

DIRECTIVE TO THE INTERNATIONAL RED RIVER WATERSHED BOARD

Approved by the International Joint Commission on May 26, 2022

History of Directive

Pursuant to the Boundary Waters Treaty of 1909, wherein Canada and the United States agree to certain provisions including regarding the maintenance of navigation, water levels, flows, and water quality of boundary waters, responsibilities have been conferred on the Commission under a 1948 Reference from the governments of Canada and the United States with respect to the use and apportionment of the waters along, across, or in the vicinity of the international boundary from the eastern boundary of the Milk River drainage basin on the west up to and including the drainage basin of the Red River on the east, and under the May 1969 authorization from the governments to establish continuous supervision over the quality of the waters crossing the boundary in the Red River and to recommend amendments or additions to the objectives when considered warranted by the International Joint Commission.

The directive from the International Joint Commission dated February 7th 2001 consolidated the functions of two former boards created pursuant to the above responsibilities, the International Red River Pollution Board and the International Souris-Red Rivers Engineering Board, into one board, known as the International Red River Board (IRRB). This directive replaces the August 4, 2021 directive. On August 4, 2021 the International Joint Commission designated the IRRB an International Watershed Board, which shall now be named the International Red River Watershed Board (IRRWB), requiring it to operate pursuant to International Watershed Initiative principles and approaches.

Definitions

“Aquatic Ecosystem of the Red River Basin” means the structure, function and interacting components of water, land, air, and living organisms that relate to the Water Resources of the Red River Basin.

“Aquatic Ecosystem Integrity” means that the Aquatic Ecosystem of the Red River Basin can support and maintain a community of organisms that has species composition, diversity, functional organization, supporting processes, and rates of change comparable to those of natural habitats of the Red River Basin.

“Red River Basin” means the Red River from its headwaters to its delta at Lake Winnipeg, excluding the Assiniboine and Souris Rivers.

“Water Resources of the Red River Basin” means the Red River and any order tributary to the Red River including deltas, tributaries of deltas, wetlands, and lakes

which contribute water to the Red River¹, whether in liquid or frozen state and includes groundwater and aquifers.

Objective

The objective of the IRRWB is to support the Aquatic Ecosystem Integrity of the Red River Basin pursuant to this directive.

Direction

The IRRWB operates under the authority of the Commission as set out in this directive.

The Commission's direction to the IRRWB is to achieve the Objective by assisting the Commission in preventing and resolving disputes relating to the Aquatic Ecosystem of the Red River Basin through implementation of its responsibilities under this Directive in accordance with the seven operating principles of an International Watershed Board (attached as Schedule A).

Responsibilities

To fulfil this directive, the IRRWB shall:

1. Focus on all aspects of Aquatic Ecosystem Integrity which includes but is not limited to ground and surface water quality, quantity, levels, flows, and biological elements.
2. Maintain an awareness of current and emerging land use and development and socio-economic activities and conditions and the potential or existing impact of these activities and conditions on the Aquatic Ecosystem Integrity of the Red River Basin, including through maintaining an awareness of the activities of other governments (federal, Indigenous, provincial, state, and municipal as relevant) and their agencies and institutions;
3. Provide a continuing and inclusive forum for the identification, discussion and resolution of relevant existing and emerging issues, science and traditional knowledge, and the sharing of information and best practices;
4. Develop an approach, maintain and report on the state of the Aquatic Ecosystem of the Red River Basin;
5. Recommend to the Commission objectives for Aquatic Ecosystem Integrity, including objectives related to the watershed and the component parts of the Red River Basin, and where objectives have been agreed to by governments of the Red River Basin:

¹ Application of this definition includes the consideration that Lake Winnipeg is the end point and receiving surface water body for the Red River as set out in "A Proposed Approach to Developing a Basin-Wide Nutrient Management Strategy for the International Red River Watershed" proposed by the Board and approved by the Commission in 2011.

- Maintain continuing surveillance and perform inspections, evaluations and assessments, as necessary, to determine compliance with the objectives;
 - Encourage the responsible governments (federal, Indigenous, provincial, state, and municipal as relevant), including their regulatory and enforcement agencies and the Commission to take steps to ensure that the objectives are met;
 - Review and update if necessary the objectives every five years or more frequently if circumstance so require;
 - Report yearly to the Commission on this provision, unless circumstances require more frequent reporting.
6. Encourage governments to establish and maintain contingency plans, including early warning and coordination procedures, for appropriate reporting and action on emergency matters that may impact Aquatic Ecosystem Integrity including accidental discharges or spills, floods, droughts and wildfires and associated land management and conservation approaches.
 7. Encourage the responsible governments (federal, Indigenous, provincial, state, and municipal as relevant) and their appropriate authorities, such as resource and emergency planning agencies, to develop and promote a culture of climate change adaptation and resilience, including flood, drought, and wildfire mitigation, management and preparedness and associated land management and conservation approaches.
 8. Develop and promote a culture of climate change adaptation and resilience, including flood, drought, and wildfire mitigation, management and preparedness and associated land management and conservation approaches, and their effects on the Aquatic Ecosystem by:
 - Monitoring and reporting on the adequacy of mitigation, management and preparedness activities, procedures, data and information collection networks, and warnings;
 - Encouraging and facilitating adaptive management and the development, maintenance and sharing of collaborative and innovative data and information systems and forecasting and hydrodynamic techniques, mapping and models;
 - Encouraging governments to develop improved procedures for emergency warnings and to improve communication of emergency forecasts;
 - Interacting with all levels of government to help decision-makers become aware of these issues;
 - Monitor potential effects of flood, drought, and wildfire mitigation, management and preparedness and associated land management and conservation approaches and other works in the Red River Basin, and encourage cooperative studies necessary to examine these effects;
 9. Monitor and report on progress by relevant governments (federal, Indigenous, provincial, state, and municipal as relevant) in implementing the IRRWB and Commission recommendations;
 10. Involve the public in the work of the IRRWB, facilitate provision of timely, pertinent, and public-friendly (in terms of readability and accessibility) information and knowledge translation in the most appropriate manner

including electronic information networks, and conduct an annual public meeting.

Accountability and Reporting

The IRRWB is accountable to the Commission and therefore shall:

1. Provide an annual report to the Commission on the state of the Red River Basin, progress made towards fulfillment of the Objective and the responsibilities set out in this directive, plus other reports as the Commission may request or the IRRWB may feel appropriate in keeping with this directive;
2. Provide a tri-annual assessment of progress to the Commission evaluating the effectiveness in achieving the Objective and any recommendations to improve effectiveness;
3. Ensure adequate opportunities are provided for the public to comment on the IRRWB's activities including on the adequacy of progress towards the Objective and effectiveness of fulfilment of this directive;
4. Inform the Commission, in advance, of plans for any public meetings or public involvement in the IRRWB deliberations. The IRRWB shall report, in a timely manner, to the Commission on these meetings, including the representations made;
5. Provide the text of media releases and other public information materials to the Secretaries of the Commission for review and approval by the Commission's Public Information Officers, prior to their release;
6. Inform the Commission of any developments or cost impediments, actual or anticipated, which are likely to affect fulfilment of the IRRWB's responsibilities or attainment of the objective of this directive, and provide the IRRWB's proposed plan to address fulfilment of its responsibilities under the circumstances.

Membership

1. The IRRWB shall have an equal number of members from each country.
2. The IRRWB shall be comprised of members representing a wide range, if not all interests in the Red River Basin to include, but not limited to, Indigenous, conservation, and municipal members.
3. The Commission shall normally appoint each member for a three-year term. Members may serve for more than one term.
4. Members shall act in their personal and professional capacity to uphold and achieve the objective and fulfil this directive, and not as representatives of their countries, agencies, institutions or communities.
5. The Commission shall appoint one member from each country to serve as co-chairs of the IRRWB.
6. At the request of any member, the Commission may appoint an alternate member to act in the place of such member whenever the said member, for

any reason, is not available to perform such duties as are required of the member. An alternate member may not act as a co-chair.

7. The co-chairs of the IRRWB shall be responsible for maintaining proper liaison between the IRRWB and the Commission, and among the IRRWB members. Chairs shall ensure that all members of the IRRWB are informed of all instructions, inquiries, and authorizations received from the Commission and also of activities undertaken by or on behalf of the IRRWB, progress made, and any developments affecting such progress.
8. Each chair, after consulting the members of the IRRWB, may appoint a secretary. Under the general supervision of the chair(s), the secretary(ies) shall carry out such duties as are assigned by the chairs or as decided by the IRRWB.
9. The IRRWB may establish such committees and working groups as may be required to discharge its responsibilities effectively. All committees established by the IRRWB must be established in accordance with the terms of this directive and operate according to Terms of Reference approved by the Commission. The Commission shall be kept informed of the duties and composition of any committee or working group.

Meetings, Management and Administration

1. The IRRWB shall conduct its work by consensus as per the Commission's Guidance on Board Consensus Document dated March 20, 2020.
2. In the event of any unresolved disagreement among the members of the IRRWB, the IRRWB shall refer the matter forthwith to the Commission for decision.
3. If, in the opinion of the IRRWB 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 timely and appropriate action shall be promptly communicated to the IRRWB.
4. Ordinarily, members of the IRRWB, committees, or working groups will make their own arrangements for reimbursement of necessary expenditures.
5. Reports, including annual reports, and correspondence of the IRRWB shall, normally, remain privileged and be available only to the Commission and to members of the IRRWB and its committees until their release has been authorized by the Commission.

Duration of Directive

1. This Directive continues until amended or discontinued by the Commission.
2. The Commission may amend this Directive and/or existing instructions or issue a new Directive and/or instructions to the IRRWB at any time.

This Directive is approved by the International Joint Commission and is effective this date, the 26th of May, 2022

Schedule A

International Watersheds Initiative Operating Principles

1. An integrated ecosystem approach to transboundary water issues;
2. Binational collaboration;
3. Involvement of local expertise;
4. Public engagement;
5. Balanced and inclusive board representation;
6. Open and respectful dialogue; and,
7. An adaptive management perspective.