



**Good Neighbor Environmental Board (GNEB) Teleconference
February 25, 2010
1:00-3:00 p.m. EST
Final Summary**

Dolores Wesson, Designated Officer for the Good Neighbor Environmental Board, welcomed everyone to the call and identified the proposed order of the chapters as follows: institutions, climate, air, energy, habitat, health, water, waste, and emergency management. She said that at this point, there is not a security chapter. However, those issues or priorities will be incorporated into other chapters, namely institutions.

Ms. Wesson opened the meeting by asking Dr. Brown to start with the institutions chapter. Dr. Brown noted the most recent draft had two sets of comments. Ms. Wesson explained that Rachael Poynter overlaid the State Department's comments over top the EPA version sent out this morning. Dr. Brown said that he would welcome additional commentary from Ms. Poynter and Mr. Garcia in addition to their written comments.

Dr. Ganster clarified the process by asking the chapter editors to incorporate the written comments previously submitted along with comments from the discussion today, and send them to Ms. Wesson no later than Monday, March 1st. He emphasized that this process will put things on track to have the whole version ready to send out by next week.

Ms. Wesson reiterated Dr. Ganster's point that the next omnibus draft is scheduled to go out on Wednesday, March 3rd. She commented it takes time to compile everyone's comments. Therefore, the absolute deadline is Monday, March 1st to incorporate comments.

Steve Niemeyer asked Ms. Wesson to explain what's going to happen with the next omnibus. Ms. Wesson responded that this omnibus would be the next working draft, and it is also would be posted on the web and made available for public comment at Rio Rico.

Mr. Niemeyer indicated that his preference is to let ADEQ add their comments to the omnibus draft, and not have to deal with it right now. In response, Ms. Wesson believed that it would be helpful to receive all comments prior incorporating them into the text. She also noted that this would make it easier to work comments into the flow of the text.

Ms. Wesson raised the question concerning the Trans-boundary Environmental Impact Assessment (TEIA). She wanted to make sure that everyone is on the same page and that there is agreement on the recommendations before moving forward. Mr. Niemeyer responded by stating his concern that the impact assessment addresses a specific issue, and instead is being

applied to an infrastructure deficit. He noted that it is for specific projects that will impact the environment of another country.

Dr. Brown responded to Mr. Niemeyer's concern by stating this information was from his research and input from Mr. Niemeyer. Mr. Niemeyer offered to provide some deletions and apologized again for any miscommunication of information. Ms. Wesson noted that EPA Region 9 provided good comments and suggested that any specific language be provided to Dr. Brown.

Dave Fege from Region 9 had two major comments for the Institutions chapter. The first is that the chapter should provide a definition of what the Board means by TEIA, especially since it means different things to different people. Mr. Niemeyer suggested that a piece he previously wrote on border security and a section on TEIA should be included throughout the introduction chapter. He mentioned that the section on TEIA, basically says there needs to be an agreement.

Dave Fege's final comment asked for clarification on whether TEIA applies specifically to federal projects such as those that come under the National Environmental Policy Act (NEPA) or whether it would include state environmental projects. Admittedly, Mr. Fege noted that he and Mr. Niemeyer failed to include Dr. Brown in on this discussion.

Enrique Manzanilla asked that a separate call be scheduled to discuss how to streamline and further align exactly what the Board may want to convey to EPA and others with respect to TEIA and border security. Rachael Poynter noted that the State Department would like to be on the call. In the essence of time, Ms. Wesson urged that the call be scheduled for tomorrow, February 26 at 3:00 Eastern Standard Time, 12-noon Pacific Standard Time and 1:00 Mountain. Mr. Niemeyer said he would send out an email to Enrique Manzanilla, Jose Garcia, Dr. Brown, Rachael Poynter, Dave Fege, and Bill Bresnick.

Mark Joyce commented that he is unclear as to where things are with the redrafting of the Border Security chapter. He recalled that a group was going to revise and edit the previously submitted text. Mr. Joyce also indicated that there was mention to include a few paragraphs in the institutional mechanisms chapter. Mr. Niemeyer acknowledged that he somehow was privileged with drafting this chapter given to him by Elaine Koerner from the Department of Homeland Security (DHS). He narrowed down the content into one page and is recommending that the section be incorporated into other chapters. He does not believe that a chapter on border security is needed and deferred to Mr. Bresnick for his thoughts on the matter. Mr. Bresnick answered that if done properly, DHS would not have a problem with it incorporating the section into other chapters.

Mr. Joyce asked if the issue of border security is no longer a priority even though the Board did an entire report on the subject two reports ago. Mr. Joyce expressed concern that CEQ is expecting a detailed report addressing priority issues with very precise recommendations. Mr. Niemeyer commented that most of the issues covered by the report on border security are adequately addressed in the emergency response, hazardous waste, air quality and trans-boundary impact chapters. Additionally, he noted the comment letter as another extensive reference source that will be included in the introductory chapter. Mr. Bresnick added that given

the time constraints, it made more sense to identify the security issues and address each accordingly within the respective chapters.

Ms. Wesson introduced climate as the next chapter. Ms. Wesson mentioned that she forwarded comments to everyone by Patti Krebs; she had not yet forwarded Mr. Niemeyer's to the Board yet. Ms. Wesson asked Mr. Niemeyer to first address his comments.

Mr. Niemeyer noted that he was not able to locate his exact text; however, he asked that a few sentences in the chapter discuss the potential economic impacts on the Texas economy of climate change legislation. Ms. Wesson commented that she may have cut it out; however, she agreed to do her best to find a place for it.

Mr. Niemeyer pointed out that the Western States Water Council issued an advice letter regarding the need for targeted research for specific water sheds and the impacts of climate change. He agreed to reference this document and information from the climate change model in his text. Ms. Wesson noted that she will get the two additions from him by tomorrow, February 26th.

Ms. Wesson directed a question to Mr. Niemeyer regarding the deletion of recommendations four through eight. Mr. Niemeyer said these recommendations were ambiguous and not as specific as the first three. Ricardo Martinez emphasized that California already has some of the recommendations in place and some are outlined in the strategic guidelines adopted by the Board of Governors' Conference last year in Monterey, Mexico.

Ms. Krebs stated that her comments were based on the perspective of people who are actually in a position to implement mandatory requirements. Mr. Manzanilla acknowledged that Ms. Krebs comments were quite extensive and he would like to incorporate some of them into another draft. Sue Stendebach added that the EPA, Board of Environmental Cooperative Commission (BECC) and others are working with the Mexican and the United States to use comparable methodologies, and baseline dates. Ms. Stendebach expressed some concern that recommendation number eight was not strong enough and suggested that it read something like "strongly urge U.S. and Mexican federal, state and local government entities to pursue relevant co-benefits when exploring and planning reduction efforts aimed at either criteria for GHG". Ms. Stendebach noted that where there are opportunities; we need to look at them together.

Dave Fege posed a question to Sue Stendebach and the State Department as to whether there is a bilateral framework or is it still in the planning stages. Rachael Poynter explained that the first meeting was held on January 26, which included high level participation from each government. She also noted a list of action items resulting from that meeting which are still in the clearance process within the USG. Ms. Poynter agreed to provide Ms. Stendebach with a more detailed explanation on the bilateral framework and the Energy and Climate Partnership of the America's for the paragraph.

Dr. Ganster reminded participants that miscellaneous comments should be directed to Ricardo Martinez and a cc to Dolores Wesson by tomorrow.

Ms. Stendebach informed Ms. Wesson that she would provide her with information on the mandatory reporting rule and a few items that address regulations on climate. Ms. Stendebach agreed to send points to Ricardo Martinez and cc Dolores Wesson.

Dolores Wesson introduced air as the next chapter and asked Allyson Siwik to begin the discussion. Ms. Siwik, first acknowledged receipt of Veronica Garcia's comments and agreed to have a follow-up conversation with her via phone to clarify some language from the text. Ms. Siwik noted the Department of Transportation's (DOT) comment on recommendation number seven regarding the availability of resources through the Board of Environmental Cooperative Commission (BECC) and the North American Development Bank (NAD Bank) for air quality projects. Ms. Siwik recognized DOT's recommendation as a good effort to create harmonization and standards, but she is concerned that the lack of resources may take a long time and delay the process for getting emission reduction in place so that standards can be achieved.

In response to Ms. Siwik's concern, Rachael Poynter clarified that when either a Mexican entity or a U.S. entity applies for a NAD Bank/BECC grant or loan; they have to meet all of the requirements that the NAD Bank and BECC place on that project proposal. In other words, the project applicant already has to comply with the regulations required by NAD Bank and BECC in order to actually certify that project. Otherwise, that project is not submitted for approval. Ms. Poynter added that you cannot make the Mexican federal government comply with a federal issue in order to have Mexican applicants. She emphasized the point that the NAD Bank Board has already approved air quality projects on the Mexican side. Ms. Poynter offered to further explain the process of how project proposals are approved or not approved by the Board.

Meredith Deboom thanked Ms. Poynter for that explanation and agreed to share the information with the person who submitted that comment to make sure it clears up any concern. Allyson Siwik noted that she will leave recommendation number 7 as it exists in the latest draft which incorporates Rachael Poynter's rewrite of that recommendation.

Dave Fege conveyed that he does not disagree with the recommendation. However, the implication of recommendation number 7 is to have a BEF like fund available. He asked Ms. Siwik to clarify which grant funds. Mr. Fege commented that the grant funds come directly from EPA and they combine that with their loan money through the water and waste water infrastructure projects. He noted that from the earnings there is a small amount of funding used for grants, but nothing in the neighborhood that would allow them to provide grant money as distinguished from loans to Mexico and other border communities for the implementation of air quality projects. Rachael Poynter interjected that there are two possible pools. The Bank has loaned over a billion dollars in funds to the border communities, and because of that it is now bringing in more money than before. She said that the money covers operating costs and goes into retained earnings which add to the growth of the Bank's loan portfolio. There is also a legislative requirement on the books from years ago to create a grant program when the Bank was not lending like it should have been, and a certain amount of the Bank's capitalization was set aside in order to comply with that legislation. Ms. Poynter added that the guidelines have been approved for the program and air quality projects could fall under this area. She reiterated that these are the two sources, which are separate and apart from BEF funding that is primarily all toward water and waste water projects. Ms. Poynter also suggested that the report does not

go into any level of detail regarding the technicalities surrounding capitalized earnings and retained earnings.

Dr. Ganster commented that he did not notice a discussion on agricultural field burning as contributing to pollution. In response to Dr. Ganster's comment, Ms. Siwik stated that there is a reference to it, but they can emphasize it more like he suggested. Ms. Wesson added that there is some reference to the subject matter in recommendation number 4. Dr. Ganster said that part of a sentence in the text on page 7 should do it. Ms. Siwik concurred that it is not under the actual recommendation on page 7, but thought it was mentioned in the background section.

Ms. Siwik noted that on the last call Dr. Ganster remarked as to whether or not a recommendation relating to the unrestricted flow of polluting vehicles from the U.S. into Mexico should be included. Ms. Siwik asked if anyone had a chance to give Dr. Ganster's comment some more thought. Dr. Ganster said that this topic of discussion comes up periodically and deferred to Mr. Fege for his comments. Mr. Fege raised the point that Mexico announced a program where they were going to start requiring some proof of a smog check on the U.S. side before a car was imported into Mexico. Mr. Fege indicated that he is happy with this issue not being referenced in the report because it appears as though Mexico is looking for a way to implement something independently.

Ms. Stendebach added to what Mr. Fege said by stating that to her knowledge there is a working group under the Air Policy Forum of Border 2012 with the specific task of addressing this issue. Ms. Stendebach commented that the group is working with their counterparts in Mexico to review the proposal and what the U.S. side can do.

Ms. Siwik noted an additional piece of information from TCQ regarding Part of the Joint Advisory Committee's strategic plan that addresses the proposal by Mexico and Tiajuana to nationalize US vehicles entering the country so they would be subject to INM. She clarified that this program is purely a proposal and has not been implemented yet.

Dr. Ganster said it would be fine if that point is not included because it sounds like there needs to be a fuller discussion if we were going to consider it. Ricardo Martinez agreed with Dr. Ganster and mentioned that this area could be another chapter in itself.

Allyson Siwik asked if there were any other comments. Dave Fege referenced a paragraph on page 3 and asked Ms. Stendebach if ULSD is not available in all of Mexico yet. Ms. Stendebach said some things have come up recently in Mexico which put a crimp in making ULSD more available. It was her understanding that Pemex is working with Semarnat in some legal issues and it sounds like Pemex will have a large hand in writing that new law. Consequently, this matter takes ULSD off the table until the law is completed. She is confident that everything will be done to have fairly strict ULSD language. Mr. Fege responded that he was happy to know there is good information and data to support those statements. Ms. Siwik expressed her appreciation for everyone's comments.

Dolores Wesson called on Dr. Ganster to open the discussion on the border energy chapter. Dr. Ganster responded that he has not received much input other than the feedback from Ross

Pumpfrey, Steve Niemeyer, Alan Sweedler and colleagues in Mexico. He noted that any input would be appreciated. Patti Krebs asked Dr. Ganster to clarify whether he was referring to adopting LEAD certification for all new buildings or was he thinking of implementing an entirely new system. Ms. Krebs conveyed her concern regarding consistency and suggested that the report not reference LEAD standards, but rather provide an example. Dr. Ganster and Ms. Krebs both agreed that the statement could read that a good model is LEED. Dr. Ganster said that Ms. Krebs raised a good point about the need to have predictable accepted standards to follow.

Dr. Brown suggested that the chapter include more specific details regarding Alan Sweedler's ideology on the indigenous generation of electricity which may change the balance of energy use and the residuals that result from it. Dr. Brown offered to provide Dr. Ganster with the presentation that Mr. Sweedler made at the San Diego SCERP Conference. Dr. Ganster agreed to review it to see if there's anything obvious that can be added to the chapter. Enrique Manzanilla asked Ricardo Martinez to send Dr. Ganster the Joint Declaration from the last Board of Governor's meeting on the energy work table.

Rachael Poynter commented that the January 26, 2010 dialogue on clean energy and climate generated plenty of interest at the federal level. Ms. Poynter noted the Department of Energy (DOE) and CEN Air were engaged in discussions on the problems confronting the coordination of service operators across the border, regulatory issues and other challenges as outlined in the chapter. She also pointed out that someone from the White House was there to discuss the process and the difficulty with implementing new transmission lines in the US.

Dr. Ganster was asked if he had spoken to anyone at the DOE. He had not, but Ms. Poynter offered to try and identify a couple of the technical experts from DOE that attended the meeting for Dr. Ganster to contact.

Enrique Manzanilla asked Ms. Poynter if there was a Trilateral Agreement signed in 2007 between Canada, Mexico and the United States on energy. Ms. Poynter responded that Mr. Manzanilla might be correct, however, the State was not the lead under that specific agreement. She recalled that the agreement was referenced at the previous North American Leaders meeting. Mr. Manzanilla noted that the agreement would be useful to Dr. Ganster. Ms. Poynter agreed to send Dr. Ganster the 2007 Trilateral Agreement along with the notes from the leader's meeting as well. Ms. Stendebach raised the question about the trilateral on energy because she was more familiar with the U.S. Canada clean energy dialogue. Ms. Poynter clarified that to her knowledge there was reference to a memorandum of understanding on energy, but not necessarily on clean energy. Additionally, Mr. Manzanilla noted that he thought it was geared more towards energy research.

Dolores Wesson added that the CEC Article 13 Report on green building may be of interest to Dr. Ganster. Ms. Wesson offered to send Dr. Ganster the CEC Article 13 Report and Ms. Stendebach agreed to send information on EPA's Voluntary Energy Efficiency Program.

Bill Bresnick commented that he loses context near the end of the middle sentence on recommendation number two where it reads "tailor-made cap and trade and obsessed."

Dr. Ganster agreed to revise the statement and thanked everyone for their assistance.

Dolores Wesson moved on to the habitat chapter noting that it was written by Luis Florez along with his colleagues from Fish and Wildlife and the National Park Service. She noted that comments were from Mike Connolly and asked if anyone else had comments on the chapter. Dr. Ganster responded that he would like to add a sentence regarding the effect of climate change on the Multiple Species Conservation Program (MSCP) in the San Diego region and how climate is going to shift ecosystems and habitat boundaries. He noted that the general problem is mentioned in the chapter, but not specifically for an area like San Diego with its vast micro-climates and significant growth in urbanization.

Melida Tajbakhsh from the Mexico Branch of the Fish and Wildlife Service Division of International Conservation extended her thanks for the invitation to participate in the call.

Ms. Tajbakhsh noted that it was not until recently that she had the opportunity to review the chapter on habitat and natural protected areas. She made the suggestion to be careful of some wording because it may infer ecological processes rather than services which are particularly relevant to the border area. Ms. Tajbakhsh stated that in addition to the activities in the border region; headquarters implemented a program called “Wildlife without Borders Mexico” to develop Mexico’s capacity to manage wildlife. In addition, they trained about 50 Mexican wildlife managers that created the first Mexican State Wildlife Agency mirroring Texas Park and Wildlife. Ms. Tajbakhsh clarified that any further contributions and/or specific comments to the text by the Fish and Wildlife Service must be cleared through the appropriate chain of command. Ms. Tajbakhsh is working on obtaining clearance for full participation, but in the interim she offered to provide additional information on the Wildlife without Borders Mexico Grants Program. Dr. Ganster welcomed the information from Ms. Tajbakhsh and stated that it may be helpful for the section on MSCP. Dolores Wesson thanked Ms. Tajbakhsh for joining the call.

Bill Bresnick expressed concern that recommendation number 3 under the habitat chapter seems to suggest taking funds for various projects out of the Department of Homeland Security’s budget and appropriating these funds to the Department of Interior (DOI). Mr. Bresnick explained that DHS has an on-going obligation for such projects and any suggestion that Congress should discontinue funding DHS’s activities in this area would be extremely counterproductive. He noted that may not have been the objective here. The suggested change by Mr. Bresnick was to omit “verses the DHS budget.” Ms. Wesson reiterated Mr. Bresnick’s suggestion to just have the statement read as “DOI budget”.

There were no further comments on the habitat chapter and Ms. Wesson moved to the health chapter. She noted that Debbie Tellez and Carlos Rincón were online from Region 6. She asked them if they had an opportunity to review the environmental health chapter and how it’s now located within the water and solid waste chapters. Ms. Tellez noted that she reviewed solid waste, but had no comment. Ms. Wesson asked the Board if they were fine with the proposal submitted by Ann Marie Wolf. In response to Ms. Wesson’s question, Ricardo Martinez answered that they have looked at it, but do not have any comments at this time. There were no further comments on this chapter and Ms. Wesson directed attention to the water chapter.

Dolores Wesson opened the discussion on the water chapter. Dr. Brown conveyed that the chapter had really good information, however, he was concerned about it being too lengthy and if there was a way to shorten it some. Ms. Wesson replied by indicating that there had been a few edits done thus far with, Ann Marie Wolf doing the last one.

Sally Spener pointed out that there were significant changes made on the Nogales materials; some of which involved factual information. Consequently, the questionable additions may have to be deleted in the event no one can provide verification of that information.

Mr. Niemeyer directed his question to Veronica Garcia by asking if her folks could live with the previous draft or if the additions have to be included. Mr. Niemeyer added that he reviewed the comments and was surprised to see changes made to language taken directly from the May letter. Ms. Garcia agreed to go back to her group regarding the matter and follow-up with Mr. Niemeyer tomorrow.

Marissa Bardino asked Ms. Wesson if she had received the comments from New Mexico on the water chapter. Mr. Niemeyer addressed Ms. Bardino's question stating that he thought Ms. Wolf incorporated those comments. Additionally, Dr. Ganster agreed to send Mr. Niemeyer a few points which needed clarification that should not change the meaning.

Dolores Wesson identified the last chapter as emergency response and planning. She noted that Mike Dorsey would not be available, however, he asked Mr. Niemeyer to cover for him. Ms. Wesson made the remark that Mr. Dorsey did his best to incorporate all comments, but there were a few that he didn't incorporate because he felt they were in contradiction with the others. Unfortunately, Ms. Wesson and Mr. Niemeyer agreed that they were unable to properly address Mr. Dorsey's position regarding this statement. Mr. Niemeyer opened the floor for additional comments.

On recommendation number three, Mr. Bresnick noted that the word "uniform" was inserted before the word "preference" in the sentence. He commented that when developing procedures, DHS uses base procedures and then work out local protocols as a means of effectiveness in any given locale. As a result, local protocols may not be the same everywhere. He emphasized to the Board that allowing the statement to remain is essentially recommending that DHS stop working out local protocols. Ms. Wesson asked if deleting the word "uniform" would take care of it. Mr. Bresnick responded that it was not there before and he is not sure why it was added in. Ms. Wesson stated that she would talk to Mr. Dorsey about it today.

Mr. Niemeyer explained that the whole point of the recommendation is to have something in place so these guys can get in and out without a huge hassle. Mr. Bresnick agreed with Mr. Niemeyer and stressed the importance of DHS being made aware of specific problems so they can be addressed accordingly, but he's not sure that uniform procedures is the answer.

Dr. Ganster recalled previous discussions with Mr. Dorsey where he noted complaints from people who work at different ports of entry that the rules of the game seem to change from one to the other. Dr. Ganster believed the main point is that standard rules of the game would serve everyone well as long as everyone knows what the rules are, and that they are similar along the

border. Dr. Ganster pointed out that Mr. Dorsey also raised this same issue with respect to HAZMAT inspections coming into the US where distinct differences exist from one port of entry to the next.

Rachael Poynter admitted that she probably added the word “uniform” in there to capture precisely the discussion that Dr. Ganster just pointed out. However, she deferred to the experts to make the final decision on the outcome. Dr. Ganster interjected and asked Ms. Wesson to try and resolve the matter whenever she speaks with Mr. Dorsey.

Bill Bresnick asked if he had missed the discussion on the solid and hazardous waste chapter. Ms. Wesson apologized and called attention to the fact that there is now only one chapter on waste.

Dr. Ganster raised some concern regarding recommendation number seven, suggesting that part of it include sharing export data with Mexico on used tires and Mexico sharing their tire import data. Dr. Ganster explained that this would basically close a loop-hole for the unauthorized entrance of used tires into Mexico. Additionally, Dr. Ganster suggested that recommendation number eight include a statement on using shredded tires for civil engineering projects. Mr. Niemeyer followed up to recommendation number seven asking Dr. Ganster who is going to provide the enforcement of tires not being exported. Dr. Ganster clarified that the intention was not the export of tires, but rather the export of unsafe tires. He noted that there is a very legitimate trade in used tires, but the complaints heard from people in Mexico is that safe tires get mixed in with unsafe tires. He added that there has not been a discussion of who the enforcer would be.

Mr. Niemeyer asked if this would include all tires in the U.S. Dr. Ganster responded that the purpose of the statement was probably to avoid port shopping and this is why there needs to be a standard. Ideally, the whole point is to help Mexico control the import of unsafe tires. Mr. Niemeyer then responded by asking if the U.S. consumer is going to pay for the entire disposal. He indicated that Texas does not have a disposal fee and it is voluntary depending on where the tire was purchased. Dr. Ganster deferred to Veronica Garcia for her suggestions on a recommendation that makes sense. Ms. Garcia stated that she would have to think about it. Mr. Niemeyer was unable to think of anything either, but suggested the existing phrase be re-worded. Dr. Ganster agreed to work on the re-wording or just deleting the reference to the disposal fee.

The question was raised by Bill Bresnick as to whether recommendation number nine still has the National Guard Troops sentence in it. Ms. Wesson asked Veronica Garcia if she recalled who made the comment and noted that it’s open for discussion. Ms. Wesson stated that Diane Austin recommended deleting the comment, but she’s not sure why it hasn’t been deleted. Ms. Wesson presumed that Ms. Austin was trying to keep it in for the original proponent of the comment to discuss it today. Dr. Ganster made the comment that he remembered having this discussion about the problems with the accumulation of solid waste at a time when the National Guard was involved with the installation of the border fence. He mentioned that this should have been included in the board report on environment security. Mr. Bresnick added that he was in agreement with Ms. Austin’s recommendation to delete it.

Mr. Bresnick also commented on the first recommendation that addresses port hours of operation which he stated is a legislative function set forth by Congress as opposed to an administrative action. He is not sure whether some of the problems reported are more than occasional incidences rather than institutional problems that need an institutional fix. He added a note that there is a security overlay on this particular point.

Dr. Ganster mentioned that Mr. Dorsey feels strongly about this item and it has been discussed several times over the years. It was suggested by Dr. Ganster that Ms. Wesson raise the point again with Mr. Dorsey to get clarification on what he meant or whether the matter needs to be addressed again. Dr. Ganster further noted that recommendation number one basically deals with the port shopping on HAZMAT inspections and it also refers to the issue of not working with state inspectors in Texas, but working with state inspectors in California et cetera.

Another matter of concern was raised by Mr. Bresnick regarding recommendation number one. He asked what does the phrase “shipments of hazardous waste and shipments that might be potentially hazardous, but are not designated as such” mean. Mr. Bresnick stated that he is not sure how this can be done. Mr. Niemeyer responded that Mr. Dorsey should know something, but it probably needs to be clarified.

Mr. Niemeyer referred back to a previous comment regarding the National Guard in recommendation number nine. He read the section of the 10th report (page 22) that references the National Guard’s involvement with solid waste.

Dolores Wesson asked Mr. Bresnick to send her and Veronica Garcia his alternative language for recommendation number one. He agreed to send it to Ms. Wesson and suggested that she follow-up with Mr. Dorsey for clarification.

Dolores Wesson directed attention to recommendation number 11 which was inherited from the health chapter. She noted that this item has already been addressed. However, there’s now item number 12 which used to be number 11 on the Waste Policy Forum. Ms. Wesson pointed out that this is Diane Austin’s comment. Mr. Niemeyer indicated that the Waste Policy Forum is listed as one of the policy forums of the Border 2012 document. Mr. Niemeyer concurred with Dr. Ganster that the Waste Policy Forum does terrific work. Dr. Ganster made the suggestion for Ms. Wesson to find out what may have been Ms. Austin’s intention. There were no further issues on this chapter.

Final Notes:

Ms. Wesson reiterated the need to have the next set of drafts by Monday so they can be compiled and sent out by Wednesday. She emphasized that those with extensive comments to please be mindful of the timing when working with her and the lead author. Dr. Ganster urged individuals to provide specific recommendations and not general statements about passages.

Ms. Wesson noted that she will be sending everyone an updated agenda for Rio Rico. She has received confirmation from Jim Northup, Acting Interagency Borderlands Coordinator for DOI. He will be speaking on the mitigation projects. Dan James will be covering the USGS protocol that’s now being developed for the monitoring of the border fence. Ms. Wesson asked Mr.

Bresnick if he has identified a speaker for the first presentation. Mr. Bresnick responded that he does not have the name of a speaker confirmed yet. However, he assured Ms. Wesson that someone will be at the meeting to present.

Ms. Wesson pointed out that discussions are on-going with CEQ regarding their preference whether the roll-out should take place in San Antonio or Washington D.C. Dr. Brown responded by asking if this means that the Del Rio option is out. Ms. Wesson stated that the idea being discussed by the small planning group is to have the meeting for the roll-out in San Antonio and then move to Del Rio for the actual board meeting.

Mr. Niemeyer interjected with an unrelated comment regarding Mr. Bresnick's statement that CEQ had responded to DHS's response to the Board's original December 2nd letter. Mr. Bresnick apologized for any misunderstanding and clarified that CEQ will be sending their response to the Board in time to have it in this report.

Ms. Wesson opened the remaining time for discussion on any other issues. Mr. Niemeyer asked if Ms. Wesson or Mark Joyce could explain the transition of the Board after this meeting. Mr. Joyce answered that he wouldn't call it a transition although the process is the same with some members terms expiring, new members appointed and some members being renewed for additional terms. Mr. Niemeyer followed-up by stating that it was his understanding that several Board members will be leaving in a few weeks and they will be replaced shortly thereafter. Mark Joyce didn't know whether all of them will be replaced, but he noted that roughly half of the non-federal member's terms expire on March 14, 2010. Mr. Niemeyer expressed concern as to how many of those members will be replaced. Mr. Joyce responded that the decision was purely the administrator's call. He added that the intent is to reappoint some members as well as appoint some new members so the Board has a full compliment in place by the time of the June meeting.

Ms. Wesson extended words of appreciation to everyone for their hard work on the report and then adjourned the meeting at 2:51 p.m. EST.