

INTERNATIONAL JOINT COMMISSION

DIRECTIVE

to the

INTERNATIONAL STUDY TEAM

on the

CONSUMPTION, DIVERSION AND REMOVAL OF WATER

1. The purpose of this directive is to establish and direct the International Study Team to examine and report to the International Joint Commission on matters concerning the use of waters along our common border, as referred by the governments of the United States and Canada in letters to the Commission dated February 10, 1999 (attached).

2. The Study Team shall undertake an investigation of the following matters which have, or may have, effects on levels and flows of waters within the boundary or transboundary basins and shared aquifers:

(A) existing and potential (that is, reasonably foreseeable patterns of ) consumptive uses of water;

(B) existing and potential ( that is, reasonably foreseeable proposals for) diversions of water in and out of the boundary or transboundary basins, including withdrawals of water for export;

(C) the cumulative effects of existing and potential consumptive uses and diversions, and removals of water, including removals in bulk for export;

(D) the current laws and policies as may affect the sustainability of the water resources in boundary and transboundary basins.

In addition, the Study Team shall consider the implications of climatological trends and conditions and, in general terms, the potential effects of consumption, diversion and removals of water on the environment and on the supply of water for domestic, industrial, agricultural and power generation purposes, as well as the effects on navigation, shore property, flood control, fish and wildlife, and public recreation.

3. The Study Team shall separate its investigation into 2 phases of work, as follows:

--- In the first phase, the Study Team shall give priority to the Great Lakes basin and provide a draft interim report, focusing on the potential effects of bulk water removal, including removals for export, and proposing recommendations for the protection of the waters of the Great Lakes basin.

--- In the second phase, the Study Team shall (i) complete and provide a draft final report on such further work on the Great Lakes as may be required, and (ii) outline and report on work that may be required to better understand the implications of consumption, diversion and removal of water in other boundary waters, waters of transboundary basins, and groundwater of shared aquifers.

4. The Study Team shall provide its draft interim report to the Commission no later than 4 months after the Team is established, and its draft final report no later than 8 months after the

Team is established.

5. The Commission will appoint lead Commissioners and members of the Study Team, including 2 Co-Directors, to supervise the Study Team's efforts. The Co-Directors will be responsible to the lead Commissioners for planning and directing the work of the Study Team, and for coordinating with, and reporting to, the Commission. The Study Team will be binational, multi-disciplinary, comprised of an equal number of members from each country, and it will act as a unitary body. Because of the significance of this reference to all regions along the common border, the Study Team's membership will reflect this breadth of regional scope and will likely increase during the course of the study. The Study Team, with the approval of the Commission, may establish work groups as necessary to assist with its work.

6. Members of the Study Team and any work groups will act in their personal and professional capacities, and not as representatives of their countries, agencies, organizations, or other affiliations.

7. The Commission, through its lead Commissioners, will provide guidance to the Study Team and will seek and administer, or coordinate resource contributions from the two governments to support its activities.

8. In addressing the issues raised by the governments, the Study Team will take note of work of other agencies and organizations in both countries to access the full breadth of available programs and information. It shall use, evaluate and analyze technical data and information available to governments and that may become available to governments during the course of its investigation. The Commission will ensure that appropriate consultations with federal, state, provincial, and where appropriate, local authorities, are undertaken. With respect to the Great Lakes, the Commission's 1985 report on *Great Lakes Diversions and Consumptive Uses* should provide a good basis for the work of the Study Team.

9. The Study Team will work in the spirit of consensus. Differences that may arise will be addressed by the lead Commissioners on a case-by-case basis.

10. The Commission stresses the importance of public outreach and will provide public affairs support to the Study Team, as appropriate. The Commission will be responsible for conducting all public hearings.

11. To facilitate public outreach and consultation, the Commission will endeavour to make information related to work under this reference as widely available as practicable. The Commission will develop and maintain a web-site as the primary means for disseminating information related to the Reference and will use the web-site to encourage public discussion of such information. All documents that are available for public information under the Commission's Rules of Procedure, including written public comment, shall be made available on the web-site to the extent practicable. The Commission may also make white papers, working

documents and other materials available for public information during the course of this work.

12. All other documents, letters, memoranda, and communications of every kind in the official records of the Commission are privileged and become available for public information only after release by the Commission. The Commission considers all documents in the official records of the Study Team or any of its work groups to be similarly privileged. Accordingly, all such documents shall be so identified and maintained as separate files.

13. The Study Team will keep the Commission fully informed of its progress and direction. In addition to regular contact with designated Commission personnel, the Study Team will brief the Commission at least once every month. Details regarding the Study Team's responsibility to keep the Commission appropriately apprised of its work will be developed informally in consultation with the Commission.

14. The Study Team will submit a work plan with associated schedule of activities and budget for the Commission's approval within 2 weeks of its creation. Although priority is to be given to the Great Lakes basin, provision must also be made for appropriate activities in the East, the Plains, and the West related to the second phase of work. Because of the time-sensitive nature of the governments' requests, the Commission authorizes the Study Team to begin its work immediately --- prior to approval of the work plan, schedule, and budget --- provided the Study Team obtains approval for this work from the Commission.

Signed this the 11th day of February, 1999.

Gerald Galloway, Secretary  
United States Section

Murray Clamen, Secretary  
Canadian Section

(

(

(