March 25, 2025

DIRECTIVE TO THE INTERNATIONAL SOURIS RIVER BOARD

History of Directive

The International Souris River Board was created by the International Joint Commission in April 2000 when it amalgamated the Souris River basin responsibilities previously assigned to the Commission in two separate references by the governments of Canada and the United States. The two references were the International Souris River Board of Control Reference (1959) and the Souris-Red Rivers Engineering Board Reference (1948). The 1948 Reference included a mandate to conduct necessary investigations and to prepare a comprehensive plan or plans of mutual advantage to the two countries for the conservation, control and use of the waters in both basins under reference in accordance with the recommended apportionment thereof. The International Souris River Board's mandate changed further through an exchange of diplomatic notes on June 9, 2005, assigning water quality functions and the oversight for flood forecasting and operations as described in Section 4 below. The consolidation of water quantity, water quality, and the oversight for flood forecasting and operations was a step in the evolution of the International Souris River Board as it moved towards an integrated approach to transboundary water issues in the Souris River basin. Following the International Souris River Study (2017-2021) and a comprehensive governance review exercise from April 2021 through May 2022, the Board's mandate was further modified to improve and foster Indigenous engagement. Following the establishment of the Water Management Agencies (WMA) in 2024, the Board's structure was modified.

This Directive replaces the November 17, 2022, Directive to the International Souris River Board and sets out the mandate under which the Board shall operate.

1. Pursuant to the Boundary Waters Treaty of 1909 and related agreements, responsibilities have been conferred on the Commission to ensure compliance with apportionment measures for the waters of the Souris River, to investigate and report on water requirements and uses as they impact the transboundary waters of the Souris River basin, and to assist in the implementation and review of the Joint Water Quality Monitoring Program pursuant to the 1989 Canada-United States Agreement for Water Supply and Flood Control in the Souris River Basin (hereafter referred to as the 1989 Agreement).

2. The apportionment measures derive from the approvals given by the governments of Canada and the United States, by letters of March 20, 1959, and April 3, 1959, respectively, to the recommendations made by the Commission in paragraph 22 of its report to the governments of March 19, 1958. Subsequently, with the signing of the 1989 Agreement on October 26, 1989, the Interim Measures for apportionment of the Souris River at the Saskatchewan-North Dakota boundary were revised as described in Annex B of the 1989 Agreement. By letters of February 28, 1992, the Commission was requested to monitor compliance with the measures as modified in the 1989 Agreement. By letters of December 20 and 22, 2000, the governments amended Annex B of the 1989 Agreement. The attached Appendix A (April 11, 2002) is a consolidation of the apportionment measures against which the Commission is to monitor compliance.

3. By letters of January 12, 1948, the governments requested the Commission to undertake investigations of water requirements and uses arising out of existing dams and other works or projects in the mid-continent portion of the Canada-United States boundary, including the Souris River basin, and to make advisory recommendations.

4. By exchange of diplomatic notes between the governments of Canada and the United States, dated January 14 and June 9, 2005, the 1989 Agreement was formally revised to include a reference pursuant to Article IX of the Boundary Waters Treaty, which assigned water quality responsibilities contained in the 1989 Agreement to the Commission. The Commission was requested to assist with the implementation and review of the Joint Water Quality Monitoring Program. On October 21, 2005, at the Commission's meeting with governments, the U.S. State Department read a statement into the

Commission's formal record, that the U.S. State Department is of the opinion the Commission has the authority and has obtained the notification it needs from the U.S. State Department, to proceed with carrying out the flood-related responsibilities for the Souris River. On April 6, 2006, at the Commission's meeting with governments, the Department of Foreign Affairs and International Trade indicated that the Board should be assigned these responsibilities. It is recognized that Article X of the 1989 Agreement designates the entities responsible for operation and maintenance of the improvements mentioned in the 1989 Agreement, and that the operations shall be in accordance with the Operating Plan shown in Annex A of the 1989 Agreement. The Department of Army is the entity designated responsible for flood operations within the United States. The Government of Saskatchewan is the Canadian entity designated responsible for flood operations within the Canadian Province of Saskatchewan.

Board Mandate

5. The Board's mandate is to support the Commission's initiative to explore and encourage the development of local and regional capacity with the objective of preventing and resolving transboundary disputes regarding the waters and aquatic ecosystem of the Souris River and its tributaries and aquifers through implementation of the seven operating principles of an International Watershed Board (attached as Schedule A). Over the next two years from the date of this Directive, IJC plans to reconsider permanent International Watershed Board designation status. This would be accomplished through the application of best available science and knowledge of the aquatic ecosystem of the basin and an awareness of the needs, expectations and capabilities of residents and interested parties in the Souris River basin. Local people and institutions are often the best placed to anticipate, prevent or resolve many problems related to water resources and the environment and to take shared actions towards sustainability. The Board's mandate shall be accomplished by performing the tasks identified in Clause 6 below.

Board Duties

6. The Board's duties shall be to meet its mandate by:

(i) Maintaining an awareness of existing and proposed developments, activities, conditions, and issues in the Souris River basin that may have an impact on transboundary water levels, flows, water quality, and aquatic ecosystem health and informing the Commission about existing or potential transboundary issues. The Board shall make recommendations to the Commission regarding how best such impacts can be minimized or precluded in the future.

(ii) Overseeing the implementation of compliance with the Interim Measures as Modified for Apportionment of the Souris River as described in Appendix A of this document by:

(1) identifying an adequate hydro-climatic monitoring network to support the determination of natural flow and apportionment balance,
(2) encouraging the appropriate authorities to establish and maintain hydro- climatic monitoring and information collection networks and reporting systems to ensure suitable information is available as required for the determination of natural flow and apportionment balance,
(3) informing the Commission, in a timely manner, of critical water supply or flow conditions in the basin,
(4) encouraging appropriate authorities to take steps to ensure that apportionment measures are met,
(5) preparing an annual report and submitting it to the Commission,
(6) Maintaining the Procedures for the Apportionment of Flows in the Souris River Manual, pursuant to the 1948 Reference, with routine reviews as needed. and
(7) reviewing Appendix A of this document no less than every fifteen years.
(8) making recommendations concerning apportionment per the 1948 Reference on Water Use and Apportionment in the Souris River Basin

(iii) Assisting the Commission in the review of a Joint Water Quality Monitoring Program (referred to hereafter as "the Program") by:

(1) developing recommendations on the Program and the setting of water quality objectives,
(2) exchanging data provided by the Program on a regular basis,
(3) collating, interpreting, and analyzing the data provided by the Program,
(4) reviewing the Program and the water quality objectives for appropriateness and relevance at least every five years and developing recommendations, as appropriate, to the Commission to improve the Program and the objectives, and
(5) preparing an annual report containing:
- a summary of the principal activities of the Board during the year with respect to the Program,
- a summary of the principal activities affecting water quality in the Souris River Basin during the year,
- a summary of the collated, interpreted, and analyzed data provided by the Program,
- a summary of the water quality of the Souris River at the two locations at which it crosses the International Boundary,
- a section summarizing any definitive changes in the monitored parameters and the possible causes of such changes,
- a section discussing the water quality objectives for the Souris River at the Saskatchewan/North Dakota boundary and at the North Dakota/Manitoba boundary as established and revised pursuant to the 1989 Agreement,
- a section summarizing other significant water quality changes and the possible causes of such changes, and
- recommendations on new water quality objectives or on how existing water quality objectives can be met, including suggestions on water quality as it relates to water quantity during periods of low flow, in the event that the annual report indicates that the water quality objectives have not been attained as a result of activities pursued under the 1989 Agreement.

(iv) Performing an oversight function for flood operations in cooperation with the Designated Entities identified in the 1989 Agreement by:

(1) ensuring mechanisms are in place for coordination of data exchange, flood forecasts and communications related to flood conditions and operations.
(2) determining whether the operations under the 1989 Agreement should proceed based on the Flood Operation or Non-Flood Operation of the Operating Plan, which is Annex A to the 1989 Agreement, considering the recommendation of the Souris Water Management Agencies (WMA)[1], and informing designated agencies of this determination.
(3) reporting to the Commission on any issues related to flood operations and management; and
(4) providing the Commission and the Designated Entities recommendations on how flood operations and coordination activities could be improved.

(v) Developing a structured, iterative adaptive management approach to improve decisions through long-term monitoring, modeling, and evaluation. Not more than 12 years from the date of finalization of this Directive (by 2037), provide for the Commission's consideration a synthesis of the collective public- and peer-reviewed science and information gained from the ongoing monitoring and evaluation of the Operating Plan per Article V of the 1989 Agreement, and prepare formal recommendations of any changes that may be warranted. Any recommendations that may result in proposed changes to the Operating Plan shall be provided to the governments for their consideration. The Board shall incorporate relevant data and information collected by various Board bodies, as well as others into this analysis. Collaboration among the various Board bodies shall be key for developing and updating performance indicators to be used to show Operating Plan performance and tradeoffs. The Board shall review and update performance indicators as necessary at a minimum, every five years. The Board shall review the Operating plan every twelve years.

[1] USACE St. Paul District, US Fish and Wildlife Service, Saskatchewan Water Security Agency, North Dakota Water Department of Water Resources, Manitoba Ministry of Environment and Climate Change

(vi) Collaborating with the WMA to strive to reach agreement and make recommendations on how changes in the understanding of the basin hydrology and consider the implications and how its impacts to the 1989 Agreement should be addressed through developing approaches or strategies in complying with its directive of reporting to the Commission any issues related to flood operations and management in performing an oversight function in cooperation with the Designated Entities and providing the Commission and Designated Entities recommendations on how flood operations and coordination activities could be improved.

(vii) Improving and increasing awareness of the Board's roles and responsibilities amongst watershed groups, local governments, Indigenous Peoples and the public in the Souris basin and develop a communications and outreach strategy and share information and expertise for any and all issues that fall within its area of responsibility. The communications and outreach strategy shall be updated at a minimum of once every three years and be presented to the Board for approval and inclusion of its activities into the Board's workplan

(viii) Ensuring the collaboration of western sciences and Indigenous science in Board studies.

(ix) Reporting on aquatic ecosystem health issues in the watershed, regularly informing the Commission on the state and implications of aquatic ecosystem health and encourage the appropriate authorities to establish and maintain water quality and other monitoring and information-collection networks and reporting systems to ensure suitable information is available as required for the determination of the health of aquatic ecosystems.

(x) Carrying out such other studies or activities as the Commission may, from time to time, request.

(xi) Effective in 2026, preparing a three-year work plan for approval by the Commission that includes both routine Board activities and new initiatives planned to be conducted in the subsequent year that addresses integrated watershed issues using an ecosystem approach.

7. The Board shall provide opportunities for the public to be involved in its work, including at least one public meeting in the basin each year.

8. The Board shall coordinate and collaborate with other agencies and institutions, both within and outside the Souris River basin, as may be needed or desirable, and facilitate the timely dissemination of pertinent information within the basin. The Board shall keep the Commission informed of these activities.

9. The Board shall have an equal number of members from each country. The Commission shall normally appoint each member for a three-year term. Appointments may be renewed for additional terms. Members shall serve in their personal and professional capacities, and not as representatives of their countries, agencies. organizations, institutions or other affiliations. Each member shall focus on addressing integrated watershed issues, using an ecosystem approach, with a view to benefits improvement or impacts at a basin level. The Commission shall appoint Canadian and United States Co-chairs of the Board and shall strive to appoint chairs with complementary expertise that encompasses a broad spectrum of basin issues.

10. The Co-chairs of the Board shall:

(i) Be responsible for maintaining proper liaison between the Board and the Commission, and among the Board members.

(ii) Ensure that 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. This includes but is not limited to:

(1) share and ensure Board member awareness and comprehension of the Commission's Guidance on Board Consensus Document dated March 20, 2020, and ensure its application to Board

decision-making.

(2) share and ensure Board member awareness and understanding of expectations of Board members fulfilling their roles acting in their personal and professional capacities, and not as representatives of their countries, agencies, organizations, or other affiliations.

(3) share and ensure Board member awareness and understanding of Board Directive (and other associated documents such as the 1989 Agreement) and committee and subcommittee terms of references.

(iii) Raise during Board meetings and activities issues that arise regarding Board members fulfilling their roles in their personal and professional capacity (e.g., potential bias from actions or statements outside of personal and professional capacity). Board Co-chairs shall immediately notify the Commission when such instances occur. Ensure the Board is addressing all aspects of their Directive and raise with the Board for consideration and resolution all issues preventing meeting the Directive (e.g., lack of resources). The Board, when presenting its workplan for approval by the Commission, shall raise with the Commission for direction any requirements of their Directive they are prevented from addressing.

11. The Co-chairs may appoint Secretaries of the Board who, under the general supervision of the Co-chairs, shall carry out such duties as are assigned by the Co-chairs or the Board as a whole.

12. The Board, in collaboration with the Commission, may establish such committees, subcommittees and working groups as may be required to fulfill its responsibilities in a knowledgeable and effective manner. Equal participation in numbers from Canada and the United States on all Boards, committees and subcommittees is a guiding principle of the IJC. Equal binational participation builds relationships and a shared awareness and understanding of the issues influencing transboundary water quality and flows. The Commission shall be kept informed of the duties and composition of any committee, subcommittee or working group, consistent with each body's terms of reference, as the Commission has the authority to direct changes to the Board's governance.

13. Unless other arrangements are made with the Commission, members of the Board, committees, subcommittees or working groups shall make their own arrangements for reimbursement of necessary expenditures for travel or other related expenses.

14. The Board shall inform the Commission in advance of plans for any meetings, or other means of involving the public in Board deliberations, and shall report to the Commission, in a timely manner, on these and any other presentations or representations made to the Board.

15. The Board shall conduct its public outreach activities in accordance with the Commission's public information policies, including the International Joint Commission Public Affairs Policy and Procedures (April 2018) and the Board shall maintain files in accordance with the Commission policy on segregation of documents.

16. Prior to their release, 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.

17. The Board shall submit an annual report covering all activities, including the annual report regarding the Program and the work plan, as described in Section 6 above, to the Commission, at least three weeks in advance of the Commission's fall semi-annual meeting, and the Board shall submit other reports as the Commission may request or the Board may feel appropriate in keeping with this Directive. The annual report shall include input from the Boards committees and subcommittees on their activities. Reports shall be submitted in a format suitable for public release and electronic copies shall be provided to each of the Commission's section offices.

18. Reports, including annual reports, minutes 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 until their release has been authorized by the Commission. Board meeting minutes shall clearly

include the agenda for the meeting, a list of attendees, a list of any decisions taken and the Board's rationale for decisions, and when doing so, shall recognize or explain its full consideration of committees, subcommittees, advisory groups and working groups advice; the Board shall ensure this is communicated in writing to committees, subcommittees, advisory groups and working groups. The Board is not required to agree with but is expected to fully explain its consideration of the advice from its bodies in its deliberations. 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 shall subsequently be put on the Commission's web site.

19. If, in the opinion of the Board or of any member, any instruction, directive, or authorization received from the Commission lacks clarity or precision, the matter shall be referred promptly to the Commission for appropriate action.

20. The Board and its committees, advisory bodies, and work groups (with the exception of the the Public Advisory and Outreach Committee and the Indigenous Advisory Committee) shall operate by consensus as per the Commission's Guidance on Board Consensus Document dated March 20, 2020. Advisory committees are to provide their advice to the board, acknowledging that those committee members may have differing views and, as such, are not required to provide consensus advice to the board. The Board shall promptly notify the Commission of any irreconcilable differences within the Board and shall refer promptly to the Commission any lack of clarity or precision in instructions or directives received from the Commission.

21. The Commission may amend existing instructions or issue new instructions to the Board at any time.

Signed this _25____ day of __March_____ 2025

Susan E. Daniel

Susan Daniel
Secretary
United States Section

C.D. Wilkie

Christopher Wilkie
Secretary
Canadian Section

Appendix A to the
Directive to the International Souris River Board
Interim Measures
As Modified for Apportionment of the Souris River

By letters dated March 20, 1959, and April 3, 1959, respectively, the Commission was advised that the governments of Canada and the United States approved the apportionment arrangements for the Souris River contained in paragraph 22 of the March 19, 1958, report to the Governments of the United States and Canada concerning the Souris River. The measures became known as the 1959 Interim Measures, and the Commission was assigned responsibility for ensuring compliance with them. Article VII of the 1989 Agreement Between the Government of Canada and the Government of the United States of America for The Water Supply And Flood Control In The Souris River modified paragraph 1 of the 1959 Interim Measures. The measures were further modified by the governments in December 2000. The 'Interim Measures as Modified' are as follows:

From Canada-United States Exchange of Letters December 20 and 22, 2000:

1. The Province of Saskatchewan shall have the right to divert, store, and use waters which originate in the Saskatchewan portion of the Souris River basin, provided that such diversion, storage, and use shall not diminish the annual flow of the river at the Sherwood Crossing more than 50 percent of that which would have occurred in a state of nature, as calculated by the International Souris River Board of Control1 (the Board). For the purpose of these calculations, any reference to "annual" and "year" is intended to mean the period January 1 through December 31.

   For the benefit of riparian users of water between the Sherwood Crossing and the upstream end of Lake Darling, the Province of Saskatchewan shall, so far as is practicable, regulate its diversion, storage, and uses in such a manner that the flow in the Souris River channel at the Sherwood Crossing shall not be less than 0.113 cubic metres per second (4 cubic feet per second) when that much flow would have occurred under the conditions of water use development prevailing in the Saskatchewan portion of the Souris River basin prior to construction of the Boundary Dam, Rafferty Dam and Alameda [now known as the Grant Devine] Dam.

   Under certain conditions, a portion of the North Dakota share will be in the form of evaporation from Rafferty and Grant Devine Reservoirs. During years when these conditions occur, the minimum amount of flow actually passed to North Dakota will be 40 percent of the annual natural flow volume at the Sherwood Crossing. This lesser amount is in recognition of Saskatchewan's operation of Rafferty Dam and Alameda Dam for flood control in North Dakota and of evaporation as a result of the project.

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1 In April 2000, the International Joint Commission renamed the Board the International Souris River Board. Any reference hereafter to the International Souris River Board of Control refers to the International Souris River Board.

(a) Saskatchewan will deliver a minimum of 50 percent of the annual natural flow volume at the Sherwood Crossing in every year except in those years when the conditions given in (i) or (ii) below apply. In those years, Saskatchewan will deliver a minimum of 40 percent of the annual natural flow volume at the Sherwood Crossing.

(i) The annual natural flow volume at Sherwood Crossing is greater than 50 000 cubic decametres (40 500 acre-feet) and the current year June 1 elevation of Lake Darling is greater than 486.095 metres (1594.8 feet); or

(ii) The annual natural flow volume at Sherwood Crossing is greater than 50 000 cubic decametres (40 500 acre-feet) and the current year June 1 elevation of Lake Darling is greater than 485.79 metres (1593.8 feet), and since the last occurrence of a Lake Darling June 1 elevation of greater than 486.095 metres (1594.8 feet) the elevation of Lake Darling has not been less than 485.79 metres (1593.8 feet) on June 1.

(b) Notwithstanding the annual division of flows that is described in (a), in each year Saskatchewan will, so far as is practicable as determined by the Board, deliver to North Dakota prior to June 1, 50 percent of the first 50 000 cubic decametres (40 500 acre- feet) of natural flow which occurs during the period January 1 to May 31. The intent of this division of flow is to ensure that North Dakota receives 50 percent of the rate and volume of flow that would have occurred in a state of nature to try to meet existing senior water rights.

(c) Lake Darling Reservoir and the Canadian reservoirs will be operated (insofar as is compatible with the Projects' purposes and consistent with past practices) to ensure that the pool elevations, which determine conditions for sharing evaporation losses, are not artificially altered. The triggering elevation of 485.79 metres (1593.8 feet) for Lake Darling Reservoir is based on existing water uses in North Dakota, including refuges operated by the U.S. Fish and Wildlife Service. Each year, operating plans for the refuges on the Souris River will be presented to the Board. Barring unforeseen circumstances, operations will follow said plans during each given year. Lake Darling Reservoir will not be drawn down for the sole purpose of reaching the elevation of 485.79 metres (1593.8 feet) on June 1.

Releases will not be made by Saskatchewan Water Corporation [now Water Security Agency] from the Canadian reservoirs for the sole purpose of raising the elevation of Lake Darling Reservoir above 486.095 metres (1594.8 feet) on June 1.

(d) Flow releases to the United States should occur (except in flood years) in the pattern which would have occurred in a state of nature. To the extent possible and in consideration of potential channel losses and operating efficiencies, releases from the Canadian dams will be scheduled to coincide with periods of beneficial use in North Dakota. Normally, the period of beneficial use in North Dakota coincides with the timing of the natural hydrograph, and that timing should be a guide to releases of the United States portion of the natural flow.

(e) A determination of the annual apportionment balance shall be made by the Board on or about October 1, of each year. Any shortfall that exists as of that date shall be delivered by Saskatchewan prior to December 31.

(f) The flow release to the United States may be delayed when State of North Dakota determines and notifies Saskatchewan through the Board that the release would not be of benefit to the State at that time. The delayed release may be retained for use in Saskatchewan, notwithstanding the 0.113 cubic metres per second (4 cubic feet per second) minimum flow limit, unless it is called for by the State of North Dakota through the Board before October 1 of each year. The delayed release shall be measured at the point of release and the delivery at Sherwood Crossing shall not be less than the delayed release minus the conveyance losses that would have occurred under natural conditions between the point of release and the Sherwood Crossing. Prior to these releases being made, consultations shall occur between the Saskatchewan Water Security Agency, the U.S. Fish and Wildlife Service, and the State of North Dakota. All releases will be within the specified target flows at the control points.

From paragraph 22 of March 19, 1958, IJC report:

2. Except as otherwise provided herein with respect to delivery of water to the Province of Manitoba, the State of North Dakota shall have the right to divert, store, and use the waters which originate in the North Dakota portion of the Souris River basin together with the waters delivered to the State of North Dakota at the Sherwood Crossing under Recommendation (1) above; provided, that any diversion, use, or storage of Long Creek water shall not diminish the annual flow at the eastern crossing of Long Creek into Saskatchewan below the annual flow of said Creek at the western crossing into North Dakota.

3. (a) In addition to the waters of the Souris River basin which originate in the Province of Manitoba, that Province shall have the right, except during periods of severe drought, to receive for its own use and the State of North Dakota shall deliver from any available source during the months of June, July, August, September, and October of each year, six thousand and sixty- nine (6,069) acre-feet of water at the Westhope Crossing regulated so far as practicable at the rate of twenty (20) cubic feet per second except as set forth hereinafter: provided, that in delivering such water to Manitoba no account shall be taken of water crossing the boundary at a rate in excess of the said 20 cubic feet per second.

   (b) In periods of severe drought when it becomes impracticable for the State of North Dakota to provide the foregoing regulated flows, the responsibility of the State of North Dakota in this connection shall be limited to the provision of such flows as may be practicable, in the opinion of the said Board of Control [now International Souris River Board], in accordance with the objective of making water available for human and livestock consumption and for household use. It is understood that in the circumstances contemplated in this paragraph, the State of North Dakota will give the earliest possible advice to the International Souris River Board with respect to the onset of severe drought conditions.

4. In event of disagreement between the two sections of the International Souris River Board, the matters in controversy shall be referred to the Commission for decision.

5. The interim measures for which provision is herein made shall remain in effect until the adoption of permanent measures in accordance with the requirements of questions (1) and (2) of the Reference of January 15, 1940, unless before that time these interim measures are qualified or modified by the Commission.