

November 24, 2015

**Committee  
Members**

Brian Houseal  
Chair  
New York

Timothy Bent  
Tennessee

Michael Dorsey  
Connecticut

Abbas Ghassemi  
New Mexico

Carolyn Green  
Pennsylvania

Tracy Hester  
Texas

Jodi Hilty  
Montana

Mary Klein  
Virginia

Raymond Lozano  
Michigan

Cecilia Martinez  
Minnesota

Teresa Pardo  
New York

Carlos Perez  
New York

Ana Romero-  
Lizana  
Missouri

Ivonne Santiago  
Texas

Gail Small  
Montana

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator McCarthy:

The National Advisory Committee (NAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) held its forty-fifth meeting on October 23, 2015 via a teleconference call. NAC members wish to express our appreciation for the excellent organizational work of the Office of Diversity, Advisory Committee Management and Outreach (ODACMO) to support the NAC in advancing the mission of the CEC and the opportunity to provide our advice on important tri-national environmental issues.

The NAC extends our appreciation to the EPA team for their support of our work. Director Denise Benjamin-Sirmons, ODACMO, welcomed our members and provided an orientation to the charge questions. The NAC welcomes the news that we have been designated as a Presidential Advisory Committee and are proud to serve in that voluntary capacity. We also wish to express our thanks that the EPA is committed to organizing a face-to-face meeting in April 2016.

The NAC also wishes to express our appreciation to Ms. Jane Nishida, Acting Assistant Administrator, Office of International and Tribal Affairs (OITA) for her support and guidance. We are particularly happy to learn of the appointment of our GAC colleague Octaviana Trujillo to the Joint Public Advisory Committee (JPAC), and of NAC colleague Gail Small to the Traditional Ecological Knowledge (TEK) Roster of Experts. We commend the efforts of our EPA colleagues who have worked to incorporate TEK into the CEC Council considerations and its current status. We will look forward to advancing this important new component in the CEC's mission. We also commend OITA for its leadership role in implementing the EPA Clean Power Plan and baseline water quality standards in Indian Country, as well as its efforts in the recent National Congress of American Indians.

Ms. Nishida provided the NAC and GAC members with an update on the Trans-Pacific Partnership (TPP) and the upcoming 2015 UN Climate Change Conference of the Parties in Paris. While the NAC understands that the TPP will not lessen that environmental safeguards envisioned by the North American Agreement on Environmental Cooperation (NAAEC), we will continue to advocate for the full implementation of the Agreement and provide our best advice to the EPA regarding North American environmental matters. We also applaud President Obama's *Climate Action Plan* and the positive role of the EPA in advancing its goals across North America and at the Paris negotiations. The NAC and GAC members suggested that a briefing on the TPP and Paris conference might be appropriate at our April 2016 meeting.

Ms. Nishida also briefed the NAC and GAC on the leadership transition within the CEC. We wish to express our sincere appreciation for the outstanding positive efforts of the outgoing CEC Executive Director Irasema Coronado. Ms. Coronado's guidance of the CEC team and other stakeholders in the production of the 2015-2020 CEC Strategic Plan with its priorities of climate change, green growth, and sustainable communities and ecosystems, is one of the most significant actions taken by the CEC in the past two decades. We commend and thank Irasema for all she has accomplished and wish her well in her next endeavors.

We also wish to thank Ms. Coronado and Karen Richardson, CEC Director of Programs, for their update on the CEC North American Projects for Environmental Community Assistance (NAPECA) and the 2015-2016 Operational Plan. In particular, we commend Ms. Richardson's management of the 16 projects and their contextual relationship to the CEC Strategic Plan.

The NAC also thanks JPAC Member Bob Varney for his comments on the 2015 Council meeting in Boston, especially the town meeting on "Water and Climate Change: Adaptation Through Green Infrastructure." Mr. Varney expressed enthusiasm about the new TEK Roster of Experts and the JPAC support for their initial work. The NAC appreciates all the volunteer efforts of the JPAC members and their thoughtful recommendations.

Ms. Nishida provided important guidance to the NAC and GAC regarding the need to maintain the momentum of the CEC during the various leadership transitions in our three countries. The NAC members understand these challenges and will work diligently to continue the priorities described in the CEC Strategic Plan and Operational Plan.

The NAC welcomes Mr. Mark Kasman, Director, Office of Regional and Bilateral Affairs, OITA, and will look forward to working with him in the coming year.

The NAC greatly appreciates the work of Sylvia Correa, Senior Advisor for North

American Affairs in OITA, Associate Director Mark Joyce, Designated Federal Officer Oscar Carrillo, Stephanie McCoy, and the entire ODACMO team for their outstanding support.

Thank you for your consideration of the attached responses by the NAC to the Charge Question of how to maintain positive momentum during this time of political transition, particularly as it relates to the projects in the 2015-2016 Operational Plan – Climate Change Mitigation and Adaptation, Green Growth, and Sustainable Communities and Ecosystems. We hope our advice is useful to you in your capacity as a Party to the North American Agreement on Environmental Cooperation and look forward to your response.

Cordially,



Brian L. Houseal, Chair  
National Advisory Committee

cc:

Jane Nishida, Deputy Assistant Administrator, Office of International and Tribal Affairs  
Denise Sirmons, Office of Diversity Advisory Committee Management & Outreach  
Oscar Carrillo, Designated Federal Officer  
Sylvia Correa, Senior Advisor for North American Affairs, OITA  
Gustavo Alanis Ortega, Chair, Joint Public Advisory Committee  
Irasema Coronado, Ph.D., Executive Director, Commission on Environmental Cooperation  
Members of the U.S. National and Governmental Advisory Committees

National Advisory Committee (NAC)  
To the U.S. Representative to the  
Commission for Environmental Cooperation (CEC)

***Charge Question:*** *How can the CEC maintain positive momentum during this time of political transition, particularly as it relates to the projects in the 2015-2016 Operational Plan: Climate Change Mitigation & Adaptation, Green Growth, & Sustainable Communities & Ecosystems?*

***Advice 2015-4 (November 24, 2015):***

There are a series of challenges -- and opportunities -- that the CEC will face during the implementation of the Council-approved 2015-2016 Operational Plan. Several political transitions are underway, including: the end of the current CEC Executive Director Irasema Coronado's term and selection of a new director by Mexico to begin in January 2016; the recent appointment of Rafael Pacchiano Alaman as Mexico's new Minister for the Environment; Canada's recent national election of a new Prime Minister, Justin Trudeau, and gains by the Liberal Party as the majority in Parliament; and, the last year of U.S. President Obama's second term.

Two additional issues also serve as a back-drop for the work of the CEC: the recent passage of the Trans-Pacific Partnership trade pact which includes Mexico, Canada and the United States; and, the 21<sup>st</sup> Conference of the Parties on Climate Change in Paris which will make an urgent call to action by all countries to confront accelerating global environmental changes due to a warming planet. These are both trade-and-environment related issues that will have an impact on North America in coming years. Our three countries that have been dealing productively with trans-boundary matters through the North American Agreement on Environmental Cooperation (NAAEC) for over twenty years and as a result of this growing collaboration, have many lessons learned and knowledge of best practices which can be communicated by the CEC beyond our continent's borders.

New opportunities have also arisen within the NAAEC framework. For example, the newly-elected government in Canada offers the potential to extend the impact of the *U.S. President's Climate Change Action Plan*. The Canadian Liberal Government recently released a policy platform which includes the following statement: "Work with the US and Mexico to develop a North American clean energy and environment agreement... to provide continental coordination of climate mitigation and resilience policies." When combined with Mexico's approved *National Climate Change Strategy*, the political climate for an integrated North American energy and environment action plan has never been better, or more needed, given the increasing threats of climate-induced environmental changes.

A challenge the NAC recognizes during this transitional period is the potential for disruption in the continuity of existing inter-agency relationships at many levels of the CEC's work, with a resulting loss of institutional memory and effectiveness. One of the most important duties of the CEC is to continually communicate its mission, purpose, programs and accomplishments to maintain a high awareness of North American environmental issues and avenues that the CEC offers to address them. We recommend that the CEC Secretariat and Council members undertake a series of briefings to ensure that all government agencies and other parties involved in the NAAEC understand the work of the CEC. As appropriate, the NAC is willing to assist both the EPA and JPAC to increase communications about the CEC. One suggestion is to celebrate the

accomplishments of the out-going CEC Executive Director with press releases and other media coverage that will also permit public awareness of the organization's mission and work.

With respect to the 2015-2016 CEC Operational Plan, the NAC has several comments about how to maintain positive momentum during the next two years. Foremost among them is to respectfully request that the current budget levels be maintained and/or restored to their original levels of \$3.0 million per year as each member country's contribution. At a time when the CEC's mission is more important than ever, it is difficult to contemplate how it can continue to effectively operate with the current funding levels.

The NAC commends the CEC for its progress with communications, especially with the virtual library, North American map atlas, website and social media content. These are excellent and comprehensive resources readily available to the public and should be continued and expanded as new information is acquired.

The NAC applauds the CEC Council's approval of the 15-member tri-national Roster of Experts on Traditional Ecological Knowledge (TEK) and provision of funding through the JPAC to initiate their activities. We recognize that the TEK Roster was approved at the same July 2015 session in which the Council approved the CEC 2015-2016 Operational Plan, but would like to offer a suggestion toward the integration of TEK for the various projects described in the document. We recommend that the TEK experts be given the opportunity to review the sixteen projects and provide their perspectives and recommendations on how TEK could be incorporated into the implementation phases, if appropriate and applicable. In particular, the six projects in the "Sustainable Communities and Ecosystems" category include the recognition of indigenous communities as stakeholders in some cases, but seem to overlook their potential roles as TEK partners in the design and implementation of the projects. For example, Project #11. "Arctic Migratory Birds Initiative – the America's Flyway Action Plan" states that the scientific information will be shared with native communities, but does not indicate that TEK will be solicited as part of the process. An informal and experimental approach to integrating the TEK experts' opinions for the current CEC Operational Plan can explore options for future strategic plans and operational plans.

Water is a climate-related topic which the NAC believes should receive more consideration by the CEC. While we understand there are many bi-lateral agreements between our countries related to water and watershed management, we respectfully recommend reconsideration by the EPA and CEC to include water as an important component of all aspects of the 2015-2020 Strategic Plan Priorities. For example: climate change will induce extreme heat and catastrophic weather events such as droughts and flooding; green growth should consider watershed sources of clean water and recycling of water resources for transportation, clean energy and sustainable production processes; and, sustainable communities and ecosystems will be dependent on the quantity and quality of the water they can access.

Finally, the NAC supported the inclusion of the proposed Article 13 report on hydro-fracking in the initial draft of the CEC Operational Plan but notes the absence of a specific reference to it in the final approved document. The NAC is acutely aware of the public's concern about the impacts of hydro-fracking on water resources, particularly in arid regions and on tribal lands, as well as soil and water contamination from waste fluids, increase in greenhouse gas emissions, natural habitat destruction, safety of transport systems, etc. This study has the potential to increase public knowledge about the scope and impacts of hydro-fracking and to identify best practices to protect the environment. We are aware that Article 13 reports may be undertaken at

the discretion of the CEC Secretariat and continue to express support for the further study of this particular energy and environmental issue.

***Recommendations:***

- (1) Initiate a dialogue with U.S. counterparts in Canada and Mexico to explore new possibilities for a North American ‘clean energy and environment agreement’ to provide continental coordination of climate mitigation and resilience policies, establishment of consistent emissions reductions standards, and scientific monitoring protocols.***
- (2) Restore the CEC’s budget to \$9.0 million per year, \$3.0 million from each member country.***
- (3) During the transitional period, the CEC Secretariat, Council members and JPAC should brief all government agencies and other key parties involved in the NAAEC about the mission and work of the CEC.***
- (4) Engage in press and media briefings, re: the executive director transition, highlighting Dr. Coronado’s accomplishments, and what to look forward to in terms of the CEC’s Strategic Priorities and Cross-cutting Themes 2015-2020.***
- (5) Ensure adequate resources for the new Traditional Ecological Knowledge Roster of Experts to support its operations, and provide an opportunity to review the CEC 2015-2016 Operational Plan’s 16 projects and provide their recommendations on how TEK could be incorporated into the implementation phases, if appropriate and applicable.***
- (6) Reconsider water as an important component of all aspects of the 2015-2020 Strategic Plan Priorities: Climate Change, Green Growth, and Sustainable Communities and Ecosystems.***
- (7) Support, and restore budgetary resources for, the Secretariat’s proposed Article 13 report on the effects and concerns surrounding hydraulic fracturing within North America***