

INTERNATIONAL JOINT COMMISSION
DIRECTIVE
to the
INTERNATIONAL LAKE ONTARIO-ST LAWRENCE RIVER
STUDY BOARD

1. Pursuant to the Boundary Waters Treaty of 1909 (Treaty), the International Joint Commission has an ongoing responsibility for assuring that projects it has approved continue to operate in a manner that is consistent with the provisions of the Treaty as interpreted by the Commission and the governments of Canada and the United States (governments). In carrying out this responsibility, the Commission has prepared and submitted to the governments a Plan of Study for Criteria Review in the Orders of Approval for Regulation of Lake Ontario - St Lawrence River Levels and Flows (Plan of Study), dated September 1999. The Plan of Study describes the work required to review water levels and flow regulation in the Lake Ontario - St Lawrence River system, and provides for consideration of knowledge that has been gained since the Commission's Order of Approval of the construction of certain works for development of power in the International Rapids Section of the St Lawrence River was issued on October 29, 1952 and amended on July 2, 1956, changed uses of the system, and likely future trends. The purpose of the study is i) to review the current regulation of levels and flows in the Lake Ontario-St. Lawrence River system, taking into account the impact of regulation on affected interests, ii) to develop an improved understanding of the system by all concerned, and iii) to provide all the relevant technical and other information needed for the review. In reviewing the Order and Regulation plan, and in assessing their impacts on affected interests, the Commission will be seeking to benefit both these interests and the system as a whole, consistent with the requirements of the Treaty.

2. This directive establishes the International Lake Ontario - St Lawrence River Study Board (Study Board). The mandate of the Study Board is to undertake the studies required to provide the Commission with the information it needs to evaluate options for regulating levels and flows in the Lake Ontario-St. Lawrence River system in order to benefit affected interests and the system as a whole in a manner that conforms to the requirements of the Treaty, and the Board shall be

guided by this mandate in pursuing its studies. These studies include:

- a. reviewing the operation of the structures controlling the levels and flows of the Lake Ontario-St. Lawrence River system in the light of the impacts of those operations on affected interests, including the environment;
- b. assessing whether changes to the Order or regulation plan are warranted to meet contemporary and emerging needs, interests and preferences for managing the system in a sustainable manner; and
- c. evaluating any options identified to improve the operating rules and criteria governing the system.

The Study Board shall provide options and recommendations for the Commission's consideration. In carrying out this mandate, the Study Board is encouraged to integrate as many relevant considerations and perspectives into its work as possible, including those that have not been incorporated to date in assessments of Lake Ontario-St Lawrence River regulation, to assure that all significant issues are adequately addressed.

3. 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 co-chairs of the Public Interest Advisory Group will be members 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 work.

4. The Study Board, after consultation with Commission, may establish study teams, committees, work groups and other advisory bodies to address the substantive areas identified in the Plan of Study and assist it in carrying out its responsibilities. The Study Board shall normally appoint an equal number of persons from Canada and from the United States to each of these entities. Unless other arrangements are made, members of the Study Board, study teams, committees, work groups and other advisory bodies will make their own arrangements for reimbursement of necessary expenditures.

5. The Commission, after consultation with the Study Board, will appoint a co-manager in Canada and a co-manager in the United States to assist the Study Board on a full-time basis in performing the responsibilities assigned to it in this directive. The co-managers shall work under the joint direction of the co-chairs of the Study Board and shall keep fully abreast of the work of the study teams, committees, work groups and other advisory bodies, as well as the Public Interest Advisory Group, which is established pursuant to the Public Participation terms of reference dated December 11, 2000.

6. The Study Board, study teams, committees, work groups and other advisory groups shall act as unitary bodies. The members of the Study Board, the study teams, work groups, other advisory bodies, and the co-managers 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 and the study teams, committees, work groups and other advisory bodies shall endeavour to conduct all their work by consensus. The Study Board shall notify the Commission of any irreconcilable differences and shall refer promptly to the Commission any lack of clarity or precision in instructions or directives received from the Commission.

8. The Study Board shall carry out its work independent of the work of the International St. Lawrence River Board of Control (Board of Control), which is responsible for overseeing the regulation of the outflows from Lake Ontario pursuant to the Commission's 1952 Orders of Approval, as amended and shall not take instructions from the Board of Control. The Study Board, however, shall maintain liaison with the Board of Control so that each Board may be aware of any activities of the other that might be useful to it in carrying out its responsibilities.

9. The Study Board shall keep the Commission fully informed of its progress and direction. The Study Board shall also maintain an awareness of basin-wide activities and conditions and shall inform the Commission about any such activities or conditions that might affect its work. In addition to regular contact

with designated Commission personnel, the Study Board shall meet with the Commission at least semi-annually and shall submit written progress reports to the Commission at least three weeks in advance of those times and at other times as deemed appropriate by the Study Board or as requested by the Commission. The Study Board will also maintain such financial and other records as may be necessary to document the contributions of each country to the study effort.

10. The Commission emphasizes the importance of public outreach, consultation, and participation. In the conduct of its activities, the Study Board shall be guided by the Public Participation Guidance dated December 11, 2000. The Commission expects the Study Board to involve the public in its work to the fullest extent possible. The Study Board shall provide the text of media releases to the Secretaries of the Commission prior to their release.

11. To facilitate public outreach and consultation, the Study Board shall make information related to the study as widely available as practicable, including white papers, data, reports of the Study Board or any of its subgroups, and other materials, as appropriate. The Study Board shall develop and maintain a web-site as a means for disseminating information related to implementation of the Plan of Study, and will use the web-site to encourage public discussion of such information. To the extent practicable, the Study Board shall make available on the web-site 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.

12. The Commission will conduct formal public hearings at appropriate times during the course of this study.

13. The Study Board shall within two months of its creation submit for the Commission's approval a comprehensive work plan with an associated schedule of activities, products and budget, all based on the Plan of Study.

14. The Commission will administer, or coordinate, resource contributions from the two governments to support the activities of the Study Board, the study teams, committees, work groups, other advisory bodies, and the Public Interest Advisory Group.

Signed this the 11th day of December, 2000.

Gerald E. Galloway, Secretary
United States Section

Murray Clamen, Secretary
Canadian Section