

International Joint Commission

International Lake Ontario - St. Lawrence River Board

Directive

This directive updates and replaces the November 16, 1953 directive that created the International St. Lawrence River Board of Control. This directive creates and directs the International Lake Ontario-St. Lawrence River Board as a new Board, with any further direction to the new Board to be issued by the International Joint Commission (the Commission) from this date forward.

Function and Composition of the Board

The International Lake Ontario-St. Lawrence River Board (Board) is responsible for ensuring compliance with the Order of Approval pertaining to the regulation of flows and levels of the St. Lawrence River and Lake Ontario, the regulation plan approved by the Commission and any requirements or duties outlined in directives from the Commission.

The Board shall perform duties specifically assigned to it in the Order of Approval as well as those assigned to it by the Commission directives. Under the Order, the Board has duties related to flow regulation and responsibilities related to adaptive management, communications and public involvement. To carry out these duties, the Board shall meet at least twice a year, hold teleconferences as needed, and provide semi-annual reports to the Commission. It will also follow the Commission's public affairs policy including requirements for regularly meeting with the public.

The Board shall have an equal number of members from each country. The Commission shall determine the number of members (normally a minimum of 10) and shall normally appoint each member for a three-year term. Members may serve for more than one term. Members shall act in their personal and professional capacity, and not as representatives of their countries, agencies or institutions. They are to seek decisions by consensus according to the tradition of the Commission.

Within this binational balance, at least one Board member will be from each of the five jurisdictions – federal, provincial and state. The jurisdictions may nominate members to serve on the Board. The Commission will review nominees, in consultation with the respective nominating federal, state or provincial jurisdiction, to ensure that all Board members are suited to fulfilling the new and continuing responsibilities of the Board. The expertise of potential Board members, their ability to act impartially and effectively with good judgment, their commitment

to work towards Board consensus, engage appropriately with the public and reach decisions quickly when necessary will be key considerations for the Commission in the appointment of candidates to the Board. The Commission will appoint the nominees if it finds them suitable. If the Commission determines a nominee is not suitable, it will request the nominating jurisdiction to make an additional nomination (or nominations) until the Commission determines the nominee is suitable. In addition to members nominated by the jurisdictions, the Commission itself may appoint members to obtain an appropriate balance of expertise and geographic representation on the Board. The Commission shall appoint one member from each country to serve as co-chairs of the Board. Each co-chair is to appoint a Secretary, who, under the general supervision of the chair(s), shall carry out such duties as are assigned by the chairs or the Board as a whole. Upon request to the Commission, either co-chair may appoint an alternate member to act as Chair when they are not available to the Board.

The co-chairs of the Board, through the assistance of the Board secretaries, shall be responsible for maintaining proper liaison between the Board and the Commission, among the Board members and between the Board and its sub-groups. Chairs shall ensure that all members of the Board are informed of all instructions, inquiries, and authorizations received from the Commission and also of activities undertaken by or on behalf of the Board, progress made, and any developments affecting such progress.

In order to provide prompt action which may be necessary under winter operations or emergency conditions, each of the co-chairs of the Board shall appoint a Regulation Representative who is authorized by the Board to act on its behalf in such situations. Among other duties, the Regulation Representatives shall maintain a database of hydrological information for the Board, conduct the regulation plan calculations, make needed within-the-week flow adjustments, coordinate and keep account of flow deviations, and advise the Board on regulation operations.

The Board shall appoint an Operations Advisory Group (OAG) composed of representatives from the operating entities and shall keep the Commission informed of OAG membership. The Board and the Regulation Representatives may consult with OAG members individually or collectively as the occasion requires.

Flow Regulation

The Board shall set flows from Lake Ontario into the St. Lawrence River through the Moses-Saunders Dam and Long Sault Dam in accordance with the Order of Approval, normally as specified by the approved weekly flow regulation plan and directives from the Commission. It shall also approve the gate setting at the Iroquois Dam in consideration of Lake St. Lawrence levels and ice management, which may be delegated to the Regulation Representatives for prompt action.

The Board shall oversee the normal flow variations carried out by the hydropower entities according to the directive on peaking and ponding issued by the Commission. The Board shall also supervise the Regulation Representatives in their conduct of within-the-week flow adjustments and shall direct minor and major flow deviations when required, consistent with the Commission's directive and Order of Approval.

Following the regulation plan will be important over the long-term to ensure that the expected objectives for system regulation are achieved.

Adaptive Management

The Board will take part in an adaptive management strategy designed to verify that the effects of the new regulation plan over time are as anticipated, react to the influence of changing conditions such as climate change, and adapt or improve the implementation of the regulation plan as required. The Board may also use the information acquired through the adaptive management strategy to propose to the Commission modifications to the plan should it learn over time that conditions (climatic, socio-economic or environmental) have changed enough such that the plan is no longer meeting its intended objectives or improvements to the plan could realize increased benefits.

Communications and Public Involvement

The Board is directed to have a communications committee. The aim of the communications committee is to ensure that everyone interested in the regulation of the Lake Ontario-St. Lawrence River system is informed and has opportunities to express personal views regarding regulation. The communications committee will ensure that the Board is proactive in acquiring knowledge about stakeholder needs and perspectives on an ongoing basis and in providing them with regular information about Board decisions and the issues before the Board. The Commission encourages the Board to take advantage of multiple means, including modern technology and alternative communications fora, to better inform and receive input from stakeholders and the public within the framework of the Commission's communication strategy. The Board may collaborate with other Commission boards, governmental and quasi-governmental organizations to effectively strengthen information delivery and involve the public.

The Commission (through its public information officers) shall be informed, in advance, of plans for any public meetings or public involvement in the Board deliberations. The Board shall report in a timely manner to the Commission on these meetings, including representations made to the Board.

The Board shall provide the text of media releases and other public information materials to the Secretaries of the Commission for review by the Commission's Public Information Officers, prior to their release in English and French.

Reports, including semi-annual reports, and correspondence of the Board shall normally remain privileged and be available only to the Commission and to members of the Board and its committees (including appropriate individuals who support these entities with respect to Lake Ontario-St. Lawrence River activities) until their release has been authorized by the Commission. Board members and committees shall maintain files in accordance with the Commission policy on segregation of documents. All Board members shall be provided with these policy documents at the time of their appointment to the Board.

The Board shall provide minutes of Board 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.

To facilitate communication between the Board and the relevant federal, state and provincial jurisdictions of the Lake Ontario–St. Lawrence River system, the Commission shall request from these jurisdictions the name of an appropriate contact person and provide these names to the Board. The Board should note that its communications with the jurisdictions are only with respect to the carrying out of the functions of the Board, as set out in the Order of Approval and associated directives. It will remain the role of the Commission to engage all the jurisdictions (federal, state, provincial), as appropriate in the consideration of any changes to the regulation plan or directives to the Board. Any issues raised by the jurisdictions with the Board in these respects should be redirected to the Commission.

Other Aspects

According to need and on an ad-hoc basis, the Board may establish any other committees and working groups as may be required to discharge its responsibilities effectively. The Commission shall be kept informed of the duties and composition of any committee or working group. Commissioners and relevant Commission staff are invited to any meetings of the Board and any committees the Board may establish. Unless other arrangements are made, members of the Board, committees, or working groups will make their own arrangements for reimbursement of necessary expenditures. The Commission should also be informed of the Board's plans and progress and of any developments or cost impediments, actual or anticipated, that are likely to affect carrying out the Board's responsibilities.

If, in the opinion of the Board or of any member, any instruction, directive, or authorization received from the Commission lacks clarity or precision, then the matter shall be referred

promptly to the Commission for appropriate action. In the event of any unresolved disagreement among the members of the Board, the Board shall refer the matter forthwith to the Commission for decision.

Signed this 8th day of December 2016.



Camille Mageau
Secretary
Canadian Section



Charles A. Lawson
Secretary
United States Section