

International Joint Commission
Canada and United States



Commission mixte internationale
Canada et États-Unis

June 26, 2020

Ms. Barbara Patterson
Assistant Director
Natural Resources and Environment
Government Accountability Office
441 G St., NW
Washington, DC 20548

Dear Ms. Patterson:

Thank you for the opportunity to provide an initial response to the draft Government Accountability Office (GAO) report entitled *Lake Ontario-St. Lawrence River Plan: Improved Communication and Adaptive Management Strategy Could Help Address Stakeholder Concerns* (GAO-20-529). The International Joint Commission (IJC) appreciates the GAO's work in undertaking this report.

We appreciate the GAO recognizes that the International Joint Commission (IJC) is a binational organization and that decisions of the Commission require agreement by a majority of Canadian and US Commissioners. Under the Boundary Waters Treaty, the Commission acts as a unitary body, taking the interests of stakeholders in both countries into consideration and seeking solutions that are in the best interest of both countries.

In addition, we are pleased that the GAO found that the IJC's process for developing and selecting Plan 2014, the current plan used for regulating Lake Ontario outflows, was generally consistent with each of the 14 steps for risk-informed decision making that the GAO evaluated. These included the direct involvement of stakeholder representatives in defining performance indicators, developing models to assess environmental and economic impacts, and evaluating a wide range of alternative regulation plans. The IJC also conducted extensive public consultations in 2008, 2012 and 2013 before recommending Plan 2014 to the Governments of Canada and the United States.

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Recommendation One

The US Commissioners of the International Joint Commission should work with the Canadian Commissioners to update the Lake Ontario-St. Lawrence River Board Communications Plan and ensure that the plan incorporates best practices for public relations efforts, in particular defining target audiences and developing mechanisms to monitor and inform adjustments to strategies, and generally accepted principles for communicating risk-related information.

Progress to date

When we received the GAO's draft report, the IJC consulted with a communications expert for advice on specific actions that could be taken to incorporate best practices for public relations efforts into an updated Board communications plan. The consultant's tasks include recommending: (1) overall desired outcomes for the communications plan; (2) how target audiences should be segmented and prioritized; (3) best public relations practices, along with the human and financial resources needed to carry them out; and (4) methods for assessing the effectiveness of the communications effort to meet the desired outcomes. Preliminary advice from the consultant suggests that the IJC could use polling more extensively to conduct research, provide user-testing of information and messages, and gather quantitative data on changes over time in awareness of and satisfaction with IJC decision making within stakeholder groups. The IJC intends to develop an updated communications plan that incorporates best practices for public relations efforts by December 31, 2020.

We are pleased that the GAO recognized the extraordinary effort made by our International Lake Ontario-St. Lawrence River Board (Board) to communicate with stakeholders regarding the record-high water levels that occurred in 2017 and 2019. Additional steps to respond to concerns identified in the draft GAO report include engaging a consultant to augment the Board's technical expertise with the skills and resources needed to communicate more effectively. Among other things, the consultant has helped the Board craft consistent messages, provided plain language editing of communication products, led a weekly communications coordination meeting, and provided expert advice in other areas. In response to recommendations by the Ontario Government's Special Advisor on Flooding, the Board also created a section on its website to make information about the 2017 and 2019 floods more accessible, including the causes of the floods and how Lake Ontario outflows were managed. The Board has developed a quarterly newsletter for local officials, property owners, recreational boaters and other target audiences in shoreline communities with similar information needs. The newsletter provides information about the issues that are anticipated to affect water levels during the coming season.

Steps taken by the IJC include a series of public webinars to address issues of immediate interest to shoreline residents, including factors that determine Lake Ontario and St. Lawrence River water levels, balancing high-water conditions upstream and downstream of the Moses-Saunders Dam, how commercial navigation affects Lake Ontario outflows, and other topics raised by stakeholders. Policy makers (IJC co-chairs) and technical experts were available to respond to questions during the webinars. Recent IJC public webinars have included more than 1,000 participants and more than 90 percent of respondents to polling questions indicated that they found the webinars to be useful. In addition, the IJC's Great Lakes-St. Lawrence River Adaptive

Management (GLAM) Committee has sought input on high water impacts via a questionnaire for shoreline property and business owners, and in meetings with municipal leaders in shoreline communities.

Challenges

The IJC appreciates that the GAO recognized stakeholder consensus on risk-informed decisions is often not possible. The major challenge facing the IJC in this regard is to restore the trust of property and business owners who have been harmed by high water. In situations where perceptions of unfairness have been deeply held for decades, measures such as best practices for targeting information may have little effect until what may be referred to as community outrage factors have been addressed. Therefore, the IJC has concluded that its best practices for public relations must also demonstrate that it takes stakeholder concerns seriously.

As part of the adaptive management process, the IJC has established a public advisory group to involve leaders from stakeholder organizations in the review of Plan 2014. Our intention is to work with these leaders to identify potential improvements to the criteria that guide Lake Ontario outflow decisions. The IJC has engaged an outside, neutral facilitator to lead stakeholder engagement, and possibly mediate issues that arise during the review. Our hope is that the process will lead to a common understanding of the facts and refinement of the decision criteria. However, establishing and sustaining trust more broadly within shoreline communities is a much larger, ongoing challenge. When inflows are as high as they were in 2017 and 2019, flooding of communities cannot be avoided, and outflow decisions will need to balance the impacts among affected stakeholders. Maintaining the public's trust in how outflows are governed is also a shared responsibility. Historically, leaders of stakeholder organizations and elected officials have blamed the IJC for any flooding that occurs.

Recommendation Two

The US Commissioners of the International Joint Commission should work with the Canadian Commissioners to enter into written agreements with entities that the Great Lakes-St. Lawrence River Adaptive Management Committee identifies as having information or resources that the committee needs to effectively monitor and evaluate the impacts of Plan 2014

Progress to date

Earlier this year, the IJC agreed to a written protocol with the St. Lawrence Seaway entities to share information regarding the economic impacts of extreme water levels and flows on their interest. The IJC is compiling a list of additional entities and will explore formal data and information sharing arrangements with them. Negotiating such agreements can be a lengthy process, but we intend to make further progress by December 31, 2020.

Recommendation Three

The US Commissioners of the International Joint Commission should work with the Canadian Commissioners to ensure that the IJC fully incorporates the key elements and essential

characteristics of the adaptive management process into a comprehensive adaptive management strategic plan for Plan 2014.

Progress to date

The GLAM Committee has begun to revise its adaptive management strategic plan to incorporate key elements and essential characteristics of the adaptive management process as identified by the GAO. In particular, the strategic plan will reference the GLAM communication plan. It will also recognize the establishment of the Public Advisory Group and its role in assisting the GLAM Committee with seeking improvements to regulation by contributing knowledge about water level impacts and input on the assessment methods used in the review. Public Advisory Group members are also expected to help foster a two-way dialogue between the GLAM Committee and their constituencies and provide advice on incorporating long-term stakeholder engagement into the adaptive management strategic plan. The strategic plan will also note the importance of collaboration with partner agencies and organizations.

The GLAM Committee is also working with the IJC and a communications consultant to better articulate the linkages between the GLAM Committee activities and the objectives of the regulation plan and deviations from plan flows. The strategic plan will be revised to help clarify these linkages and to explain how the adaptive management process is identifying and evaluating uncertainties. Reducing uncertainty is a primary goal of validating the performance indicators and models. The GLAM Committee will produce a comprehensive adaptive management strategic plan that fully incorporates the key elements and essential characteristics of the adaptive management process by December 31, 2020. The adaptive management strategic plan will be updated in October 2021 to incorporate advice provided by the Public Advisory Group on long-term stakeholder engagement.

Challenges

The GAO's draft report notes that the GLAM Committee's strategic plan does not explain how the Board or IJC will determine whether a change in the rules or criteria for water releases is necessary. In cases where the GLAM Committee can identify how adjusting the rules or criteria would benefit one or more interests without impacting other interests, the need for change can be considered on an empirical basis. However, changes in the hydroclimate, economic uses or social values may also generate concerns about the performance of the regulation plan. In such cases, we cannot identify the specific considerations that may determine the need for change in the future. The GLAM strategy relies on the ongoing collection of data, and refinement of evaluation tools to support the collective judgment on when potential changes may be warranted.

It is important to note that the continued collection and analysis of data needed to fulfill the adaptive management requirements in the 2016 supplementary order of approval is also contingent on the availability of funding. The GLAM Committee was not able to fully proceed with the first phase of the review of Plan 2014 until funding was provided in the U.S. Section's FY 2020 appropriation in December 2019. Funding for subsequent work on the review, or the GLAM strategy in general, is still uncertain.

Conclusion

In closing, we again thank the GAO for its evaluation of the IJC's communications and adaptive management plans regarding the regulation of Lake Ontario outflows. The IJC is working to respond to the GAO's recommendations and expects to have a more thorough response by the end of this calendar year.

Sincerely,



Jane Corwin
Chair
US Section



Pierre Béland
Chair
Canadian Section