

## INTERNATIONAL JOINT COMMISSION

### **Directive to the International Lake Champlain – Richelieu River Study Board**

The purpose of this directive is to establish and direct the International Lake Champlain-Richelieu River Study Board (Study Board) to examine and report to the International Joint Commission (the Commission) on the matters raised by the Governments of Canada and the United States in a reference provided to the Commission dated September 16 and 22, 2016, respectively (copies of this reference are included as Appendices to this directive).

The Commission submitted to the governments the Lake Champlain – Richelieu River Plan of Study (Plan of Study) in July 2013. The Plan of Study outlined the work required to be conducted in the Lake Champlain and Richelieu River Basin in order to explore potential floodplain management solutions and to provide a range of structural and non-structural flood prevention and mitigation measures. In July 2014 the Governments provided the Commission with a reference, under Article IX of the Boundary Waters Treaty (Treaty) to complete portions of the Plan of Study. The Commission issued its final report to governments in accordance with this reference in December 2015.

Governments followed up on the Plan of Study and the July 2014 reference by providing the Commission with a further reference on September 16 and 22, 2016 to “complete the work outlined in Option B of the 2013 Plan of Study to more fully explore the causes, impacts, risks, and solutions to flooding in the Lake Champlain-Richelieu River basin.” Accordingly, the Commission establishes the Study Board to aid it in fulfilling the terms of this reference, and provides the following instructions in order to guide and direct its activities.

1. The mandate of the Study Board is to assist the Commission in completing the work outlined in Option B of the 2013 Plan of Study (Study). An initial work plan including a draft communication plan shall be provided to the Commission from the Study Board by March 8, 2017. A final work plan and communication plan shall be provided to the Commission, including a detailed schedule and budget for the Study by April 22, 2017.
2. 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 Commission may appoint an alternate member to act in the place of a member as it sees justifiable. The Co-chairs of the Study Board shall convene and preside at meetings of the Study Board and shall strive to achieve consensus in its decision-making. The Co-chairs shall jointly take a leadership role in planning and implementing the Study Board’s mandate. On behalf of the Board, the Co-chairs shall have authority and responsibility for the Study. The Co-chairs shall keep the Commission informed on an ongoing basis of the Board’s plans and progress and of any developments or cost impediments, actual or anticipated, which are likely to impede, delay, or otherwise affect the carrying out of the Board’s responsibilities.
3. The Co-chairs of the Study Board will appoint two Study Managers, one from each country, to assist the Study Board in delivering on its mandate. The Study Managers shall work under the joint direction of the Co-chairs of the Study Board, and shall not be members of the Study Board, though they will participate at every Study Board meeting. The Study Managers shall keep fully abreast of

the work of the advisory bodies (see Item 4) and function as an active liaison between the Study Board and those bodies. The Study Managers will facilitate and support the collaborations and the relationship among partner and government organisations associated with the Study. The Study Managers will be responsible for the effective management of the Study Board's work plan, as overseen by the Study Board, for communicating to the advisory bodies the direction of the Study Board, assisting in the conduct, presentation and coordination of meetings, and in general administrative and financial/contractual tasks, including providing briefings to the Study Board on these as identified by the Co-chairs. The Study Managers will maintain financial and other records as may be necessary to document the contributions of each country to the Study effort. Study Managers working with those responsible for information management, will also collect and maintain all reports, models and datasets developed as part of the Study effort, and provide all datasets to the Commission. The Study Managers may be assisted with an administrative assistant (a secretary) whose duties would cover secretarial functions (*e.g.*, assistance in the scheduling and organization of meetings, managing files and correspondence, and routine clerical tasks and errands. Secretarial support will be provided in both French and English. ensure

4. The Study Board may establish study teams, technical committees, work groups (referred herein as advisory bodies) to carry out its work under this reference. The Study Board shall normally appoint an equal number of persons from Canada and the United States to each of these advisory bodies. When requested by the Study Board, the Commission may collaborate and seek technical assistance from the Governments, the States of New York or Vermont, the Provincial government of Quebec and/or other experts in respective disciplines as determined appropriate by the Study Board. This assistance shall remain within the resources provided for the Study. Advisory bodies shall also conduct their work by consensus with the exception of the Public Advisory Group (PAG; see Item 10).
5. The Study Board shall strive to achieve consensus in conducting its work in accordance with this Directive. The Study Board shall promptly notify the Commission of any irreconcilable differences within the Study Board and shall promptly refer to the Commission any lack of clarity or precision in instructions or directives received from the Commission.
6. The members of the Study Board and its advisory bodies 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 shall keep the Commission informed of its progress and direction and will maintain awareness of basin-wide activities and conditions and shall inform the Commission of any such activities or conditions that might affect its work. In addition to regular contact with liaisons designated by the Commission (Commission Staff Liaisons), 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 deemed appropriate by the Study Board as agreed to or as requested by the Commission. The Commission must approve progress reports prior to posting on the Commission website. All progress reports developed by the Study Board will be shared with its advisory bodies, and the PAG (see Item

- 10). Until publically released by the Study Board, all documents shall be considered confidential and not for distribution.
8. Study Board members shall maintain files in accordance with the Commission's policy on record keeping and segregation of Commission documents. All Board members shall be provided with these policy documents at the time of appointment to the Board.
9. The Study Board shall provide the contents of media releases to the Commission prior to their release. The Board shall inform the Commission in advance of plans for any meetings, or other means of involving the public in Board outreach, and report to the Commission, in a timely manner, on these and any other presentations or representations made by the Board. IJC Commissioners and IJC Staff Liaisons or other staff advisers may observe any meetings of the Study Board and any committees the Board may establish.
10. The Commission emphasizes the importance of public outreach, consultation, and participation. In the conduct of its activities, the Board shall carry out its public outreach activities in accordance with the Commission's Communication policies (including the Communications Guidance document; annexed to this Directive). The Study Board Co-chairs shall be the public face and principal spokespersons for the Study in all of its communication activities unless they delegate this role to other Board Members or staff. The Study Board shall work within the resources provided for the Communication component of the Study. Study Board shall develop and maintain a website content presence (*i.e.*, Study Board Webpage) on the Commission website regarding the progress and achievements of the Study under the Commission's Rules of Procedure, including public comment and other information made available by decision. The Study Board will use the website to encourage public discussion of information. The Study Board will develop the necessary communication tools and materials to educate the public on flooding and flood mitigation aspects considered in the Study, for use during and after the Study is complete. To the extent practicable, Study Board shall make available on the Commission website 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.
11. The Commission, through consultation with the Study Board, will establish and appoint the members of a Public Advisory Group (PAG). The PAG shall normally have an equal number of members from Canada and from the United States. Members of the PAG, including the Co-chairs, shall be appointed for two or three year terms and may be reappointed. The Commission shall appoint two Co-chairs of the PAG, one from each country. PAG Co-Chairs will participate at Study Board meetings as Study Board members. The PAG shall carry out its activities in accordance with the Communication Guidance Document. The Study Board will collaborate with the PAG to develop activities to deliver on the work plan of the Study Board. Decisions of the PAG will not necessarily be by consensus, as PAG members will be encouraged to offer diverse perspectives on impacts and/or implications of the direction, results and outcomes of Study Board activities. The PAG will meet at least twice a year and communicate as necessary.

12. The Commission and the Study Board will strive to collaborate with existing regional organizations in developing and carrying out its communication and public outreach activities.
13. An Independent Review Group (IRG) will be established by the Commission to ensure independent technical review is conducted and documented on appropriate Study components and documents during the Study process. The IRG will review initial work plans, technical work, reports and other products according to a review plan to be developed by Commission Staff, Study Board Co-chairs and IRG Co-chairs. Study Board Co-chairs are responsible for coordination with the IRG to provide information and materials to the IRG, as well as planning and scheduling meetings between Study participants and the IRG. Study Board Bi-Annual reports shall be reviewed by the IRG and comments shall be provided to Study Board Co-chairs for response. An IRG summary report of their cumulative reviews and Study Board Responses shall be submitted to the Commission at the end of the study period. The Study Board shall promptly notify the Commission of any irreconcilable differences between the Study Board and IRG.
14. The Commission will administer, or coordinate, resource contributions from the two Governments to support the activities of the Study Board, its advisory bodies and the PAG. .
15. Members of the Study Board, advisory bodies or Study managers that will be attending events (*e.g.*, meetings, workshops) will be responsible for their own expenses unless otherwise arranged with the Commission. The Study Board, advisory bodies or Study managers will strive to hold meetings within the Study region.
16. 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 Study Board will post its minutes on the Study Board's website.
17. The Board shall produce update reports suitable for public release on the Study Board's website (as well as via printed copy), and shall make bi-annual reports available to the public once accepted by the Commission, normally one week after formal receipt by the Commission at its semi-annual meetings unless directed otherwise by the Commission. The Board may submit additional reports to the Commission as necessary. The Study Board shall provide the Commission with its final report by April 19, 2021, which should contain the Study Board's findings, conclusions and recommendations regarding the matters raised by the governments. The Study Board shall post its reports to its website.
18. Reports and other documents produced by the Study Board, specifically those intended for public release will be made available in English and French. Background scientific studies will be made available in their published language, unless translated for the use of the Study Board.