective management of the Study Board's workplan, as overseen by the Study Board, and in general administrative and financial/contractual tasks, including providing briefings to the Study Board on these as identified by the co-chairs. Along with standard secretarial services, the Study co-managers will maintain financial, travel and other records as may be necessary to document the contributions of each country to the study effort. Study co-managers working with those responsible for information management, will also collect and maintain all reports, models and datasets developed as part of the study effort, and provide all datasets to the Commission.
4. The Study Board may establish study teams, committees, work groups and other advisory bodies to carry out its work under this reference. The Study Board shall normally appoint an equal number of persons from Canada and the United States to each of these entities.
5. The Study Board and its advisory bodies shall conduct their work by consensus as per the Commission's Guidance on Board Consensus Document dated January 18, 2017, attached. The Study Board shall promptly notify the Commission of any irreconcilable differences within the Study Board and shall refer promptly to the Commission any lack of clarity or precision in instructions or directives received from the Commission.
6. The members of the Study Board and its advisory bodies shall serve the Commission in their personal and professional capacities, and not as representatives of their countries, agencies, organizations, or other affiliations.
7. The Study Board shall keep the Commission informed of its progress and direction and will maintain awareness of basin-wide activities and conditions and shall inform the Commission of any such activities or conditions that might affect its work. In addition to regular contact with liaisons designated by the Commission, the Study Board shall meet with the Commission at each of its semi-annual meetings during the study period and shall submit written progress reports to the Commission at least three weeks in advance of those times and at other times deemed appropriate by the Study Board or as requested by the Commission. The Study Board shall also keep the International Souris River Board (ISRB) informed of its activities, including the Study Board's public outreach activities. All progress reports developed by the Study Board will be shared with its advisory bodies and the ISRB.

8. The Commission expects the Study Board to involve the public in its work to the fullest extent possible. The Study Board, will establish a binational Public Advisory Group (PAG) within 90 days of date of this directive. Members of the PAG will be appointed by the US and Canadian IJC secretaries in consultation with the IJC Liaisons and the Study Board, and will include an equal number of members from each country representing key interests and geographic regions within the basin. The PAG will help involve the public by bringing information from the Study Board to their various networks throughout the community, as well as bring back views from the community for consideration by the Study Board. PAG members will be encouraged to offer diverse perspectives on impacts and/ or on implications of the direction, results and outcomes of Study Board activities. PAG will also assist the Study Board in the development of the Study Board's Stakeholder Engagement Plan. The Stakeholder Engagement Plan shall be delivered by the Study Board to the Commission for Commission review within three months of the date of this directive. PAG Co-chairs will also be members of the Study Board. Secretarial support will be provided to the Study Board and to the PAG by the Study co-managers. The PAG co-chairs shall also report on progress at each of the Commission's semi-annual meetings to and shall submit a draft and a final chapter for the Study Board's final report. The IJC liaisons will provide guidance to the Study Board as to the composition and function of the PAG.

9. In the conduct of its activities, the Study Board shall carry out its public outreach activities in accordance with the Commission's policies and guidance documents on the matter (to be provided). Study Board members shall maintain files in accordance with the Commission policy on segregation of documents. All Study Board members shall be provided with these policy documents when appointed.

a) The Study Board shall provide the text of media releases to the Commission prior to their release. The Study Board shall inform Commission staff in advance of plans for any meetings, or other means of involving the public in Study Board outreach, and report to the Commission, in a timely manner, on these and any other presentations or representations made to the Study Board. Commissioners and relevant Commission staff are invited to any meetings of the Study Board and any committees the Study Board may establish.

b) To facilitate public outreach and consultation, the Study Board working with those responsible for communications shall make information related to the study as widely available as practicable, including white papers, maps, data, reports of the Study Board or any of its advisory bodies and other materials as appropriate. Those responsible for communications shall develop and maintain a website content presence on the Commission website. The Study Board will use the website to encourage public discussion of such information. To the extent practicable, those responsible for communications shall make available on the Commission website all documents that are available for public information under the Commission's Rules of Procedure, including public comment and other information made available by decision pursuant to the Rules of Procedure.

10. The Commission will administer or coordinate resource contributions from the two Governments to support the activities of the Study Board, its advisory bodies, and the PAG.

11. Members of the Study Board, its advisory bodies, the PAG and the Study co-managers attending events (e.g., meetings, workshops) will be responsible for their own expenses unless otherwise arranged with the Commission.

12. The Study Board shall provide minutes of its meetings to the Commission within 45 days of the close of the meeting in keeping with the Commission's April 2002 Policy Concerning Public Access to Minutes of Meetings. The minutes will subsequently be put on the Commission's website by the Study co-manager in coordination with Commission staff.

13. An Independent Review Group (IRG) will be established by IJC Staff, in consultation with the Study Board to ensure independent technical review is being conducted and documented on appropriate study components and documents during the entire study process. The IRG will manage and conduct, this independent review, and will engage the appropriate expertise as necessary. Within six month from the date of this directive, the IRG, working in consultation with the Study Board Co-chairs and the Commission liaisons, shall provide to the Commission for approval the Independent Review Plan (IRP) discussing:

a) timing of reviews;

b) establishing independent review meetings between study participants and the IRG;

c) a process for determining what is reviewed;

d) the IRG members to participate; and

e) costs, by activity, to implement the IRP.

Study Board Co-chairs are responsible for frequent coordination with the IRG, via the IJC liaisons to the Study Board, to provide information and materials to the IRG, as well as planning and scheduling meetings between study participants and

the IRG. Members of the IRG shall not have participated in Plan of Study development nor be members of other groups that report to the Study Board. In an effort to keep group size manageable, IRG members should be selected from both countries, though not necessarily needing one for each field of expertise from both countries.

14. The Study Board shall produce update reports in a format suitable for public release (ideally via the Study Board's page on the Commission website, as well as via printed copy) and shall make annual reports available to the public upon request, normally one week after formal receipt by the Commission at its Spring semi-annual meeting unless directed otherwise by the Commission. The Study Board may submit additional reports to the Commission as necessary. The Study Board shall provide the Commission with its final report by February 28, 2020, which should contain the Study Board's findings, conclusions and recommendations regarding the matters raised in the July 5, 2017 reference from governments.