Brian Houseal, Chair
U.S. National Advisory Committee
Adirondack Council
103 Hand Avenue, Suite 3
Elizabethtown, NY 12932

Dear Mr. Houseal:

On behalf of Administrator Gina McCarthy, I would like to thank you for the National Advisory Committee (NAC) letter of advice of May 12th, 2015 reporting on the forty-fourth meeting held on April 16-17, 2015 at the EPA Headquarters in Washington, D.C.. We appreciate the NAC's commitment to advance the mission of the CEC through the advice provided on tri-national environmental issues and their support to our Administrator.

I was sorry that I could not join you in person, but was very happy that other knowledgeable members of my staff were able to participate fully to provide feedback and respond to your concerns. As you know, we value our relationship with the NAC committee members and appreciate very much the value added they bring to the work of the CEC.

Recommendations on Charge Questions 1:
(Draft Strategic Plan 2015-2020 and Draft Operational Plan 2015-2016):

(1) Redesign Projects #12 & #13 to address the highest priority threats to the monarch butterfly, especially the loss of milkweed habitat due to the use of the herbicide glyphosate.

With respect to your suggestion that Projects #12 – on Engaging Farmers and other Landowners to Support Monarch Butterfly and Pollinator Conservation, and #13 - on the Monarch Butterfly Flyway should be redesigned to address the highest priority threats, we believe these projects are a part of larger efforts. Since the February 19, 2014 meeting of the North American Leaders Summit (NALS) in Toluca, Mexico, where President Obama, President Peña-Nieto and Prime Minister Harper committed to, among many things, undertake joint conservation efforts of the monarch butterfly, US government officials from the EPA and the Department of Interior have met at the highest levels to determine the best way to respond to the Presidents' call for action, with DOE Secretary Jewell and EPA Administrator Gina McCarthy leading that effort.

Earlier this year the US Fish and Wildlife Service announced a major new funding initiative with the National Fish and Wildlife Foundation (NFWF), pledging $2 million in immediate funding for on-the-ground conservation projects around the country. This June, EPA outlined approaches for actions to protect the monarch butterfly, soliciting public comment on which potential action or combination of actions would be most effective to reduce the impacts of herbicides on the monarch and other pollinators and their habitat. The agency also requested additional suggestions for protection measures. Including the two monarch projects in the CEC Operational plan was another way of showing the Council's support and direct engagement in creating a safe haven for the Monarch across North America.

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(2) Urges CEC Secretariat to initiate Article 13 report on hydro-fracking;
(3) Produce an Article 13 report on the potential environmental benefits of renewable energy sources and distributed generation throughout North America.

Pursuant to Article 13 of the North America Agreement on Environmental Cooperation (NAAEC), the Secretariat can prepare a report on any environmental issue within the scope of the operational plan or on any other environmental matter related to North America by notifying Council of its intent; and may proceed only if the Council does not object within 30 days after such notification. Thus, Article 13 reports are meant to be initiated by the Secretariat, rather than the Council; with the Council's role being limited to consenting to the Secretariat's proposal or to opposing it within 30 days of the initial notification from the Secretariat.

Nevertheless, EPA is very much a participant, along with other US government agencies, in the quest for identifying sustainable responses to the concerns you raise. Given the growth in domestic oil and gas exploration and production, made possible by the expanded use of hydraulic fracturing, has raised concerns about its potential for impacts to human health and the environment. In response to a request from Congress, EPA developed a state-of-the-science assessment that provides a review and synthesis of available information concerning the potential impacts of hydraulic fracturing for oil and gas on drinking water resources in the United States. Similarly, renewable energy sources and generation are important parts of several bilateral and multilateral cooperation among the three North American countries, albeit, under programs housed at the Departments of Energy and/or Interior.

(4) Produce an Article 13 report on Traditional Ecological Knowledge as an initial product of the newly formed TEK expert group.

Beyond the NAAEC requirements discussed above, you will be happy to note that the newly formed TEK expert group is already active, having already launched an important activity to move the idea forward. A US Team of experts will host an interactive workshop in San Diego, CA. from Nov 9th to the 13th where counterparts from Canada and Mexico along with community leaders from each country will be able to visit tribal sites in the US and visualize the potential of TEK implementation in both Canadian and Mexican sites. The week long workshop will also host sessions on best practices, data gathering techniques and relationship between indigenous communities and creeks. This EPA led project aims to share tools that are available to indigenous communities in the three countries to aid in assessing ecosystem vulnerability and to demonstrate and test the concepts of integrated riparian and/or water catchment management.

(5) Consider a North American assessment of water as a trade resource and incorporate the concept of a product's 'water footprint' as an important component in the face of accelerating climate change.

Thank you for the suggestion that we consider a NA assessment of water as a trade resource incorporating the concept of 'water footprint'. This is a very interesting concept and one that promises to be instrumental in a future where clean, potable water becomes scarce, as research indicates that the average American lifestyle is fueled by nearly 2,000 gallons of water a

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day, but only five percent of runs through our toilets, taps and garden hoses at home. Nearly 95 percent of our water footprint is hidden in the food we eat, the energy we use, the products we buy and the services on which we rely. Assessing water as a trade resource, however, may be beyond the capabilities of the Secretariat to accomplish at this time.

Recommendations on Charge Question 2 (NAPECA Grants):

(1) The NAC respectfully recommends that the CEC set NAPECA priorities which reflect the cross-cutting themes of the 2015-2020 Strategic Plan, and select a focal area for a two to three year grant cycle, such as TEK or water resources in vulnerable communities.

Thank you for your recommendations. The Call for Proposals established a focus area for "Sustainable communities and urban initiatives" which we think is specific enough to support the 2015-2020 Strategic Plan and broad enough to include a wide range of community-level initiatives; however, we will consider your suggestion to select local areas for a longer grant cycles. Additionally, this announcement requests identification of how the project could be replicated in other North American Communities as well as the information on other funding sources.

Recommendations on Charge Question 3: Communication

(1) The NAC respectfully recommends that the CEC identify selected target audiences who should be aware of, and involved in, the CEC's mission and who may benefit from its activities. Different communications techniques such as social media or radio may be needed to reach small, remote and vulnerable communities.
(2) The NAC further recommends that the CEC communicate with law schools and policy NGOs specifically about the SEM process and encourage their engagement.

We appreciate your comments on Communications issues. As you are aware, the Council has consistently promoted improved communications and outreach activities in order to better engage our citizens and stakeholders across North America. Council has taken advantage of every opportunity to develop a common vision among the Parties to facilitate the communications narrative.

In the 2015-2020 Strategic Plan (SP), the Council made clear that effective information management is vital to the success of our mission and called for raising public awareness, greater stakeholder engagement and improved outreach. The Council also expressed the need for continued outreach to advance public understanding of the Submission on Enforcement matters (SEM) process in the SP and instructed the Secretariat to make factual records more accessible to the public by making them easier for non-lawyers to understand. Finally, Council identifies the NAPECA grant program as a tool to promote and engage our stakeholders in our work. Together these references point to the importance of continuing to expand our communications and outreach to as many communities and stakeholders as possible within North America.

Nevertheless, we agree that targeting small, remote communities is a worthy endeavor and completely appropriate under our Strategic Priority of Sustainable Communities and

Ecosystems. We will pursue the idea of radio spots for areas where the radio is the principal mode of informing isolated communities with our counterparts in Mexico and Canada. In addition, however, perhaps you, the members of both the NAC and the GAC, could provide concrete examples of populations that should be targeted in your broader community. By this time we know we must make extra efforts to ensure that this organization protects everyone in every community in North America. Given that in most instances the decision-makers are further away, in the respective capitals, perhaps the best advice you can provide the Council is not what to do or how to do it (which you have already done rather well), but where the need is the greatest from your perspective.

In your letter you also recommend that the CEC Secretariat specifically target law schools and policy NGO's to encourage their engagement in the SEM process. In the process leading to our trilateral negotiations to prepare the 2015-2020 CEC Strategic Plan was, as mentioned above, Council had the opportunity to reiterate the need for clear and effective information management. Council's insistence paid off, and I am happy to report that the Secretariat has, in fact, already started targeting those key areas. Thus, for example, starting in in 2014 and continuing this year, the Secretariat's SEM Unit has reached out and participated in events of the Law Faculty at McGill University, another hosted at the University of British Columbia; as well as events at the Universidad de Nayarit in Nayarit, Mexico, an event of the Sustainability Network, Ecojustice and the Canadian Environmental Law Association, at the Universidad Nacional Autonoma de Mexico (UNAM) and at the University of Guadalajara in Guadalajara México. So far in 2015 the SEM Unit has presented at the University of Victoria, the University of Brittish Colombia; at World Wildlife Fund, the University of Calgary and at Concordia University. In addition, the SEM Unit has held symposiums and webinars on SEMs to students and intern coordinators in the province of Quebec. I am sure you will agree that this is an impressive outreach record that dovetails well with your recommendation.

Finally, please note that we are very grateful for the additional information contained in your "Appendix 1" on "Considering the role to TEK in Climate Change policy". As we understand it, this document was prepared in 2012 by U.S. Department of Agriculture experts in Portland, Oregon who were advocating for the inclusion of TEK into climate change policy, assessments and adaptation efforts at national, regional and local levels. Although we work closely with many of our sister agencies in the federal family, this particular document had not yet made its way into our hands.

As always, we appreciate and value the guidance you provide to this important program, and look forward to continuing to work together to strengthen the CEC as a catalyst for cooperative action.

Sincerely,

Jane Nishida
Assistant Administrator
Office of International and Tribal Affairs

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