

# Directive for the International Rainy – Namakan Lake Rule Curves Study Board

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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 had prepared the Plan of Study (PoS) entitled ***Evaluation of the International Joint Commission (IJC) 2000 Order for Rainy and Namakan Lakes and Rainy River*** in 2009. Studies in support of the Rule Curve Review outlined in the PoS have been conducted since 2010. In preparation for the evaluation phase of the Rule Curve Review which includes consolidation of the findings of the PoS studies the Commission worked with the International Rainy Lake of the Woods Watershed Board to develop a ***Terms of Reference for the International Rainy - Namakan Lake Rule Curves Study Board*** (ToR) which outlines the objectives, scope and timeline of the rule curve evaluation.

2. This directive establishes the International Rainy – Namakan Lake Rule Curves Study Board (Study Board). The mandate of the Study Board is to undertake the studies required to develop a rule curve evaluation report providing the Commission with sufficient information required to evaluate options for regulating levels and flows in the Rainy-Namakan Lakes 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 Study Board shall be guided by this mandate in pursuing its studies. 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, 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 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. The Co-chairs will also be responsible for coordinating with the IRLWWB (International Rainy Lake of the Woods Watershed Board) and its WLC (Water Levels Committee), the Study Board's TWG (Technical Working Group) and the other technical and advisory groups, and for coordinating with and reporting to the Commission.
4. The Commission will appoint a Study Manager to assist the Study Board on a full-time basis in performing the responsibilities assigned to it in this directive. The Study Manager will report to

and take direction from the Study Board. The Study Manager 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 Rule Curve Public Advisory Group (RCPAG), which is established pursuant to the ***Directive for Communication and Public Outreach Activities for the Rainy - Namakan Lake Rule Curves Study.***

5. The Commission will appoint a Technical Working Group (TWG), consisting of two members, one from Canada and one from the United States. The TWG will report to and take direction from the Study Board. The TWG will support the Study Board and will be responsible for conducting scenario modeling for rule curve evaluation as directed by the Study Board.
6. 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 ToR 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 unless otherwise arranged with the Commission. The Commission seeks to ensure the inclusion of appropriate expertise in the membership of its boards, while drawing that expertise from a diversity of sources on a non-discriminatory basis. When identified by the Study Board, the Commission will pursue technical assistance from the two governments, the province of Ontario and the State of Minnesota.
7. 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.
8. The Study Board and the study teams, committees, and work groups 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.

The Study Board shall carry out its work independent of the work of the International Rainy Lake of the Woods Watershed Board (IRLWWB) and its Water Levels Committee (WLC) and shall not take instructions from the IRLWWB or WLC. The Study Board, however, shall maintain liaison with the IRLWWB and WLC so that all may be aware of the others' activities that might be useful to it in carrying out its responsibilities. The Study Board will consult regularly with the IJC's IRLWWB Liaisons who shall be invited to all meetings of the Study Board.

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 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 as deemed appropriate by the Study Board or as requested by the Commission. All progress reports will be shared with the IRLWWB, the WLC, the Industry Advisory Group (IAG) and the Community Advisory Group (CAG) at that time so that the IRLWWB can provide comments at its appearance before the Commission. The final study report shall discuss findings from the evaluation of Rule Curve alternatives. The final study report should include a discussion of the multiplicity of views provided by the RCPAG and explain how those views were considered in its final recommendations. 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 ***Directive for Communication and Public Outreach Activities for the Rainy - Namakan Lake Rule Curves Study***. The Commission expects the Study Board to involve the public in its work to the fullest extent possible. The Study Board shall provide communication materials to the Secretaries of the Commission prior to their release. Public communications materials shall include but not be limited to: public meetings, press releases, and public statements. IJC Communications staff will assist the Study Board and its Study Manager in establishing and maintaining a public website, which will be a complete repository of all the Study Board's public documents. The Study Board shall solicit and make use of public input received prior to and during the study period and make it available on the IJC website. The final Study report should also include a summation of its public outreach activities.
11. The Study Board shall within two months of its creation submit for the Commission's approval an evaluation methodology report laying out activities and work to be conducted during the study, a list of RCPAG members and a comprehensive work plan with an associated schedule of activities, products and budget, all based on the ToR.
12. 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 RCPAG.
13. The Study Board will start its work on August 10, 2015 and deliver its Final report to the Commission on March 31<sup>st</sup>, 2017. Some estimated dates of key milestones are:

- a. **August 4, 2015** – IJC announce the structure, role and membership of the Study Board and TWG.
  - b. **Week of August 10, 2015** – study board convene an initial meeting separately and in conjunction with the IRLWWB annual meetings.
  - c. **November 1, 2015** – Evaluation Methodology Report to be sent to IJC
  - d. **March 2016** – International Lake of the Woods Science Forum – Study Board public information meetings.
  - e. **March 31, 2017** – Draft report submitted to the Commission.
  - f. **May 31, 2017** - Final draft report submitted to the Commission. Public hearings to be held as required.
14. An Independent Review Group (IRG) will be established to ensure independent technical review is being conducted and documented on appropriate study components and documents, during the entire study process. The IRG will conduct, as well as manage this independent review. One Canadian and one U.S. representative shall Co-chair the IRG. All IRG members shall have practical experience evaluating multi-purpose water resource studies requiring analysis of trade-offs used for the purposes of public decision making. These members and the IRG Co-chairs shall not have participated in Plan of Study development nor be members of groups that report to the Study Board Co-chairs. IRG members should have backgrounds in economics, hydrology and hydraulics, environmental science, recreational boating and tourism, water use or plan formulation and evaluation.

**[Signatures]**