

Directive to the International Souris River Board

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 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 is a step in the evolution of the International Souris River Board as it moves towards an integrated approach to transboundary water issues in the Souris River basin.

This directive replaces the April 11, 2002 Directive to the International Souris River Board and sets out the mandate under which the Board will 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.
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 Canada-United States Agreement for Water Supply and Flood Control in the Souris River basin on October 26, 1989 (hereafter referred to as the 1989 Agreement), 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 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 Canada-United States Agreement for Water Supply and Flood Control in the Souris River Basin 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 October 2005 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 April 2006 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 Canada-United States Agreement for Water Supply and Flood Control in the Souris River basin designates the entities responsible for operation and maintenance of the improvements mentioned in the 1989 Agreement and that the operations will 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.

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. 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 of the Souris River basin. The Board's mandate will be accomplished by performing the tasks identified in Clause 6 below.
6. The Board's duties shall be to:
 - i. Maintain 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 inform the Commission about existing or potential transboundary issues.
 - ii. Oversee 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:
 - identifying an adequate hydro-climatic monitoring network to support the determination of natural flow and apportionment balance,
 - 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,
 - informing the Commission, in a timely manner, of critical water supply or flow conditions in the basin,
 - encouraging appropriate authorities to take steps to ensure that apportionment measures are met, and
 - preparing an annual report and submitting it to the Commission.

- iii. Assist the Commission in the review of a Joint Water Quality Monitoring Program (referred to hereafter as "the Program") by:
- developing recommendations on the Program and the setting of water quality objectives,
 - exchanging data provided by the Program on a regular basis,
 - collating, interpreting, and analyzing the data provided by the Program,
 - reviewing the Program and the water quality objectives at least every five years and developing recommendations, as appropriate, to the Commission to improve the Program and the objectives, and
 - 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. Perform an oversight function for flood operations in cooperation with the designated entities identified in the 1989 Canada-United States Agreement for Water Supply and Flood Control in the Souris River Basin by:

- ensuring mechanisms are in place for coordination of data exchange, flood forecasts and communications related to flood conditions and operations;
 - 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, using its criteria and informing designated agencies of this determination;
 - reporting to the Commission on any issues related to flood operations and management; and
 - providing the Commission and the designated entities under the 1989 Agreement recommendations on how flood operations and coordination activities could be improved.
- v. Report 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 the aquatic ecosystem.
- vi. Carry out such other studies or activities as the Commission may, from time to time, request.
- vii. Prepare an annual work plan including both routine board activities and new initiatives planned to be conducted in the subsequent year. The work plan shall be submitted annually to IJC for review.
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 act in their personal and professional capacity, and not as representatives of their countries, agencies or institutions. The Commission shall appoint Canadian and United States co-chairs of the Board and will strive to appoint chairs with complementary expertise that encompasses a broad spectrum of basin issues.
10. The co-chairs of the Board shall be responsible for maintaining proper liaison between the Board and the Commission, and among the Board members.

11. The co-chairs shall 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.
12. 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.
13. The Board may establish such committees and working groups as may be required to fulfill its responsibilities in a knowledgeable and effective manner. The Commission shall be kept informed of the duties and composition of any committee or working group.
14. Unless other arrangements are made with the Commission, members of the Board, committees, or working groups shall make their own arrangements for reimbursement of necessary expenditures for travel or other related expenses.
15. 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.
16. The Board shall conduct its public outreach activities in accordance with the Commission's public information policies and shall maintain files in accordance with the Commission policy on segregation of documents.
17. 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.
18. The Board shall submit an annual report covering all of its 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. 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.
19. 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. 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 web site.
20. 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.
21. The Board shall operate by consensus. In the event of any disagreement among the members of the Board which they are unable to resolve, the Board shall refer the matter forthwith to the Commission for decision.

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

Signed this _____ day of _____, 2007

Elizabeth Bourget
Secretary
United States Section

Murray Clamen
Secretary
Canadian Section