

May 20, 2016

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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-sixth meeting on April 20-21, 2016 at the EPA Headquarters in Washington, DC. 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 to us in advancing the mission of the CEC and the opportunity to provide our advice on important trilateral environmental issues.

Ms. Donna Vizian, Acting Assistant Administrator, Office of Administration and Resources Management, welcomed our members and provided an orientation to the meeting. The NAC extends our appreciation to Ms. Vizian and the EPA team for their support of our work, especially for the opportunity to meet face-to-face. As a diverse group of professionals from many geographic sectors of the United States, the NAC and GAC members' dynamic intellectual exchanges are very valuable, and we believe it adds significant value to the EPA's consideration of key environmental issues.

The NAC also wishes to express our appreciation to Ms. Jane Nishida, Assistant Administrator, Office of International and Tribal Affairs (OITA) for her support and guidance. Ms. Nishida provided an excellent update on the recent COP XXI results; the Department of Energy's MOU with Canada and Mexico on North American climate change and energy collaboration; President Obama and Prime Minister Trudeau's Joint Statement on climate, energy and the Arctic; and, your upcoming meeting at the North American Leaders' Summit on a wide variety of atmospheric pollution and sustainable ecosystems and communities. The NAC is impressed with these very positive actions and congratulates all involved parties with this astonishing progress. Ms. Nishida also informed the NAC regarding the upcoming CEC Council session in Mexico and the Charge Question on greater youth involvement.

Ms. JoAnn Chase, Director of the American Indian Environmental Office of OITA, shared the recently approved *EPA Policy for Consultation and Coordination with Indian Tribes: Guidance*

for Discussing Tribal Treaty Rights. We congratulate the EPA as the first federal agency to provide guidance on how to honor and respect tribal treaty rights in its consultation and decision-making process. Hopefully the policy will serve as a catalyst for other federal agencies to take similar actions. Ms. Chase also informed the NAC on the *Tribal eco-Ambassadors Program*, and the Local Environmental Observers (LEO) network, a partnership between the EPA and American Indian Higher Education Consortium focused on solving environmental problems most important to their tribal communities. The NAC wishes to thank JoAnn for her outstanding efforts on behalf of American Indian tribes, and in particular for her support to the CEC Roster of Experts on Traditional Ecological Knowledge. We will look forward to advancing this important new component in the CEC's mission.

The NAC wishes to thank the EPA team for responding to our earlier request of a briefing on COP XXI. Ms. Mausami Desai of the Office of Air and Radiation, Climate Change Division, provided an excellent update on the recent UN Climate Change meeting in Paris and the process of National Determined Contributions to reduce greenhouse gases. We are encouraged by this forward progress to address one of the most pressing environmental issues of our times.

The NAC welcomed Mr. César Rafael Chávez, the CEC's new Executive Director, who participated in our meetings. We thank him for the update on the CEC's Operational Plan and North American Projects for Environmental Community Assistance (NAPECA) grants. Mr. Chávez encouraged the NAC's feedback on numerous issues and we will look forward to working with him in the coming years. We also thank Mr. Robert Moyer, the new Director for the CEC's Submission on Enforcement Matters Unit, for his update on the SEM process. The NAC wonders how the SEM process under NAAEC might intersect with the Trans-Pacific Partnership (TPP) regarding environmental issues that arise under a new trade agreement.

The NAC also welcomed Ms. Lindsay Brumwell, new Chair of the JPAC. Ms. Brumwell provided a report on the TEK Mexico meeting and the upcoming Council session in Chiapas which will have panel sessions on biodiversity and pollinators. Ms. Brumwell shared a recent letter from the JPAC to the respective Secretaries of Energy of Canada, the United States and Mexico congratulating them for the recent *MOU on Climate Change and Energy Collaboration*, and encouraging them to leverage the investments already made in the CEC in joint science, data management and public consultation mechanisms. The NAC appreciates this proactive request and hopes the EPA will support the JPAC's recommendations in this area of trade, energy and the environment. The NAC also thanks the JPAC for considering water as a trilateral trade issue.

The NAC appreciates the EPA's response to our request for a briefing on the *MOU on Climate Change and Energy Collaboration* and wishes to thank Kathleen Deutsch, Senior Advisor for Canada and Mexico, Office of International Affairs, Department of Energy, for her presentation. The NAC concurs with the JPAC's recommendation that the respective countries' departments of energy explore ways to incorporate work already in place at the CEC to achieve the MOU's objectives. With this recent progress on climate and energy, we also believe that the CEC Council has an opportunity to move forward with the definition and implementation of the Transboundary Environmental Impact Assessment process mandated by Article 10 of the NAAEC.

Thank you for your consideration of the attached responses by the NAC to the Charge Question of how the US can encourage and inspire youth to greater involvement in the CEC process to protect

North America's shared environment. 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, Acting Assistant Administrator, Office of International and Tribal Affairs

Donna Vizian, Acting Assistant Administrator, Office of Administration and Resources Management

Oscar Carrillo, Designated Federal Officer, OARM

Sylvia Correa, Senior Advisor for North American Affairs, OITA

Lindsay Brumwell, Chair, JPAC

César Rafael Chávez, Executive Director, CEC

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)

**Advice 2016-1 (May 20, 2016):
Response to Charge Question on Youth Engagement**

The NAC understands that the CEC Council has identified engaging youth in the work of the CEC as a theme for the 2016 Council Session in Mexico, and that the EPA Administrator would like the NAC to consider how the U.S. can encourage and inspire youth to greater involvement in the CEC process to protect North America's shared environment.

Although the general goal of encouraging and inspiring youth to greater involvement in the work of the CEC has great merit, the NAC has several overarching concerns, including the following:

- This goal is not reflected in the Council-approved 2015-2020 CEC Strategic Plan, or in the recently approved CEC Operational Plan.
- As a potential new set of programmatic activities, the CEC's reduced budget may not have sufficient resources to adequately expand into new youth-related activities. The CEC's ability to communicate with the general public has been a challenge since its inception, resulting in limited awareness regarding its mission and programs. The NAC believes that the goal of engaging North America's youth will require dedicated communications staff and resources to effectively reach youth populations who are increasingly reliant on social media.

Recommendations:

1. *The NAC recommends that the CEC develop a mission statement for youth engagement with a clear vision, goals and metrics before the Council amends or approves related programs and financial resources. For example, a mission statement might be: "the CEC will inspire and engage youth in North American transboundary environmental issues".*
2. *Place a priority for youth engagement programs on tribal youth, under-represented and minority youth, and youth in communities most vulnerable to the impacts of Global Environmental Change. Use experiential environmental learning opportunities to the greatest extent possible.*
3. *The NAC further recommends the following conditions:*
 - a. *The youth engagement program(s) should focus on the 2015-2020 CEC Strategic Plan and Cross-cutting Themes.*
 - b. *The NAC, GAC and JPAC could incorporate one to two individual youth by sector (NGO, GO, university, corporate, etc.) as interns or members or the respective committees. Mexico and Canada could be encouraged to do the same.*
 - c. *NAPECA grant guidelines could be amended to include criteria which promote and support youth engagement.*
 - d. *CEC should consider the formation of targeted youth cohorts which would interact over a multi-year framework, if additional funds can be identified (e.g., foundations, corporations, individuals, etc.)*

- e. CEC should seek to maximize partnerships with existing programs to achieve the goals of a youth engagement program (e.g., Tribal Eco-Ambassadors, North American Conference of Legal Educators, Junior Chamber International, Journey North – monarch butterflies, other citizen scientist groups, etc.)*

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

**Advice 2016-2 (May 20, 2016):
Other Issues Raised by the NAC**

During the course of the two-day meeting of the NAC, several other issues were raised by NAC members. We respectfully request your consideration of the following issues:

1. Traditional Ecological Knowledge (TEK): The NAC respectfully notes that the recent approval of the TEK Roster of Experts and related program activities were initiated with what the NAC considered to be inadequate budget resources. We recommend that the next CEC Operational Plan clearly define priority TEK program activities and a dedicated line item in the CEC Annual Budget. We further recommend that the CEC work to remove barriers for the efforts of the TEK experts (e.g., facilitation of travel funds and visas, assistance with scheduling regular communications, etc.) Finally, we respectfully encourage the three countries to increase their focus on the inclusion of TEK into their respective institutional decision making processes, possibly using the EPA's guidance as a model.

2. MOU on Climate and Energy Collaboration: The NAC congratulates the U.S. DOE on the progress with this MOU. At the same time, we believe that the EPA's mandated responsibilities have significant overlaps with this agreement, as well as the evolving Trans-Pacific Partnership negotiations, particularly on enforcement issues. More clarity is needed regarding the definition of clean energy, biomass, and renewable energy portfolio standards, and what they mean in a case such as the Manitoba Hydro project; and oil sand, nuclear and biomass issues. There is a need for more policy coherence with respect to North American energy and environmental issues.

3. Transboundary Environmental Impact Assessment (TEIA): The NAC celebrates the recent approvals of the many agreements and real progress on North American environmental issues, moving us toward more integrated relationships on trade and environmental issues across our shared continent, as originally envisioned by NAFTA. However, there has not been progress on the NAAEC Article 10 (7)(a), "Transboundary Environmental Impact Assessment." Contrary to critics who claim the TEIA process would undermine national sovereignty, a TEIA process would enable appropriate technical review, public participation and transparency, and evaluation of alternatives. The NAC respectfully requests that the EPA Administrator advance this issue to the CEC Council.

Thank you for your consideration of these additional issues.