



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 28 2011

Office of
International and
Tribal Affairs

Mr. Jeffrey N. Wennberg
Chair, U.S. Governmental Advisory Committee
15 Grandview Terrace
Rutland, Vermont 05701

Dear Mr. Wennberg:

On behalf of Administrator Lisa P. Jackson, I would like to thank you for the Governmental Advisory Committee's (GAC) advice of December 22, 2010 reporting on its November 15-17, 2010 meeting in New Orleans, Louisiana. As always, your letter provides new ideas and valuable recommendations to the United States Government on the Commission on Environmental Cooperation's (CEC) projects pursuant to the 2010-1015 Strategic Plan. I was sorry that I could not attend, but am pleased that Sylvia Correa, Senior Advisor for North America of my staff was able to join you. You can rest assured that I and my staff will be at the next meeting on April 14, however, so we will have an opportunity to broaden our dialogue at that time.

We appreciate your thoughtful and comprehensive comments as well as your thoughts on how best to translate the priorities into activities and programs with measurable outcomes and finite objectives. With respect to the Healthy Communities and Ecosystems priority, you recommend that precedence should be given to projects and grantees seeking to enhance water quality including wetlands restoration and conservation projects, and suggest further that the NAPECA grants program can be a means to overcome the challenges relating to undertaking water activities in a trilateral setting. We agree and point out that one of the first three grants we gave in 2010 included one to the Red Lake Band of the Chippewa, who live in the Minnesota region in the U.S.-Canada Lake of the Woods watershed. Part of the funds were used to purchase a Hewescraft 18' boat and Lowrance GPS/Sonar unit to be used for water sampling on Lake of the Woods by the Red Lake Department of Natural Resources Waters Program (RL DNR Waters), allowing them to collect data on Lake of the Woods without risking the transfer of invasive species to lakes within the Red Lake Reservation boundary. This is exactly the kind of innovative approach that the NAPECA is meant to support so you can be rest assured that the U.S. will support this broader definition of NAPECA and that the three projects suggested will be tabled by the U.S. at our next trilateral meeting.

Similarly, we agree that using NAPECA to support activities related to waste management makes sense and we will be looking for opportunities to support specific cross-border waste disposal activities.

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Thank you for your comments related to greenhouse gas (GHG) emissions projects. As you may know the CEC in 2010 began a GHG project on Improving Comparability of GHG Emissions Data, Methodologies and Inventories in North America, which seeks to improve comparability of greenhouse gas emissions data, methodologies and inventories among Canada, Mexico and the United States. This activity continues in 2011 including the preparation of an analytical assessment of GHG data and inventory systems in North America. The Parties will determine appropriate next steps upon receipt of the assessment now underway.

We appreciate your thoughtful response related to Greening the Economy in North America. At this time we are considering concrete projects that I think fall in line with the general categories you identified. For example, we have a proposal related to Green building materials that corresponds to the point you raise on construction waste management. A "Trade and transportation corridors in North America" proposal dovetails well with your advice on improving the efficiency of the movements of people and goods throughout the continent. Be assured that all four recommendations will be shared with the US experts responsible for identifying concrete projects in the hope that trilateral agreement can be reached on such proposals.

We appreciate your support of the CEC and your proposal to find innovative ways to increase funding for CEC activities. With respect to the Supplemental Environmental Project support, we suspect such a proposal would not be embraced by our North American Partners. I note that Article 43 of the NAAEC calls for equal contributions to the annual budget of the Commission. Additional resources from only one Party could be interpreted as an attempt at augmenting that Party's influence. Given the consensual nature of the NAAEC, it is best to err on the side of caution on this issue. Nevertheless, we will certainly raise it with the appropriate EPA officials to determine its utility in the context of the CEC.

Thank you for your recommendation regarding the creation of a standing subcommittee of tribal representatives to the NAC and GAC. We greatly appreciate the concerns that you have raised regarding the representation of tribal communities.

As you know, Administrator Jackson has a strong commitment to support of our indigenous communities and has elevated the status of EPA's American Indian Environment Office by making it part of our Office of International and Tribal Affairs (OITA). In addition, our newly constituted NAC and GAC have greater representation of tribal nations than previous years with a representative from the Northern Cheyenne Indian Tribe and an academic who is also a tribal member on the NAC, and representatives from the Blackfeet and Pascua Yaqui nations in the GAC. We are convinced that such enhanced representation of Tribal nations in these committees, combined with the recent arrival JoAnn Chase, our new Director of the American Indian Environment Office in OITA, will serve to advance the creation of strong partnerships with our indigenous communities and serve as a catalyst and example to our partners in the CEC.

The Federal Advisory Committee Act (FACA) has very specific guidelines and requirements related to balance of gender, experience, points of view represented, and functions to be performed which could be an impediment to the establishment of such subcommittee. Moreover, federal agencies are required to ensure that any advice given is the result of the whole advisory committee's independent judgment. The EPA strives to appoint members that represent a variety of views, including the view of tribal communities, on the committees as a whole. To this end, we at EPA, led by our Director of the American Indian Environment Office, are committed to working with the NAC and GAC on the important concerns of the tribal community.

Thank you once again for your thoughtful and comprehensive advice. Your hard work and concrete knowledge of the business of government serves to inform our decisions and shape the US negotiating efforts.

Sincerely,



Michelle DePass
Assistant Administrator

cc: Ms. Karen M. Chapman, Chair, U.S. National Advisory Committee