



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 16 2015

Jeffrey Wennberg, Chair  
U.S. Governmental Advisory Committee  
66 Ives Ave.  
Rutland, VT 05701

Office of  
International and  
Tribal Affairs

Dear Mr. Wennberg,

On behalf of Administrator Gina McCarthy, I would like to thank you for the Governmental Advisory Committee (GAC) letter of advice of May 7<sup>th</sup>, 2015 reporting on the forty-fourth meeting held on April 16 and 17, 2015 at the EPA Headquarters in Washington, D.C. We appreciate the GAC'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 GAC committee members and appreciate very much the value added they bring to the work of the CEC.

Thank you for your sound advice regarding the new 2015-16 CEC Operational Plan. The GAC has consistently provided relevant comments and suggestions on the activities to be undertaken through the workplan, which in turn has allowed the Parties to break new ground in the design and implementation of new ideas and projects as priorities change over time.

***Recommendations on Charge Question: CEC Operational Plan***

- (1) *A more detailed breakdown of the Operational Plan budget should be provided in the future, especially in areas where advice is sought.*
- (2) *Project proposers should be required to offer clear, specific and measureable metrics to assess the outcomes of projects ("specific, clear and tangible results") and not merely their products, deliverables or outputs.*
- (3) *The \$600,000 requested by the Monarch butterfly project proponents (projects 12 and 13) should be redirected to other priorities until the regulatory uncertainty surrounding glyphosate is resolved. If the CEC desires to invest in a response to the threatened loss of the Monarch in the meantime, the GAC recommends funding be applied to grants or projects aimed at encouraging planting milkweed in critical migratory path areas that are not subject to herbicide use.*

Thank you for the recommendation on establishing more accurate metrics. Since 2009 the Council has repeatedly called for the establishment of clear performance goals to assess measurable progress and to determine if those performance goals clearly reflect the Council's vision as well as our shared North American priorities to better address pressing environmental

challenges and the effects of climate change. The Parties are of one mind on the need to ensure that the bi-annual Operational Plan makes clear connections between the projects and strategic goals identified in the current Strategic Plans, and we continue to support efforts to strengthen those linkages. The final OP Plan includes monitoring and evaluation measures in several of the projects, but there is clearly a greater need for well-defined performance indicators across the board. We recognize the need to further improve in this area, and understand that the CEC continues to focus on building the in-house expertise required to accomplish this goal. It is also our view that, although recognizing the need to include concrete, measurable environmental outcomes, the CEC program managers continue to confuse outputs with outcomes, making it difficult to measure environmental results. With your guidance and continued advice we are confident that we will continue to improve in this area.

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 are premature and should be delayed until regulatory sideboards are established, we believe these projects are a part of larger efforts on the part of US government agencies to combat Monarch population decline. 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 Energy 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.

### ***Recommendations on Charge Question: NAPECA Grants***

- (1) The NAPECA invitation should provide better guidance regarding the projects sought. At a minimum the invitations should describe a range of grant award amounts that place upper and lower limits on awards.*
- (2) The first and essential screen for fundable projects should always be the quality of the projects and the degree to which they meet the Administration and Funding Guidelines and Grant Selection Criteria.*
- (3) The list of priority applicants/beneficiaries should include 'vulnerable communities.'*



- (4) *The Selection Criteria should mention a preference for projects that are 'replicable' in addition to ". . . environmentally significant for the community and for North America."*
- (5) *Preference should also be given to projects for which other funding sources are limited or nonexistent.*
- (6) *A limited number of 'first funder' applications should be sought and funded in each round.*
- (7) *First funders and small, thinly resourced organizations should have the ability to 'mentor' with universities or larger organizations to help support the administrative requirements of the program.*
- (8) *Special efforts to publicize this program and to seek applications from indigenous communities should include the use of radio, such as the syndicated "Native America Calling" program.*
- (9) *Applications from indigenous communities should demonstrate a strong partnership with the community and its leadership.*

Thank you for your recommendations. The 2015-2016 NAPECA announcement provided the historical range of grant amounts as a guide for grant proponents so they could know the potential upper and lower limits of grant award amounts. The Call for Proposals also 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. Furthermore, 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.

Thank you for suggesting that we use the syndicated “Native America Calling” program as a way to further engage indigenous communities across North America. We will certainly pass that information along to the Secretariat for their use. At this time there is no need to take special measures to identify “first funder” applications, as we have yet to receive any other. Finally, as to your advice that small organizations mentor with Universities or larger organizations, project proponents are encouraged to create partnerships, either formal or informal, including at the indigenous community level, and to identify the beneficiaries and target population of proposed projects.

#### ***Recommendations on Charge Question: Communications***

- (1) *The Secretariat should seek greater opportunities to use social media as a means of increasing awareness and improving communications.*
- (2) *EPA should establish a set of social media connections for use by the committees and their members.*

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. Council has also invited the advisory committee members to be our megaphones as EPA's representatives in your communities.

We are also happy to report that as a result of Council's more aggressive approach to communications has resulted in improved public participation in the last few years, with in-person attendance at JPAC and public council sessions rising significantly in the last three years. Moreover, Twitter activity has been increasing since 2012, with separate blasts, posts and tweets developed and released by the Secretariat at every opportunity. Be assured, however, that EPA will continue to work with the CEC communications team to broaden the outreach, develop targeted messages specific to each project, and seek appropriate means to encourage further use of social media tools.

### ***Recommendation on Article 13 Report on Hydraulic Fracturing***

*The GAC joins the NAC in recommending that the U.S. propose an Article 13 report on the environmental impacts of hydraulic fracturing technology.*

As you know, Article 13 of the North America Agreement on Environmental Cooperation (NAAEC) allows the Secretariat to 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, making it clear that Article 13 reports are initiated by the Secretariat, which the Council may or may not consent to within 30 days after such notification.

Nevertheless, as noted in our NAC response, 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.

### ***Recommendation on Community Reaction to Renewable Energy Development***

*The U.S. Government should propose a CEC study on the attitudes and concerns of residents and community leaders at various times following completion of a renewable energy generation project.*

We acknowledge that data documenting the response of communities to renewable energy projects across North America could be of value in all three jurisdictions to better understand the benefits and challenges experienced by those communities. As you may know, the BECC and the NAD Bank have undertaken such studies in the Mexican states of Chihuahua and Tamaulipas, and previous to that, in California, Arizona and Texas, pursuant to the



regulations requiring that the BECC and the NAD Bank focus their work on further development of the US-Mexico Border. However, the information garnered in the US is certainly available to our CEC counterparts and we will forward to the Secretariat for that purpose.

***Recommendation on Oil Trains Briefing***

*Request for a briefing to the committee.*

A response is a bit challenging without a better understanding of what you refer to when you speak about “oil trains”. If your concern relates to pollution that might result from a disaster related to oil trains, I can confirm that EPA participates in the National Response Team to address major incidents and specifically, those that result in contamination of the environment through natural disasters, explosions, fires, accidents, spills, etc. through our Office of Emergency Management (OEM), located in the Office of Solid Waste and Emergency Response.

In the broader North America context, EPA cooperates with both Canada and Mexico, through OEM and the EPA Regional Offices, to prepare for and respond to emergencies that cause or may cause damage to the environment along the inland boundary with each country. While this is accomplished through separate bilateral mechanisms with each country (the U.S.-Canada Joint Inland Pollution Contingency Plan and Annex II of the U.S.-Mexico La Paz Agreement), each mechanism requires Joint Contingency Plans and ensures appropriate cooperative preparedness, notification, and response measures, including coordination of the federal response. Beyond possible environmental damage resulting from a train wreck, however, general issues regarding “oil trains” would fall under the Department of Transportation.

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  
Principal Deputy Assistant Administrator