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U.S. Governmental Advisory Committee
*Independent Federal Advisors
on the North American
Agreement on Environmental Cooperation*

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Texas

Octaviana Trujillo
Pascua Yaqui Tribe

Roger Vintze
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Gerald Wagner
Blackfeet Tribe

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

The Government Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) held its thirty-fourth meeting on November 15, 16 and 17 in New Orleans, Louisiana. The location and time of the meeting was selected to allow the GAC and the National Advisory Committee (NAC) to meet with the CEC's Joint Public Advisory Committee (JPAC).

On the afternoon of the 15th the NAC and GAC participated in a new members' orientation session. This was the first meeting since many new members were appointed, so an orientation program was offered prior to the start of the official meeting. I am pleased to report that new member attendance at the orientation session was outstanding, and nearly all reappointed members attended as well. The agenda, briefing materials, presentations and discussion provided in the orientation session were excellent, enabling new members to engage productively from the start. Special thanks are offered to Acting Director Cynthia Jones-Jackson, Associate Director Mark Joyce, Associate Director Tim Sherer, and NAC/GAC Designated Federal Officer Oscar Carrillo, and all of the Office of Federal Advisory Committee Management and Outreach (OFACMO), for their presentations. Thanks also go to Sylvia Correa, Senior Advisor for North America for the Office of International and Tribal Affairs for her presentation at the session.

The GAC and NAC attended the JPAC's presentations and discussion on the 16th and met in joint session with the JPAC on the morning of the 17th. JPAC Chair Glen Wright graciously welcomed the U.S. advisory committees and expressed his appreciation for the opportunity to meet in joint session. On the JPAC's agenda were presentations Greening the North American Economy – one of the three Council priorities under the new Strategic Plan – and a presentation on Transboundary Environmental Impact Assessment. GAC and NAC members actively participated in the question and answer sessions and the joint session discussions.

Informal comments among the new GAC members following the meeting were universal in their praise for the opportunities to better understand the role of the GAC, the NAAEC and the CEC offered by the orientation and the joint meeting with the JPAC. There were also many comments expressing appreciation for the volume of information conveyed and the efficiency with which the meetings were run.

The charge questions posed to the GAC sought advice on potential CEC projects and NAPECA grant opportunities within the three policy priorities under the strategic plan, and sought comments on the draft 2011 Operational Plan. The draft Operational Plan has not been completed so the attached advice focuses on project and grantee priorities. In addition, advice is offered regarding potential supplemental funding for CEC activities and an organizational recommendation for the NAC and GAC.

As always, we sincerely appreciate the participation from EPA's Office of International and Tribal Affairs and the Office of Federal Advisory Committee Management and Outreach. In addition to Sylvia Correa of OITA, Cynthia Jones-Jackson, Mark Joyce, Tim Sherer, Oscar Carrillo, Stephanie McCoy and Lois Williams from OFACMO supported and staffed our meeting.

In conclusion, we appreciate EPA's continued support of our role in advising the United States Government on the enhancement of environmental conditions throughout North America, and look forward to supporting your efforts in the future.

Sincerely,



Jeffrey N. Wennberg, Chair
Governmental Advisory Committee

cc: Michelle DePass, Assistant Administrator, EPA, Office of International & Tribal Affairs (OITA)
Sylvia Correa, Senior Advisor for North America (OITA)
Cynthia Jones-Jackson, Acting-Director, Office of Federal Advisory Committee Management & Outreach (OFACMO)
Oscar Carrillo, Designated Federal Officer (OFACMO)
Karen Chapman, Chair, U.S. National Advisory Committee
Irasema Coronado, Chair, Joint Public Advisory Committee
Members of the U.S. Governmental Advisory Committee
Members of the U.S. National Advisory Committee

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2010-1:

Project Ideas within the Three Priorities

The GAC applauds the Administrator's leadership to urge the Council to assume greater control over the development of the Strategic and Operation Plans. The GAC has observed a disconnection between Council priorities and Operational Plan elements in the past and offered advice aimed at addressing it. By becoming more directly involved in the development of these plans, the Council has the opportunity to ensure that the strategic priorities contained in the Denver Declaration are translated into programs and activities at the CEC.

As a result, section four of the Strategic Plan restates these priorities and offers guidance on their translation into programs. Section four also mentions the need for governance reforms to enhance transparency and accountability and ensure alignment between the Council's priorities and the Secretariat's activities. The three priorities for the next five years are:

1. Healthy Communities and Ecosystems
2. Climate Change – Low Carbon Economy
3. Greening the Economy in North America

To further these goals three of the four charge questions presented to the GAC's consideration in our meeting dealt directly with these priorities:¹

1) CEC Strategic Plan 2010-15: Do you have any new ideas on future projects that the CEC could develop, related to the three priorities, i.e., 1) Healthy Communities & Ecosystems, 2) Climate Change – Low Carbon Economy and 3) Greening the Economy in North America?

3) NAPECA Grants: Do you know of any innovative environmental community groups in North America that could benefit from a CEC grant. The CEC has developed a set of criteria for selecting grantees for the NAPECA grants. Please let us know what you think about these criteria. Does the criteria help further the goals of the new CEC Strategic Plan and vision?

4) Greening the Economy: Based on your attendance at the JPAC workshop and hearing the various presenters on green buildings & greening the supply chain, please give us your advice on future projects on this CEC Council priority.

Since the NAPECA Grants are to be focused on addressing the three priorities, the GAC saw charge questions numbers three and four as subsets of question number one. Regarding the NAPECA Project Selection Criteria, the GAC supports all of the selection criteria as proposed.

¹ Charge question number 2, dealing with the Draft Operational Plan, is not addressed because the Plan is not yet available.

The question offered under “For the Parties to Assess” is not as clearly stated as we would like. The intent appears to be to seek programs offered by the CEC or by Canada, the U.S. or Mexico (or one might assume states or provinces) which could also benefit the proposed project and the communities it seeks to serve. If this is the case then the question could be rephrased to clarify the intent; if not, then it should be rephrased as the intent is not understood.

Healthy Communities and Ecosystems

Make water quality projects a priority. Under the first priority of Healthy Communities and Ecosystems, the GAC recommends that priority be given to projects and grantees seeking to enhance water quality, including wetlands restoration and conservation projects. The GAC is aware of the challenge of viewing such issues from a tri-lateral perspective; however it is our view that real and significant progress on healthy communities and ecosystems cannot be achieved without improving water quality. These challenges are often localized, but creative solutions need not be. The CEC could examine the effectiveness of current and past programs and identify resources needed to enable communities to successfully meet water quality challenges.

NAPECA Grants would have to be directed through a uniform definition of water quality for the purpose of matching the proposed projects to the healthy communities and ecosystems priority and the broader mission of the CEC. This definition and any CEC programs developed for this purpose should also recognize the difference between the municipal and tribal perspectives on water quality. Municipalities and states see water quality as a means to an end, such as improved public health or habitat restoration. Tribal nations perceive water resources very differently. Clean water is not a commodity, it is life itself; water is sacred. CEC priorities and efforts need to respect this perspective.

Examples of successful water quality projects that might qualify are as follows:

- Nogales, Arizona International Wastewater Treatment Plant: This project treats sewage from both Mexico and the U.S. The treatment plant was recently upgraded to a larger treatment capacity. Mexico retains the right to reclaim treated effluent for beneficial use in their country however certain quantity of treated effluent must remain in the Santa Cruz River to maintain the riparian environment that has developed over the years from the continuous discharge of treated effluent and the periodic conveyance of stormwater. Additional details about this facility are available from the International Boundary and Water Commission in El Paso, Texas.
- Ak Chin Native American Community near Casa Grande, Arizona: The upstream wastewater treatment plant owners and operators, including Pima County, Arizona, have provisions in their effluent discharge permits from the Arizona Department of Environmental Quality that require recognition of the Ak Chin concerns with treated effluent flowing into their community from discharges into the Santa Cruz River. The Ak Chin has insisted that treated effluent discharged into the Santa Cruz River not be allowed to reach their community, in spite of the wastewater treatment plant operators adherence to applicable water quality

standards. Ak Chin grows certain plants along the river that are used in religious ceremonies and modifications to the natural river flows from introduction of effluent are deemed unacceptable.

- Assessing ecological change in the Gulf Coast region: This project is investigating the feasibility and benefit of integrating geospatial technology with traditional ecological knowledge (TEK) of an indigenous LA coastal population to assess the impacts of current and historical ecosystem change to community viability, i.e. considerations of risk. This interdisciplinary project is led by a staff member of UNO-PIES (Pontchartrain Institute for Environmental Studies) with UNO-CHART as co-P.I. The primary goal is to provide resource managers with an accurate, cost-effective, and comprehensive method of assessing ecological change in the Gulf Coast region that can benefit community sustainability. Using Remote Sensing (RS), Geographic Information Systems (GIS), and other geospatial technologies integrated with a coastal community's TEK to achieve this goal, our objectives are to determine (1) a method for producing a vulnerability/sustainability index for an ecosystem-dependent livelihood base of a coastal population that results from physical information derived from RS imagery and supported by TEK, and (2) to demonstrate how such an approach can engage both affected community residents and others who are interested in healthy marshes to understand better marsh health and ways that marsh health can be recognized, and the cause of declining marsh determined and improved. Other partners include LA DNR and the Stennis Space Center.
<http://chart.uno.edu/promo/tek.aspx>

Examples of proposed projects that might qualify for NAPECA funding are as follows:

- Virginia Point Protection and Restoration Project in Galveston Bay: This project will protect the rich and diverse habitats within the 1500 acre Virginia Point Preserve from immediate, direct loss due to erosion, and potential future degradation due to subsequent saltwater intrusion. The project would protect much of the approximately 2 miles of exposed shoreline.
- Conservation of an Old Growth Forest Tract within the Columbia Bottomlands: The proposed project is to acquire, conserve, and protect a forested old growth wetlands tract in the Columbia Bottomlands Ecosystem on the Texas Gulf Coast. The Larry Smith Tract is part of a 1,500 acre old growth forest area at the headwaters of Bastrop Bayou in the Galveston Bay Estuary system. This forest area is the only old growth forest tract remaining in the Galveston Bay system and one of the only old growth areas remaining in the Columbia Bottomlands. The Smith Tract project is part of a larger goal to conserve a unique and internationally significant wetland forest ecosystem – The Columbia Bottomlands on the Texas Gulf Coast. The Columbia Bottomlands has been identified as an essential area for the survival of Nearctic-Neotropical migratory land birds. It is a critical link in the migration of millions of songbirds as they cross the Gulf of Mexico during spring migration and head north to nest across North America. It is

also home to a great diversity of native resident plants and animals unique to the area and the Gulf Coast.

- Lower Colorado River Basin Campaign to Eliminate Dumping: This project is designed to conduct a public awareness campaign to educate the public about problems associated with the improper disposal of solid waste and the impacts on water quality. Funds will also be used to defray the costs associated with community led clean-ups. Through this grant project, the LCRA will work with counties, Council of Governments (COGS), local environmental organizations, and citizens to minimize contamination of water quality due to improperly disposed solid waste. Goals include working with local law enforcement and elected officials to raise awareness of illegal dumping laws, increase enforcement, and prevent continued illegal dumping. Existing outreach programs will be enhanced through this initiative.

Consider cross-border waste management issues and opportunities.

Management of municipal waste is a challenge throughout North America, with special issues in border regions. Improper and illegal waste disposal threatens both human health and ecosystems. However, landfill siting is a serious challenge. For this and environmental reasons local officials generally seek to promote aggressive recycling and waste reduction programs. Opportunities for cross-border cooperation and joint solutions should be encouraged, and where innovative programs have been successfully implemented case histories should be prepared and made available to other communities seeking solutions.

Climate Change – Low Carbon Economy

The GAC applauds the current CEC efforts to address dissimilar or nonexistent protocols for measuring historical and projected greenhouse gas (GHG) emissions. With or without separate or linked national GHG emissions controls and price signals, there is a need to provide multinational industries with consistent and clear standards across jurisdictions and guide internal voluntary GHG emissions reductions strategies and progress.

The GAC recommends that the CEC expand this effort to explore opportunities to harmonize measurement and reporting protocols and investigate technical challenges for additional GHG reduction and sequestration policies being implemented at the sub-national level in North America.

In the absence of national programs, the trend has been for regions of states and provinces to undertake such programs on a sub-national basis. The U.S. Northeast's Regional Greenhouse Gas Initiative (RGGI), the Western Climate Initiative (WCI) and the Midwest Governor's Accord (Accord) are current examples. WCI and the Accord each include U.S. States and Canadian Provinces, with WCI alone covering over 70 percent of the Canadian economy and 20 percent of the U.S. economy. WCI also includes the six Mexican border states as 'observers'. So while none of these efforts is national, they are decidedly tri-national in their reach.

Carbon dioxide sequestration is another area where the CEC could play a key role in convening international discussions aimed at harmonizing standards and measurement. The GAC

believes that the CEC could play a key role in facilitating an international conversation on terrestrial and geologic sequestration much in the manner now underway with measurement and forecasting of emissions.

Greening the Economy in North America

The GAC appreciates the opportunity to meet with the JPAC and see and participate in the presentations on the first day of the meeting. Of particular note is the presentation by Jumex, which the GAC believes would serve as a great case study of the potential for creating a culture of sustainability within a business and the economic benefits that can accrue. It is suggested that a uniform set of materials be produced and made available showcasing this and similar success stories from other business sectors for small to medium sized entities.

Our discussion of potential programs in this area focused on four major categories:

1. Construction waste management with emphasis on recycling and better management of disposal of construction and demolition wastes.
2. Assessment of emerging energy technology employment opportunities and training needs.
3. Comprehensive efforts to improve the movement of people and goods throughout North America.
4. A continental approach to the management of electronic wastes, taking into consideration our responsibility as the generators of the waste to prevent irresponsible dumping in third world nations without the same health and environmental protections.

The issue of waste management is also raised under healthy communities, but this recommendation focuses on opportunities in the construction industry to enhance recycling of materials from building demolition. Economics, a lack of nearby markets and the pressure of construction deadlines often force a decision to dispose of valuable materials. Successful efforts by the CEC to examine these obstacles and document solutions can help both developers and contractors better assess their choices and their relative costs.

The emergence of the wind industry has created a demand for specialized skills in the areas of design, construction, maintenance, operation and management of these generation facilities. The training requirements for this new industry are just being understood and responded to by schools, colleges and universities. The CEC, working with industry and academia, could assess these needs and those of other emerging clean energy industries to anticipate near-term demands for skilled workers and encourage the creation of training programs to help meet that need.

The third priority area the GAC recommends is related to the foundation of the NAAEC in trade. A nearly universal key to greening the North American economy would be to improve the efficiency of the movement of people and goods. This is not only a border region priority, but one that would look comprehensively at the movements of people and goods throughout the

continent as a single system. Greater efficiency within this system will lead to reduced fuel use, reduced pollution, improved travel times, and lower costs for producers and consumers.

The fourth priority recommendation for greening the economy is to harmonize regulations and promote consumer awareness of the need to responsibly manage electronic wastes. Better tracking of the fate of electronic waste materials is needed, ideally built upon a set of tri-national standards for management, recycling and disposal.

Governmental Advisory Committee (GAC)
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**Advice 2010-2:
Supplemental Funding for CEC Activities**

The GAC also discussed the issue of the limited funding of the CEC, especially given that it has not been increased in 15 years and there is little prospect for the three governments to propose an increase in the foreseeable future. The CEC relies heavily upon in-kind support from environmental agencies in all three governments and this should continue and grow in the future as the CEC responds more directly to the priorities set by the Council.

The Secretariat has also explored third party foundation support for specific programs and initiatives, and the GAC believes this is an area with significant untapped potential. Other strategic, program-focused partnerships with appropriate organizations have and will create much needed leverage to amplify the benefits of limited CEC funding.

The GAC believes the CEC could also be a deserving beneficiary of Supplemental Environmental Project (SEP) support, at least in the U.S. Environmental law violators are sometimes offered the option of funding a project through an independent NGO or other third party with the approval and oversight of the enforcement agency. Funding of appropriate SEP independent environmental programs and activities is often used in addition to or in lieu of financial penalties for these violations.

While this source of potential funding should be studied carefully before a decision is made to accept it, many NGOs and communities have benefitted from the approach. The CEC's program priorities and geographic scope suggest that good matches may be possible, and CEC activities may prove to be attractive to violators seeking to ensure that their penalties will be directed to supporting specific projects that measurably benefit the environment. Given the nature of the CEC and differences between state SEP guidelines, the GAC recommends that only U.S. federal SEPs be accepted.

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Advice 2010-3:

Creation of a Tribal Nations Standing Committee

The GAC considered the proposal for establishing a standing subcommittee of tribal representatives to the NAC and the GAC. Given the recent reorganization of OIA into the Office of International and Tribal Affairs and the appointment of new tribal representatives to the GAC and the NAC, the GAC believes this idea has merit and should be supported. The precise role of the standing committee would have to be worked out as there is no precedent for a cross-NAC/GAC committee. The unique interests and concerns of tribal nations and the complex and inconsistent legal status of tribes in the three countries cause the GAC to conclude that a Tribal Nations standing committee could enhance the quality of both committees' recommendations in the future.