



Good Neighbor Environmental Board (GNEB) Meeting

**March 11 – 12, 2010
Esplendor Resort
1069 Camino Caralampi
Rio Rico, AZ**

MEETING SUMMARY

THURSDAY, MARCH 11, 2010

Welcome and Introductions

Paul Ganster, Chair, Good Neighbor Environmental Board (GNEB); Rafael DeLeon, U.S. Environmental Protection Agency (EPA), Director, Office of Cooperative Environmental Management (OCEM); and Delores Wesson, EPA, OCEM, GNEB Designated Federal Officer (DFO)

Dr. Paul Ganster (Institute for Regional Studies of the Californias/International Programs, San Diego State University), GNEB Chair, called the meeting to order at 8:34 a.m. MST. He thanked the participants for attending the meeting and explained that GNEB is a Federal Advisory Committee that reports to the president and Congress via an annual report. GNEB members are from federal agencies, nongovernmental organizations (NGOs), academia, the private sector, and tribal, state, and local governments. Most of the members reside near the U.S.-Mexico border so that they can convey effectively to Washington, DC, the voice of the border region. The Board meets twice a year in border communities, and it is important to hear from local residents at these meetings, particularly in regard to environmental issues over which OCEM provides management.

Mr. Rafael DeLeon welcomed participants to the meeting on behalf of EPA Administrator Lisa Jackson. He thanked the Board members for their service and noted that there is a membership drive in progress to fill GNEB vacancies. There is no process for automatic renewal, and current Board members and other interested parties should send the DFO, Ms. Delores Wesson, a short statement of interest and their resume via e-mail. The goal is to have the membership process completed by July. Mr. DeLeon added that the process for releasing the Board's annual report has been modified, and the report, which is in its final stages, will be released in June. He thanked the authors of each chapter for their efforts.

Ms. Wesson explained that Board products include comment and advice letters and the annual report. Recent letters were released on May 19, 2009, and December 2, 2009; the letter released in December dealt with the border fence. This letter made a significant impact on discussions in Washington, DC, and the White House Council on Environmental Quality (CEQ) has held five meetings on this issue. Some of the issues surrounding the border fence will be discussed at this meeting via a panel of experts. She noted that GNEB has been working for the prior 3 months on a unique, complex, and ambitious report; finalizing this report is the main purpose of this meeting. Additionally, there will be a period for public comment later in the morning. Following her remarks, Ms. Wesson asked the Board members and guests to introduce themselves.

Border Fence and Environmental Impacts

Status of Fence and Map Analysis

Wayne Lackner, U.S. Department of Homeland Security (DHS), Customs and Border Protection (CBP), Tucson Public Lands Liaison Agent; and Scott Recinos, DHS, CBP

Mr. Wayne Lackner explained that in March 2003, CBP was created under DHS and is comprised of three principle components: Office of Field Operations, Office of Air and Marine, and Office of Border Patrol. The Office of Field Operations operates at 20 major field offices, 327 ports of entry, 58 operational Container Security Initiative ports, and 15 preclearance stations in several other countries. The office protects American agriculture by inspecting ships, airplanes, vehicles, cargo, passengers, and baggage for prohibited products that may carry pests and disease. The Office of Air and Marine is the world's largest law enforcement air and marine force.

Mr. Lackner provided a history of the U.S. Border Patrol, which was founded in 1924. It is the uniformed law enforcement component of DHS that provides border security between designated ports of entry and has the primary responsibility for 6,000 miles of land border, including 2,000 miles shared with Mexico. The Border Patrol operates in an "all-threats" environment. Its priority mission is to prevent terrorists and terrorist weapons from entering the United States; its traditional mission is to prevent illegal aliens, smugglers, narcotics, and other contraband from entering the country. Its strategic goal is to establish and maintain effective operational control of the Nation's borders by consistently detecting entries, identifying the type of entry and classifying its threat level, effectively and efficiently responding to the entry, and bringing the situation to the appropriate law enforcement resolution. Strategic deployment consists of the right combination of personnel, infrastructure, and technology. The border contains urban, rural, and remote environments. In remote environments, the time from entry to infrastructure may be hours or even days. In these areas, the enforcement response may be very deliberate, but enforcement personnel must overcome challenges such as a lack of natural or man-made barriers to entry, no accessibility because of a lack of roads and infrastructure, environmental challenges, and distances from established enforcement facilities to the areas of operation. Supplemental enforcement strategies include checkpoints, partnerships, intelligence, situational awareness, and legal consequences (e.g., Operation Streamline).

The border fence was placed in areas that were logical when considering enforcement and environmental issues. Environmental stewardship and biological resources plans and best management practices were developed via a partnership with the U.S. Fish and Wildlife Service (FWS) and other federal resource managers. Pedestrian barriers were placed in urban areas, and vehicle barriers were placed in rural areas. The strategy in remote and mountainous areas involves tactics (i.e., remote surveillance systems). Many examples demonstrate that there has been a decrease in environmental damage since the barriers have been constructed.

Mr. Scott Recinos provided an overview of environmental planning for the border fence. The border fence was mandated to be completed by December 2008 by the Secure Fence Act of 2006. DHS leadership was focused on adhering to the directives of the administration and identified 670 miles along the border that were logical in terms of building the fence. The planners had 18 months to plan, design, and construct 450 miles of fence; 220 miles already were completed. The tight deadline provided a variety of challenges from the perspective of design, construction, and the environment. In terms of the environment, the goal was not to seek any waivers, so the planners examined carefully how to comply with the National Environmental Policy Act (NEPA). There were several challenges to meeting NEPA standards because the option to "do nothing" was not viable, and the border fence had to be built in a specific place. DHS put forth great effort to decrease the impacts of the fence on the environment, particularly wildlife, and CBP assisted this effort by providing funding for the environmental portion of the plan. Ultimately, because of the timeframe in obtaining NEPA permits and several injunctions that were filed, the Secretary of Homeland Security decided to enact waivers. The fence construction, however, fully complied with environmental stewardship plans and the intent of NEPA. Extensive

outreach was conducted, and substantive comments were received that decreased the environmental impacts. All of these comments and the agency's responses are available on the DHS Web Site.

There were several key components to the environmental stewardship approach. DHS prepared eight final and an additional 10 draft NEPA documents, as well as 22 environmental stewardship plans. Before construction began, 36 environmental training courses were presented to the contractors, and more than 90,000 hours of onsite environmental monitoring were conducted during construction. More than 13,000 acres were surveyed, which resulted in the identification of more than 350 cultural resource sites; 56 of these sites were excavated before construction. The best management practices that were developed with FWS and biological resources plans evaluated more than 75 threatened and endangered species and 25 critical habitats.

Mr. Recinos provided examples of the environmental stewardship, including protecting endangered *Monodella*, surveying for the endangered Quino butterfly, moving birds and their nests from the construction corridor, placing temporary caps on bollard posts to prevent animals and birds from being trapped, transplanting thousands of Agave plants from critical habitats, excavating a Mormon house site, protecting a historic border monument, implementing wildlife panels and "cat holes" to allow animal migration, and salvaging sabal palm trees. Furthermore, funding was set aside to address postconstruction issues for which the engineers had not accounted correctly. For example, drainage debris collected more quickly than anticipated, so engineers have corrected this problem in 50 locations along the fence by adding gates that allow debris flow during monsoon season. The engineers proactively addressed stabilization issues at Smuggler's Gulch near San Diego, California; subject matter experts from Tijuana, Mexico, will assist with the site until it is fully sustainable.

Discussion

Judge Jerry Agan (Presidio County Commissioners Court), GNEB member, asked whether construction on the border fence was complete. Mr. Recinos responded that some of the border fence still is being constructed in the Rio Grande Valley; the Presidio project is on indefinite hold. Judge Agan suggested that DHS receive input from local sources and the International Boundary and Water Commission (IBWC).

Mr. Michael Connolly (Campo Kumeyaay Nation), GNEB member, stated that there were significant issues with the border fence in terms of informal border crossing points for independent tribal nations, such as the Tohono O'odham Nation. Mr. Lackner responded that there was ongoing coordination with the tribe as well as three gates available for tribal members with the proper documentation to perform their traditional north-south migrations.

Mr. Luis Ramirez Thomas (Ramirez Advisors Inter-National), GNEB member, stated that the border fence in the Nogales area has an impact on flooding and sewage drainage and explained that the emergency solution has been to administer tons of chloride, which is not a viable long-term solution and has had a negative impact on the environment and public health. He stated that there had been CBP discussions regarding the type of fence to place in the downtown area, and the fence that was constructed is not conducive to the goals of the Border Patrol because of the inability to see through the fence and the appearance of elaborate, clandestine doors within the fence. Mr. Recinos explained that most of the water drains on the east side of the fence, but the fence still is collecting debris. DHS is working with IBWC regarding how to manage opening the gate; the gate can accommodate the flow, but the follow-up issue is that the entity responsibility for cleanup must be determined. Mr. Lackner added that DHS was evaluating from an operational standpoint how to address the legacy fence in terms of protecting agents and preventing illegal entry.

Mr. Gary Gillen (Gillen Pest Control), GNEB member, commented that he was pleased that CBP had been invited to share this information with the Board; the GNEB's 12th Report would have been different if the Board members had received this information sooner. For instance, he was unaware that CBP had

worked with local organizations and individuals. The local input received by GNEB during public comment meetings did not indicate that this had occurred. He commented that the National Geographic Channel television program *Border Wars* puts a human face on a difficult job and asked Mr. Lackner whether in his experience the television show had been a positive influence. Mr. Lackner responded that it has been positive in that it has made people more aware of the challenges that border agents face. Mr. Recinos stated that he would like GNEB's help in soliciting local input and providing local outreach.

Mr. Mark Joyce (EPA) commented that 3 years previously, Chief David Aguilar of CBP presented information regarding the fence and explained that portions of the fence were physical or virtual, depending on the location and its speed of interdiction. Mr. Joyce noted that some places do not need a major fence. As SBInet and other alternate technologies are developed, CBP can reevaluate pedestrian fencing areas to determine whether the fence can be replaced with technology, which will allow increased access for wildlife. Mr. Lackner responded that this could be evaluated in the future, but the fence has a deterrence value as is; changes could compromise the integrity of the fence and its intent.

Ms. Allyson Siwik (Gila Resources Information Project), GNEB member, suggested that CBP participate in the Border 2012 Program, which utilizes workgroups comprised of local task forces that work on environmental issues that overlap with security issues. This would be a good time to get involved as the next phase of Border 2012 is being developed.

Dr. Christopher Brown (New Mexico State University), GNEB member, asked why the Otay Mountain border fence was considered logical. The area is remote, extreme, and could better be patrolled by agents than building an environmentally damaging fence. Mr. Lackner responded that despite its ruggedness, the area had significant amounts of traffic—more than 1,000 individuals per night—so a secure perimeter was needed; interdiction is “behind the curve.” The high traffic in the area had a significant negative environmental impact on the area. Mr. Recinos agreed, noting that the adjacent major Mexican highway served as a major drop-off point, but lack of roads on the U.S. side of the border meant that the Border Patrol only could patrol by air or foot. Since the fence has been built, pedestrian traffic has been decreased, and environmental conditions are improving. Funding has been committed for CBP to revegetate the area, with the goal of restoring the area to a better condition than it was before the fence was built. Mr. Joyce asked whether Mr. Lackner had worked in the Otay area, to which Mr. Lackner replied that he had. He has spoken to resource managers in the area who attest to the environmental improvement that has occurred since the fence was built.

Mr. Steve Niemeyer (Texas Commission on Environmental Quality), GNEB member, asked for clarification that 50 locations were impacted by flood debris and whether any were in the Tijuana River Estuary. Mr. Recinos responded that engineers are addressing flooding issues at 50 locations, and although there is work in the Tijuana River Estuary, the work does not fall under one of the 50 projects. The area has been stabilized for erosion.

Dr. Ganster thanked Mr. Lackner and Mr. Recinos for their time and effort in presenting candidly to the Board. There has been a disconnect between what senior leadership says about the fence and what one encounters. He asked that CBP continue to address border fence issues, although they are not easy. Public outreach also should be extended to the Mexican side of the border.

Monitoring Program

Dan James, U.S. Geological Survey (USGS), Coordinator, Status and Trends Program; and Greg Eckert, National Park Service, Restoration Ecologist

Mr. Dan James discussed the potential for environmental monitoring strategies near the U.S.-Mexico border. The U.S. Department of the Interior (DOI) tasked USGS, the department's science bureau, with assuming the lead for developing these strategies. DOI has trust responsibility for natural and cultural resources along approximately 41 percent of the U.S.-Mexico border. DOI and DHS discussions regarding the development of a monitoring strategy began in early 2008, and in September 2009, DHS

contracted USGS, via an interagency agreement, to develop a repeatable, science-based strategy for evaluating the effects of border security activities and illegal immigrant traffic on cultural and natural resources. USGS convened a scientific writing team, comprised of USGS scientists from all major disciplines, experts from the University of Arizona, and DOI scientists. Critical in forming this team were a listening session hosted by Congresswoman Gabrielle Giffords (Arizona Eighth District) that included NGOs and government resource managers and a 1-day federal resources managers workshop hosted by USGS to solicit priority border monitoring needs and identify important environmental indicators. The scientific writing team hosted four workshops and meetings to draft the environmental monitoring strategy. The focus of the writing team has been to: (1) develop endpoints and priorities for environmental monitoring and assessments; (2) define the environmental baseline on which to assess changes; (3) identify existing monitoring protocols to be incorporated into the strategy; (4) describe potential partners and their roles in implementing the strategy; and (5) discuss data and information collection, analysis, and delivery needs.

The writing team has produced a preliminary environmental monitoring protocol that has been useful as a scope of work to develop a Request for Proposals (RFP) to procure the services of DOI and other stakeholders to conduct the initial pilot studies. The protocol will be used to determine the consequences of border activities to cultural and natural resources that will be monitored, assessed, and evaluated; it does not address the effectiveness of border security operations or the operations' resulting political-social effects. The team will submit a report to DHS in April 2010 that recommends an environmental monitoring strategy that includes how to identify representative pilot areas, estimate the cost of monitoring each pilot, analyze additional needs and next steps, and identify key personnel for each pilot. The writing team also plans on publishing a peer-reviewed journal article that will address how to effectively implement a monitoring strategy along the U.S.-Mexico border, a more-expansive USGS technical report, and a chapter in a book published by the Mexican federal government and the Secretariat of Environment and Natural Resources (*Secretaría del Medio Ambiente y Recursos Naturales*, SEMARNAT) entitled, *The Border Wall: Venues, Mechanisms, and Stakeholders for a Constructive Dialogue Between the United States and Mexico*.

Mr. James stated that the \$50 million budget provided by DHS was to support the development of a monitoring strategy and does not include implementation of the monitoring strategies. Currently, there is no funding in the DHS budget for fiscal year (FY) 2010 to support implementation of the strategies; however, based on discussions between the two agencies, the scientists are optimistic that this recommended strategy will be funded.

Dr. Greg Eckert described the border impact conceptual model that was developed with input from DHS and Congresswoman Giffords. The approach was to examine key processes and structural and functional elements (e.g., catchment and hydrologic characteristics, habitat structure) that drive the border ecosystem while considering abiotic and physical drivers (e.g., climate, weather) and socio and human drivers (e.g., border fence activities, illegal immigration), including historic effects (e.g., livestock grazing, wildfire); all of these factors affect the ecosystem. The goal is to identify the most important and useful indicators. Possible indicators are changes in: hillslope runoff and erosion, erosion of channel beds and banks, flooding, wildfires, native species diversity, and native and non-native vegetation cover. Investigators are determining how to measure and separate activities. Additionally, the decision was made to exclude socioeconomic indicators that are outside the specific mandate and available resources. It will take time to develop the study design, set up the plots, refine the protocol, determine the best manner to manage and archive data, identify the best analysis mechanism, and report to the broad audience. How to use the monitoring data to determine causation will be an additional challenge.

Discussion

Dr. Ganster asked how the investigators defined the aerial extension of the monitoring location. Dr. Eckert responded that each DOI bureau, Congresswoman Giffords, NGOs, and Mexican agencies

provided input, and the group decided to work in familiar areas with a representative group of ecological types so that the data can be transferred. Mr. James added that there is significantly more fence in Arizona than in the other border states.

Dr. Ganster noted that an ecosystems services approach did not allow for drawing a single line and monitoring the effects. Given that some effects will extend across the border, the transborder region should be examined for positive and negative impacts. How will areas on both sides of the border be monitored? Dr. Eckert explained that reference areas would be included. The experimental design includes representative samples, and statistics will ensure confidence in the results. Most of the researchers have counterparts in Mexico and are willing to utilize them. Dr. Ganster stated that it would be beneficial to encourage Mexican input and coordination from the start of the project. Dr. Brown agreed that the investigators should attempt to make this a binational effort so that it will be much better executed and results more easily shared.

Ms. Sally Spener (IBWC), GNEB resource specialist, asked whether there was funding for the monitoring in the FY 2011 budget. Mr. James replied that he was not aware of any, but others would know better than he would. Budget estimates will be included in the April 2010 report.

Mr. Connelly liked the idea of gathering data to determine long-term impacts and noted that Border 2012 had established the Border Indicators Task Force, which could serve as a possible resource. He thought that socioeconomic impacts are important, and if they are not included, it will be difficult to determine the overall picture. For example, as more technology is employed, more methods to circumvent these technologies are used, many of which are harmful to the environment (e.g., fires to avoid infrared sensing); all of these factors must be considered. Mr. James agreed and explained that a social scientist was included on the team; however, the statement of work outlined in the interagency agreement is driven by DHS interests. Consultants would be needed to examine sociocultural aspects. Dr. Eckert added that a component of the plan will include ecosystem services, which is a good way to transition from natural science to social science.

Mr. Enrique Manzanilla (EPA Region 9), GNEB resource specialist, stated that the background paper that accompanied the December 24, 2009, letter from DHS to the Board indicated that the Memorandum of Agreement (MOA) between DHS, CBP, and DOI was for mitigation; mitigation cannot be accomplished without monitoring. Is it possible to complete another MOA or expand the current MOA to include monitoring? Mr. Jim Northrup, Acting Interagency Borderlands Coordinator for DOI, answered that there is nothing that precludes funds from the \$50 million being used for monitoring; however, as there are more than \$50 million worth of mitigation projects that need to be funded, DOI is hoping for additional DHS funding to support monitoring projects.

Mr. Joyce asked whether part of the monitoring would include how well wildlife is adapting to areas of the border fence at which wildlife modifications were put in place. Mr. James responded that the monitoring will include examination of construction designs to determine whether they are serving their purpose in assisting wildlife.

Mitigation Efforts and Projects

Jim Northrup, DOI, Acting Interagency Borderlands Coordinator

Mr. Northrup stated that he is responsible for facilitating communication between DOI and its constituent bureaus and serves as the principal liaison between DOI and DHS, dealing with a wide range of environmental issues that stem from border infrastructure and security activities. He reiterated that the interagency agreement pledged \$50 million from DHS to mitigate the environmental impacts of the border fence, particularly in NEPA-waiver areas. DOI has a very significant responsibility for environmental and sociocultural stewardship along the U.S.-Mexico border and has worked with DHS to implement best management practices and mitigate the impact of the border fence.

Mr. Northrup provided key principals of the MOA signed in January 2009. The MOA includes recognition of the legal mandate of each department, an acknowledgement of the importance of securing the Nation's borders and fulfilling the stewardship responsibilities of the DOI, an acknowledgement that the fence has had some positive effect on DOI-managed lands, a commitment by the Border Patrol to use best management practices during and after construction to minimize negative environmental impacts, and an agreement that negative impacts that cannot be avoided will be mitigated to the largest degree possible. Mitigation will focus on five areas in order of priority: (1) endangered and threatened species whose populations and/or habitats have been adversely affected; (2) other fish and wildlife whose populations and/or habitats have been adversely affected; (3) plant communities, including wetlands and riparian areas, that have been adversely affected; (4) other natural resources (e.g., soils, hydrology) that have been adversely affected; and (5) cultural resources that have been adversely affected.

Mr. Northrup explained the process in which DOI is engaged to determine how the funding will be used. He noted that DHS is under no legal obligation to provide the funding and will extract it from its normal appropriations during a period of 3 to 4 years. DOI agreed to certain criteria to receive the funds. The impacts that DOI mitigates must be clearly linked to areas of the fence that were subject to waivers, and projects will be clearly connected with biological opinions and the developed environmental stewardship plans. DOI can propose new projects, but DHS and DOI must be in agreement on all projects.

The interagency agreement was executed under the Economy Act (31 USC 1535), which allows federal agencies to transfer money among them to procure services from other agencies that have additional expertise in the area to be funded. The purchasing agency must have the overarching statutory authority to take the action that it is paying the other agency to perform. One of the difficulties DHS has had with the package of proposals submitted by DOI is that many of the proposals deal with acquiring land to replace critical habitat for endangered species. DHS does not have the authority to acquire land for environmental stewardship; it only can acquire land for security purposes. Therefore, it cannot transfer money to DOI to acquire land for environmental stewardship. DHS has determined that it has the authority to transfer money to DOI or a third party for purchasing conservation easements that will be held by a third party. DHS and DOI have agreed on statutory language for a legislative "fix" that will allow DHS to transfer the money to DOI for land acquisition for environmental stewardship. This was attached to the FY 2010 appropriations bill for both agencies, but it failed, so the two agencies are working together to find a vehicle to move this effort forward. DHS is anxious to fund the projects that do not deal with land acquisition.

Projects on the list submitted to DHS included a number of proposals from its constituent land management agencies that are responsible for environmental stewardship along the U.S.-Mexico border and the four states that border Mexico. These proposals have been consolidated into 32 project description worksheets, and DHS has provided comments on each of them. The two agencies are close to agreeing on the final list of projects. Types of projects include wetlands restoration, erosion control, and wildlife and plant protection. The relationship between CBP and DOI has increased communication and understanding between the two agencies.

Discussion

Mr. Niemeyer wondered whether there is an ideal time (i.e., season) to relocate species and whether wildlife are using the fence openings. He asked whether CBP had documented the number of undocumented migrants that have not entered the United States as a result of the fence. Mr. Lackner responded that CBP had not.

Mr. Michael Dorsey (County of San Diego Department of Environmental Health), GNEB member, asked whether DHS could acquire land without requiring an interagency agreement. Mr. William Bresnick (DHS), GNEB member, responded that DHS only can acquire land for security purposes. Congress would need to determine whether to give that authority to the agency. Ms. Sylvia Grijalva (U.S. Department of Transportation [USDOT]), GNEB resource specialist, noted that state departments of transportation buy

land under NEPA waivers when land is harmed. Mr. Bresnick reiterated that even in cases in which endangered species were harmed, DHS would not have the authority to acquire compensatory land.

Mr. Luis Florez (National Park Service), GNEB member, asked whether the monitoring and mitigation strategies were being designed so that progress could be measured against a baseline. Mr. James responded that this had occurred serendipitously at the workshops with the experts that gathered because both monitoring and mitigation include many of the same researchers and stakeholders.

Ms. Wesson asked whether the Board members could receive a list of the mitigation projects. Mr. Northrup responded that per the interagency agreement, the list will be publicly available on the CBP and DOI Web Sites.

Effects of the Fence on Mexico

Carlos de la Parra, El Colegio de la Frontera Norte, Professor and Researcher of Urban and Environmental Studies

Dr. Carlos de la Parra noted that DHS has done an excellent job in acknowledging the impacts of the border fence, and it is clear that they are engaged in mitigating the environmental impacts. Many species were affected on both sides of the border and in all states; for example, the impact that stadium lights have had on bats and the migration paths of birds. The ecosystem services that the impacted species provide also must be considered because these will affect human leisure activities and tourism. Additionally, the reasons that this has become a highly charged issue must be considered. The issue has become highly charged because of the various ways that the construction of a border fence has been perceived. In one view, the United States can be compared to an open-minded neighbor who built his fence with the input of his neighbors; in the other view, the United States is seen as “walling up its castle.”

Dr. de la Parra highlighted some of the political interactions between the U.S. and Mexican governments during the past 15 years, including a 2006 letter from Mexico to the United States that noted the former country’s concern with the tone of the illegal immigrant debate, which appeared to prioritize security above human rights. He noted that the term “undocumented migrant” is a more precise term than “illegal immigrant” because these workers are following the law—the law of supply and demand. The letter detailed Mexico’s concern that the border fence sent a negative message to Mexico and its society, and other mechanisms could be developed between the United States and Mexico that could ensure that immigration between the two countries was legal, secure, orderly, dignified, and respectful to human rights while allowing both countries to prosper. Mexico is willing to share responsibility in ensuring immigration is legal and work with the United States.

He noted that the border fence, which could be called a border wall, embodies the differences between the two countries as well as three lies that: (1) the fence would cost \$2.1 billion, (2) the fence would help stem illegal immigration, and (3) the U.S. Senate bill favored amnesty. The Minister of Foreign Affairs in Mexico compiled a list of 24 concepts regarding the construction of the border fence; eight concepts addressed operational problems, six addressed objections to the unilateral process that was employed, five addressed disagreements over the fence itself, and five addressed environmental and human impact. When Dr. de la Parra asked the Minister of Foreign Affairs how he would feel about the border fence if there were no environmental impacts or human casualties, and smart interdiction and fair visa policies were enacted with the fence, the Minister responded that he had no objections to the fence in this scenario. The take-home point is that the United States and Mexico need to abandon the emotional aspects of this issue and move forward as partners.

SEMARNAT and DHS have not discussed mitigation because this is such a highly charged issue. An individual at a high level within the U.S. government must say that immigration is a shared responsibility; less politicizing would lead to more discussion between the two countries regarding the border fence. Once the United States decided that it needed to construct a border fence, it became that country’s

responsibility to mitigate the effects of the fence. Common ground must be identified, and conceptual differences must be overcome together; the solution cannot be achieved on an agency-to-agency basis.

Discussion

Dr. Ganster stated that Dr. de la Parra's point about coordination and consultation was well taken because when the Board examined the border fence for its 12th Report, the members noticed a lack of communication between decision-makers and border communities. Construction of a border fence is a diplomatic issue, but there are many mechanisms available, including border liaisons, to initiate discussion among all stakeholders; Border 2012 and IBWC each have mechanisms in place that could be utilized. Any border project on either side of the border with potential environmental and/or socioeconomic impacts must include communication. Judge Agan concurred, explaining that there was a lack of communication from the level of local elected officials through the international level.

Public Comments

Ty Cañez, Arizona Tribal Border Coordinator

Mr. Ty Cañez, an original member of the Board, was happy with the progress that GNEB has made. He wondered how far from the border the mitigation projects needed to be and whether there would be another program with additional funding and grant money so that more projects could be submitted, particularly by the tribes. He noted that the Border Industrialization Program, commonly known as the Maquiladora Program, which was launched in the 1960s, changed the border communities significantly; this example illustrates that it is difficult to know the long-term effects of policy decisions. If the Maquiladora Program had been based in central Mexico, more Mexican citizens may have been encouraged to stay in Mexico, instead of moving near the border and then deciding to cross over to the United States.

Valer Austin, Cuenca Los Ojos Foundation

Ms. Valer Austin explained that she lives on both sides of the border, and the area in which she lives has seen more violence in the previous 6 months than in the previous 30 years. The undocumented migrants that used to cross have been deterred by border security measures, and now most of the traffic are thieves who resort to violence. She advocated for a U.S.-funded ecological restoration program at the border that employs U.S. and Mexican scientists.

Francisco Abarca, Arizona Game and Fish Department

Mr. Francisco Abarca thought that important issues had been discussed, and the issue of the border fence has affects not only in the border vicinity but also deep within both countries. Many agencies in border states have been great partners in border issues and have put in place border programs that complement federal programs, particularly those dealing with wildlife. The Board should include a permanent recommendation that additional funding is needed for state agencies for environmental conservation projects along the border. Federal programs must include resources for local agencies. Many organizations have been involved with the border fence issue for a long time. He invited Board members to participate in the Border Governors Conference being held September 2010 in Phoenix, Arizona, to understand initiatives that already are in place that could complement federal activities. Through these efforts and federal participation, environmental issues can be properly addressed and conservation programs implemented along the border.

Sergio Avila, Sky Island Alliance

Mr. Sergio Avela stated that the environment is a transborder entity. Mexico is a country of laws, and if the United States communicates with Mexico, it will see results. He recommended that the United States

change its terminology and refer to the border fence as a border wall and illegal immigrants as undocumented migrants. He asserted that border checkpoint personnel ridicule mitigation efforts and reminded that there are federally protected areas on the Mexico side of the border. He noted that \$50 million for mitigation efforts is very little compared to the \$6 billion cost of the fence. It is necessary to monitor to ensure that animals are using the wildlife doors in the fence and plants are surviving. Although federal agencies may not have a baseline, local agencies do and are willing to share these data.

Melanie Emerson, Sky Island Alliance

Ms. Melanie Emerson was disappointed that the conversation focused on homeland security and not environmental stewardship; she expected to hear more about environmental impacts of the border fence. The \$50 million mitigation fund is less than 1 percent of the cost of the fence, and funding for monitoring should be separate from the mitigation funds. She asked GNEB to support USGS' request for additional funding for the monitoring program. DOI should acquire land without utilizing DHS. She was happy that DHS was present at the meeting and clearly is engaging, but she thought that its report was disingenuous as it was only a small portion of a very selective piece of information. It is necessary to read all of the documentation that DHS has published to determine the exact nature and location of the environmental assessments that were completed. She does not think that the environmental assessments were genuine nor were they done to mitigate environmental impacts. DHS has stated that the border fence is a deterrent, but it has not released numbers regarding determent. Also, there was no discussion in the report regarding the connectivity of species once they reach the border fence.

Elaine Koerner, DHS, CBP, U.S. Border Patrol

Ms. Elaine Koerner highlighted two tools that DHS has developed to increase communication and outreach. One is a newsletter, *The Tracker*, that describes the U.S. Border Patrol National Environmental and Cultural Stewardship Program and Public Lands Liaison Agent Program and collaborations taking place across federal agencies. The second is a civic network site called "Our Border." Everyone is free to join, start discussion groups, publish videos, follow blog discussions, and learn about upcoming events. Everyone is encouraged to visit the Web site at <http://ourborder.ning.com>.

Discussion and Approval of 13th Report

Mr. Joyce reminded the Board members that a near-final version of the report needed to be completed before the end of the meeting so that it could be released in June. Ms. Wesson stated that the discussion should focus on substantive issues without any editorial or stylistic comments. The focus should be on the recommendations, factual inaccuracies, and omissions. Mr. Joyce added that CEQ had requested as much specificity as possible, which can be added to footnotes and appendices as needed.

Climate Impacts

Paul Ganster for Ricardo Martinez, GNEB

Dr. Ganster led the discussion of this section in the absence of Mr. Ricardo Martinez. He noted that there is a growing resistance to climate change discussion and efforts to decrease greenhouse gases and increase air quality along the border. Recommendation #9 deals with air quality; perhaps it should be placed sooner in the list and supporting material added. Increased restrictions will increase the number of communities out of compliance for air quality standards. It should be made clearer that decreasing greenhouse gases benefits human health and air quality. Ms. Siwik added that the language in Recommendations #7 and #8 was discussed in relation to control strategies in the chapter on air quality. There is a study regarding the health benefits of a clean economy. Mr. Niemeyer recalled reading that decreasing greenhouse gases can increase other critical pollutants. Dr. Brown added that efforts to reduce asthma by decreasing ozone can exacerbate other greenhouse gases that contribute to global warming.

Dr. Brown asked whether tribal governments were involved in climate change. If they are not, should they be? If so, should this be added as a recommendation? Ms. Wesson thought that tribal governments were involved as they were part of a wide range of stakeholders. Ms. Maria-Elena Giner of the Border Environment Cooperation Commission (BECC) explained that BECC is working with Mexican states to determine leadership for technical workgroups that facilitate the planning process. The states will determine whether Mexican indigenous group participation is included.

Regarding the paragraph on page 11 that begins with “With the exception of Texas...”, Mr. Niemeyer will forward language to Ms. Wesson to be included. Dr. Brown, Dr. Ganster, and Mr. Manzanilla cautioned about focusing on state-specific activities in the report. Mr. Gillen thought that cap and trade would devastate Texas. Dr. Brown suggested adding language that highlights the unique situation of Texas without providing too many details so that it does not become state-specific. Mr. Connolly stated that cap and trade can reward polluters depending on how it is implemented and thought that Texas might benefit. Dr. Ganster will work with Mr. Niemeyer and Mr. Gillen to develop language addressing the unique situation in Texas. Mr. Niemeyer added that it could be moved to the chapter on energy.

Mr. Gillen, Mr. Niemeyer, and Ms. Grijalva reminded everyone that it was necessary to be careful how certain items were phrased in the report. Mr. Joyce asked all Board members to forward these and other similar editorial comments to Ms. Wesson via e-mail and copy Dr. Ganster and Ms. Mary Spock (The Scientific Consulting Group, Inc.).

On page 13, in regard to the mention of annual reporting to EPA as of January 1, 2011, Ms. Patti Krebs (Industrial Environmental Association), GNEB member, thought that she had seen a memo from Administrator Jackson that indicated that this date had been delayed. Mr. Bill Luthans (EPA Region 6), GNEB regional contact, explained that the tailoring rule had an uncertain schedule. The date must be verified. Within the same paragraph, if EPA releases the light-duty vehicle emissions standard rule on schedule, then the sentence regarding the rule will need to be modified. Mr. Niemeyer stated that, within the same paragraph, the “2007 Supreme Court decision” should be described further. Mr. Luthans thought that the Rockefeller letter contained a description that could be used.

Ms. Grijalva noted that the funding requirements and recommendations needed to be changed. Dr. Ganster explained that some of them had been removed to be respectful of Ms. Grijalva’s office, but those remaining are appropriate and useful.

Mr. Niemeyer suggested deleting the two paragraphs on climate registry and the climate action reserve on page 14. Mr. Joyce explained that it was necessary to provide as much context as possible without burdening the report. Mr. Niemeyer thought that it was redundant because the two items were described succinctly in the paragraph above these two paragraphs.

Ms. Grijalva asked that information about the jurisdictions collaborating within the Western Climate Initiative be added to the paragraph on page 14 that describes the initiative.

Air Quality

Allyson Siwik, GNEB

Ms. Siwik reported that she had incorporated all of the comments from the last conference call. A number of recommendations came out of the Border Institute, and one is related to air quality monitoring. The monitoring networks in Mexico are outdated and needed to be replaced. There will be a decrease in air quality data if there is not a significant investment in Mexican air monitoring networks. Also, cost-effective emissions reduction strategies (e.g., conversion of diesel engine trucks) and investment in Mexico’s natural gas infrastructure could be included as well. Dr. Ganster suggested that this could be accomplished by adding language regarding coordination between state agencies and their Mexican counterparts to upgrade and expand their binational air quality monitoring networks to Recommendation #3. On page 19, the following sentence can be added: Air monitoring equipment in Mexican border cities

is aging and will need to be replaced to maintain access to binational airshed data. Mr. Luthans cautioned that it will be difficult to find funding for this; more cost-effective methods to collect data are needed. Ms. Grijalva suggested a focus on better modeling.

Ms. Grijalva suggested that Recommendation #5 be expanded to all agencies to help decrease wait times at point of entries. Ms. Krebs asked whether this recommendation addressed sea ports. Dr. Ganster said that sea ports could be included by adjusting the language.

Dr. Brown asked whether Border 2010 rural task forces should be added to Recommendation #4. Ms. Siwik agreed that all air task forces could be added.

Dr. Brown asked whether it was correct that the planned community, Valle las Palmas, referenced on page 22, could accommodate 1 million residents. Dr. Ganster confirmed that urban planners projected this number.

The GNEB members discussed the term “dirty diesel.” EPA staff will determine the proper terminology and include it in the report.

Mr. Niemeyer asked whether the specific *Normas Oficiales Mexicanas* (NOMs) needed to be listed in Recommendation #6. Dr. Ganster responded that it is helpful to include the specific NOMs because it demonstrates that there are clear regulatory reasons.

Mr. Niemeyer suggested adding what is being reduced (carbon dioxide or ozone) to the reference of distribution of seasonally appropriate gasoline in Juarez on page 21. On page 22, he suggested adding “and through delegated state programs” to the end of the following sentence: Emission sources in U.S. nonattainment areas are regulated under EPA rules. He noted that during the last emissions inventory, total emissions from idling cars and trucks waiting to cross the border was 1 percent, but the report, on page 24, calls this a “large source.” He asked whether 1 percent was considered a large source. Dr. Ganster suggested changing “large source” to “one area of concern.” Mr. Niemeyer recommended several other editorial comments that he will forward to Ms. Wesson, Dr. Ganster, and Ms. Spock.

Ms. Krebs noted the term “nonattainment areas” on page 21 and asked whether there was something similar in Mexico. Mr. Manzanilla explained that Mexico does cite certain cities. Mr. Luthans explained that they are called “critical zones.” The Joint Advisory Committee for the Improvement of Air Quality has made a commitment to examine this as one airshed; there is value in keeping the broad designation in the report.

Ms. Grijalva will send the information regarding the truck crossing data for Laredo, Texas. Dr. Ganster thought that it would be useful to include time-series data.

Border Energy and Environment

Paul Ganster, Chair, GNEB

Dr. Brown explained that a concept was introduced at the Border Institute that he would like the Board to consider. Under the concept, energy sheds would be developed that would primarily consist of a large, urban center whose orchestrated energy demand is met via regional energy planning; this regional distinction is useful. Language could be obtained from the Border Institute to support that future energy efforts on the border be advanced via a regional effort. Dr. Ganster noted that this was referenced in Recommendation #2 but not with specific language.

Ms. Ann Marie Wolf (Sonora Environmental Research Institute, Inc.), GNEB member, noted a concern that she shared with Dr. Diane Austin (University of Arizona), GNEB member, that Recommendation #3 had a national focus when the report deals with the border. Dr. Ganster explained that the idea was that a border-wide standard is needed, but the best manner by which to accomplish this is via development of

national standards for the United States. Perhaps the language could be changed to read just “standards.” Ms. Siwik liked the concept of the energy shed idea and regional energy planning that could be coordinated through a binational energy commission. Ms. Krebs explained that a recent energy debate dealt with power plants for use in the United States that were being built to lower standards in Mexico.

Ms. Wolf wondered why solar use in general rather than solar hot water heating was not included in Recommendation #4. Dr. Ganster explained that solar hot water heating is simple and inexpensive, whereas photovoltaics have a significant upfront cost. Mr. Dorsey agreed with Ms. Wolf regarding Recommendations #3 and 4. For Recommendation #3, he suggested making a recommendation to promote energy efficiency in residential construction among border communities. For Recommendation #4, he suggested that the recommendation be to provide incentives for residential and commercial solar hot water heating instead of developing federal requirements.

Dr. Brown reiterated that regional energy planning is a common strategy that can include many of the specific energy recommendations that the Board was discussing. Dr. Ganster agreed that regional energy planning was beneficial, but the challenge was how to include it in the report. If the GNEB members agree that it can be seamlessly included, then Dr. Brown can include it in the report. Mr. Manzanilla explained that he had referred to the Border Governors Conference energy work table and wanted to make the Board aware that all states had agreed to develop a best practices program for energy efficiency in the border region; therefore, a vehicle is in place for carrying this out. A renewable energy shed is not a bad idea. Ms. Siwik noted that there is a good deal of interest in promoting renewable energy, but a caveat is needed in this chapter related to unintended consequences. Transboundary environmental impact assessments are one method by which to ensure that transboundary impacts are taken into account. Also, water supply is a significant issue. Dr. Brown developed language to add the concept of the energy shed into Recommendation #2, which he will send via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock. Dr. Brown and Ms. Siwik will write language regarding a binational forum related to energy, particularly renewable energy, and send it via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.

Mr. Niemeyer provided editorial comments that he will send via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.

Habitat and Biodiversity Conservation

Luis Florez, GNEB

Ms. Grijalva noted that the last sentence of Recommendation #1 must be clarified. She suggested that “listed species” on page 65 be clarified. Mr. Florez said that it could be changed to “threatened and endangered.” Ms. Grijalva commented that, on page 68, the paragraph that begins with “The California condor...” should be moved to the previous section and an update on California condor populations be provided. In terms of the mention of 9/11 on page 69, she asked why the event had an effect on the advancement of partnerships and collaboration on the U.S.-Mexico border region. Mr. Florez explained that the border was essentially closed, and then more border security was added. Dr. Ganster added that informal crossings were halted, and Judge Agan explained that Class C ports of entry were permanently closed. The sentence will be changed to read: The September 11, 2001, tragedy seemingly impeded the advancement of partnerships and collaboration on the U.S.-Mexico border region in the area of public lands management and natural resource protection because of the focus on security.

Ms. Grijalva suggested that a subtitle of “Border Fence” be added above the paragraph that begins, “The GNEB wrote a letter of advice on the border fence on December 2, 2009...” The paragraph on page 73 regarding tribal issues should be moved up to an earlier place within the chapter.

Mr. Bresnick stated that Recommendation #1 must include positive and negative effects. He noted that during a prior conference call, there was a change to Recommendation #2 that was not implemented; he asked whether this was a conscious decision. Ms. Wesson explained that there were subsequent conversations regarding why the change should not be made. Mr. Joyce thought it was necessary to

clarify to what the environmental effects mentioned in Recommendation #2 were referring. Mr. Abarco commented that emphasis has been on addressing the effects of the border fence, but there have been cumulative effects from other ecological stressors, such as urban expansion. Experimental design and true management recommendations are needed that address all of these ecological changes along the border. It is necessary secure funds to address specific issues regarding federally listed species and federal border lands that occur because of all stressors, not just the border fence. Dr. Brown agreed that a wording change in Recommendation #2 would be beneficial to encourage a broad effort that examines all of these stressors. Ms. Wesson added that Ms. Emerson is providing language, baseline data for the region, and photographs of wildlife.

Mr. Bresnick suggested editorial changes to Recommendation #3, which he will send to Ms. Wesson and Ms. Spock.

Water

Steve Niemeyer, GNEB

Ms. Spener noted that Ms. Giner had statistics that would strengthen Recommendation #1. Mr. Niemeyer will obtain the statistics and incorporate them into the recommendation.

Ms. Wesson noted that there was no recommendation regarding water efficiency and asked whether the Board want to add such a recommendation. Mr. Manzanilla added that such a recommendation could be added to the energy chapter; water utilities have a large energy footprint. Ms. Spener noted that water conservation is important, but it tends to be local in scope. Ms. Krebs commented that the U.S. Bureau of Reclamation is active in water conservation. Mr. Niemeyer noted that language regarding best management practices is included, and water savings that BECC and the North American Development Bank (NADB) have realized via their water projects could be added. Ms. Wesson noted that after the recommendation has been developed, the GNEB can determine in which chapter it should be placed.

Solid and Hazardous Waste

Veronica Garcia, GNEB

Ms. Veronica Garcia (Arizona Department of Environmental Quality), GNEB member, explained that she had incorporated all of the comments that she has received thus far and needs to perform some minor editing. Ms. Wesson stated that she had received a comment from Mr. Benjamin McCue from WiLDCOAST regarding unwanted tires being sent to Mexico. Mr. Gillen wondered why this was a federal responsibility because Mexico could refuse them. Dr. Ganster commented that this illustrated the unintended consequences of flow of materials that creates a binational environmental problem. The recommendation advocates increased participation with Mexico in addressing this problem. Mr. Gillen thought that Recommendation #7 regarding the tires could be deleted because it was not appropriate. Judge Agan added that tire disposal is not enforced in Texas; many people give their relatives in Mexico their old tires when they buy new ones, and that is how many of the tires enter Mexico. Mr. Niemeyer agreed that states have some responsibility, and it is not entirely the responsibility of the federal government to enforce this. Mr. Manzanilla agreed that states bear some responsibility; perhaps incentivizing could be used in addition to regulation. Mr. Dorsey suggested that one recommendation could be to examine the California waste tire program, which is rather successful. Mr. Connolly thought that the language regarding “stopping the flow of tires” was too strong; there are many regulatory efforts that can be completed on the U.S. side of the border. Dr. Ganster agreed that the language could be adjusted to the effect that state and federal governments should cooperate with Mexican authorities to facilitate their efforts to control the flow of tires. It might be helpful for CBP to provide Mexican authorities with information regarding which companies are exporting used tires to Mexico. Ultimately, this is a binational environmental problem that affects both countries, and the responsibility must be shared. Mr. Niemeyer, Ms. Garcia, Mr. Gillen, and Dr. Ganster will develop language for Recommendation #7.

Ms. Grijalva commented that the actions laid out in Recommendation #2 already are in place but are not enforced. These routes have to be coordinated with hazardous routes established by state DOTs.

Ms. Garcia suggested that the first part of sentence be removed, but there is a need to establish specific times for vehicle transit. Mr. Dorsey agreed that “specific times” should remain within the recommendation, but “specific ports of entry” should be removed. Mr. Bresnick thought that Congress determined the ports of entry and the hours of operation. Dr. Ganster stated that the issue was that specific times to perform hazardous materials (HAZMAT) inspections have not been established.

Mr. Manzanilla suggested the following language for the recommendation: “Establish specific times for HAZMAT vehicle transport for the appropriate ports of entry.”

Ms. Grijalva asked, in regard to Recommendation #1, whether there were inspectors at ports of entry that specifically deal with HAZMAT. Ms. Garcia responded that some ports of entry have inspectors that are HAZMAT certified. Mr. Dorsey agreed and added that HAZMAT is checked by CBP and inspectors are trained at a certain level. Not every port of entry, however, examines hazardous waste. California EPA inspects hazardous waste vehicles coming through from *maquiladoras* on specific dates. The recommendation is to make this uniform because of the variation at ports of entry encourages hazardous waste haulers to avoid certain points of entry at which they know their hazardous waste will be inspected. Ms. Grijalva suggested involving all levels of government (local, state, and federal) to the recommendation. Mr. Niemeyer agreed that states should be involved because it is not entirely the responsibility of the federal government. All available inspectors should inspect all shipments. He added that in terms of Recommendation #3, even after more than a decade of work, waste tracking still is not well handled; anything that can be done to obtain good data is important.

Emergency Response and Planning

Michael Dorsey, GNEB

Ms. Grijalva was confused by Recommendation #1 and asked whether the language should state “along the border” instead of “at the points of entry.” Mr. Dorsey agreed and will make the change. He also will remove the word “inspections.”

In regard to Recommendation #4, Ms. Grijalva explained that Mexico is advocating for intelligent transportation systems on their side of the border. She will send Mr. Dorsey the appropriate language to add via e-mail. Mr. Niemeyer suggested that there be a reference to the fact that this was discussed in the Board’s 10th and 11th reports.

Ms. Krebs noted that Recommendation #3 probably only applies to public agency responders; there may be responders that are private citizens trained to help in emergencies.

Institutional Mechanisms

Christopher Brown, GNEB

Dr. Brown explained that he was going to add some comments and information from the Border Institute. One of the breakout sessions dealt with institutional reform and shared governance and how to increase binational planning and its funding. Federal agencies can write Memorandums of Understanding (MOUs) to incorporate state and local agencies; the border liaison mechanism also can be used.

Mr. Gillen thought that an entire report could be written on the transboundary environmental impact assessment (TEIA) process outlined in Recommendation #6. This recommendation then could be removed from this report, which already is quite extensive. Mr. Niemeyer liked the idea of a dedicated report but thought that this recommendation still should be left in this report with language added about allowing the Commission on Environmental Cooperation (CEC) another opportunity to reach an agreement. Mr. Joyce explained that the previous attempt was unsuccessful because of the states’ autonomy; CEC does not have binding authority, because the U.S. Department of State negotiates treaties with foreign countries. Dr. Brown suggested that CEC be invited to be part of the discussion.

Dr. Ganster will develop appropriate language. Ms. Wesson explained that an attorney had made the point that it would be more useful to reach this agreement on a binational rather than a trinational level for a number of reasons and suggested that this be pursued binationally.

Mr. Niemeyer suggested moving Recommendation #2 to the chapter on habitat. Ms. Wesson explained that it already was contained within that chapter, so it could be removed from this chapter.

Ms. Spener was not sure that the last chapter correctly paraphrased IBWC Minutes 294 and 306; she will check the minutes and rephrase as necessary. Also in this paragraph, the acronym TEIS must be verified.

Dr. Brown noted that there was some language that had been removed following the last edit that he wanted to address. The previous language that was removed, which is supported in the chapter text, should be returned to Recommendation #1. Ms. Natalia Capel (U.S. Department of State) had no objection to this.

Dr. Brown was asked by Region 9 to more specifically define some terms and asked whether the GNEB members were comfortable using the term “border area” to refer to an area within 100 km from the border. Mr. James explained that the statutory language that authorizes GNEB identifies a specific geographic region. Dr. Ganster added that the Board always has been willing to discuss areas influenced by the border, such as watersheds, but generally a definition of 100 km is used. Mr. Dorsey noted that using a definition that specifies an area north of the border does not include GNEB’s work addressing impacts to other side of the border; there is an argument to be made for strategic ambiguity. Mr. Niemeyer stated that the enacting legislation for GNEB specifies “states contiguous to the Mexican border.” Dr. Brown agreed to withdraw the definition and allow it to be ambiguous and also will add language regarding binational bond markets to the appropriate section.

Ms. Grijalva explained that there is a program called the Coordinated Border Infrastructure Program that allows funding to be spent in Mexico if it benefits the United States. She will send via e-mail language regarding this program to Dr. Brown to include in this chapter.

Mr. Connolly noted that the tribes have had difficulty accessing infrastructure funds since BECC took over the administration of the infrastructure monies of the Border 2010 Program from EPA. This fact should be noted in the report if BECC is mentioned. Note that there appears to be some kind of problem there that is not being resolved. Mr. Garcia noted that no proposals were received from the tribes; perhaps the outreach component needs to be improved. Mr. Connolly explained that his understanding from discussions with the Native American Environmental Protection Coalition was that the tribes started the applications but abandoned them because of the BECC requirements. Mr. Luthans asked whether there were administrative burdens making the applications difficult. Judge Agan added that small rural areas also have been having difficulties receiving funding since BECC took over; he explained that he had attended all of the workshops, addressed all of the bulleted items, and consulted with EPA to ensure that the application was complete, but BECC rejected it as “deficient” with no explanation and stated that it would not be considered at all. Mr. Luthans thought that BECC should share their scoring/grading criteria, and Ms. Grijalva added that BECC should post the guidelines for the application. Mr. Garcia explained that the guidelines and criteria are included in the RFPs and noted that demand exceeds supply for these funds. Dr. Ganster thought that this might be an appropriate topic for an upcoming letter or report, as facts and statistics will be needed. For this report, language that tribes and rural communities have encountered difficulty with the small grants process can be added, but it should not be included as a recommendation until it can be researched. Mr. Connolly thought that the complaints should be documented to help with the research; he will develop the language for this report and provide it to Dr. Brown. Mr. Garcia explained that EPA could not award money to Mexico, which is why BECC needed to be involved; BECC plays a critical role in the process. Mr. Luthans thought that the criteria could be examined to ensure that a bias was not being created. Ms. Grijalva suggested that this topic be added to the agenda of the next meeting so that research can be completed in the meantime and then

reported at the next meeting. Mr. Gillen reminded that the tribes are sovereign nations that cannot be forced to work with the states.

Mr. Bresnick highlighted information regarding the border map that the GNEB members received before Dr. Ganster recessed the meeting at 5:39 p.m.

FRIDAY, MARCH 12, 2010

Business Meeting

Paul Ganster, Chair, GNEB

Dr. Ganster reconvened the meeting at 8:23 a.m.

Mr. Bresnick provided information regarding questions asked on the previous day about the number of illegal immigrants/undocumented migrants stopped by the construction of the border fence. In the Yuma sector, the number of apprehensions were reduced by 67 percent between FY2006 and FY2007, by 77 percent between FY2007 and FY2008, and by 15 percent between FY2008 and FY2009; there was a total 93 percent reduction in the number of apprehensions between FY2006 and FY2009. This reduction could be related to the fence, economy, weather, or a variety of other factors. Also, it is not possible to answer questions specific to the border fence, because this is only one piece of the overall security strategy. In the San Diego sector, the number of apprehensions in each FY were as follows: 142,000 in FY2006; 152,400 in FY2007; 162,300 in FY2008; and 118,700 in FY2009.

Mr. Bresnick clarified that in terms of hazardous waste inspectors, there must be an MOU in place for the state inspectors to work with DHS inspectors. This MOU is in place in California and is in process in Arizona. Space at ports of entries also is a concern.

Mr. Niemeyer asked for Mr. Bresnick's thoughts on a recent report on border security released by the U.S. Government Accountability Office (GAO). Mr. Bresnick was unsure which specific report Mr. Niemeyer was referencing as there had been several. Ms. Wesson thought the report to which Mr. Niemeyer referred was one that she had forwarded to the GNEB members in September 2009 that discussed the need for a measure of effectiveness for the border fence.

Dr. Austin asked whether the illegal immigration was shifting among various locations along the border and whether DHS was collecting this type of data. Mr. Bresnick responded that what is known is that as it becomes more difficult for individuals to conduct their illicit activities in one location, they are moving to different locations and causing increased fear in these areas. Data are available regarding the illicit drugs captured at the border. He noted that the vast majority of apprehensions are rescues. A significant amount of data are being gathered and will be made publicly available. Criminal elements are more likely to try to circumvent border security than undocumented workers. Mr. Gillen thought that the reduction in apprehensions probably was caused by a combination of the economy and the border fence. Dr. Ganster added that increased border security increases the cost of hiring smugglers, and increased enforcement significantly decreases the annual migration while increasing the number of family units. This is an enormously complex and dynamic phenomenon, which makes it difficult to characterize. Dr. Austin agreed and added that security also has increased the interface between drug smugglers and immigrants, which is a significant concern. Mr. Manzanilla noted the wide disparity in minimum wage between Canada and Mexico and noted that the real value of the Mexican minimum wage decreased by 25 percent following the North American Free Trade Agreement (NAFTA). Dr. Ganster agreed that NAFTA has been associated with the widening gap between the working poor and the wealthy in the United States and Mexico.

Wrap-Up of the 13th Report

Dr. Austin, who was absent the day prior, provided her comments on the report. She thought that the length and depth of the chapter on border energy and the environment did not match the other chapters. Dr. Ganster noted that the information that is present is relevant and good; now is the time for specific input and volunteers. Illustrations, such as a map of the grid, should be included in this chapter as well. Ms. Wesson stated that the U.S. Department of State was going to contribute several more paragraphs to this chapter. Ms. Capel will be adding text regarding the background of the energy agreements signed by the two countries. Judge Agan suggested adding a disclaimer that this topic would be expanded on in the Board's next report. Ms. Spener suggested combining the energy chapter with the climate change chapter. Dr. Austin thought that these all were good suggestions; she will send via e-mail the remainder of her comments to Ms. Wesson, Dr. Ganster, and Ms. Spock as they are editorial and not substantive.

Dr. Ganster provided the following language for Recommendation #7 in the chapter on solid and hazardous waste: "Work with the states in cooperation with the government of Mexico to improve control of the flow of used and scrap tires and other used goods, including appliances and vehicles, to Mexican border cities." The Board concurred with this new language.

The Board discussed the introduction report. Dr. Ganster explained that he had drafted the introduction, trying not to produce an executive summary but to set the context of the report by highlighting several themes that emerged within the report. He attempted to link the issue of poverty, ethnicity, and social and environmental problems in the border region as defined by the counties along the U.S. side of the border. The purpose of this was to make the case that the border has been underserved in terms of provision of environmental infrastructure and other services compared to other areas within the United States. One of the special problems that border communities face is spillover effects because of their proximity to Mexico that create unique costs and challenges for these communities, and paradiplomacy is necessary. Because of its unique situation, the border needs special consideration for funding to accomplish its goals.

Mr. Gillen commented that the previous report included a comparison as if the border region were the 51st state; it would be useful to include this again. Another point that should be reiterated in the introduction is the recurrent issue of local stakeholder reluctance to work with the federal government. He will send this language to Ms. Wesson, Dr. Ganster, and Ms. Spock via e-mail with instructions regarding where to place it.

Mr. Manzanilla suggested that the tribes along the border should be mentioned in the introduction as well; Dr. Ganster agreed and stated that the introduction was an appropriate place. Mr. Manzanilla will provide language regarding the tribes and send this via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock. Mr. Manzanilla noted that the Administrator is focused on the issue of environmental justice, so he offered to develop language regarding this as well. Dr. Ganster did not know whether, in terms of the broader impact of the report, it would be beneficial to mention environmental justice. Within EPA the term is clear, but he was not sure how other agencies view the term "environmental justice." Dr. Brown thought that EPA staff should be able to describe the term. Ms. Capel explained that environmental justice is defined for all federal agencies in Executive Order 12898, signed in 1998.

Dr. Brown commented that the data regarding the deficit in environmental infrastructure mentioned on page 4 should be verified. Mr. Niemeyer stated that the \$1 billion figure within the same paragraph should be changed to \$1.08 billion. Mr. Garcia explained that the deficit is the difference between the amount that was needed and the amount that was provided; \$1 billion was requested. Dr. Ganster noted that what is requested does not define a deficit.

Dr. Brown stated that unless rankings were available for all variables mentioned in the first paragraph under the section on poverty and ethnicity on page 4, then "40th" should be stricken for per capita income.

Mr. Niemeyer will send language defining *colonias* via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.

Ms. Grijalva asked for clarification regarding the “level of development” in the paragraph under the section on border location on page 5; Dr. Ganster will add clarifying language.

Dr. Austin will send her editorial comments to Ms. Wesson, Dr. Ganster, and Ms. Spock via e-mail and noted her concern in the paragraph on page 5 that deals with prioritizing within Mexico. She asked whether specific data were available that supported these statements. Dr. Ganster explained that these statements were developed following personal communication with the water authority as well as coverage data. Data reflect a border-wide process that prioritizes electricity, water, sewage collection, and sewage treatment in that order. When services are examined in Mexico, there is no HAZMAT collection; there only is one HAZMAT collection site in all of Mexico. Mr. Manzanilla thought that the language could be improved to indicate that the prioritizations were not always purposeful. Ms. Grijalva suggested using the word “anecdotal.” Judge Agan added that a BECC report was released last year that illustrated the statements in this paragraph; the report indicated that 80 percent of Mexican border communities have water, but only 40 percent have wastewater treatment. Ms. Spener developed language to address these concerns, and she will send it via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.

Mr. Niemeyer asked whether San Diego County skewed the statistic on page 5 that stated that 50.7 percent of the population of the border counties was Hispanic. If San Diego County is skewing this statistic significantly, perhaps it should be excluded. Dr. Ganster did not know whether these data were readily accessible. Mr. Niemeyer will obtain data from Dr. Jim Peach of New Mexico State University and will adjust the sentence as necessary.

Mr. Connolly noted that the last paragraph in the section on poverty and ethnicity would be a good place to comment about the view in Mexico that the border region is the wealthiest region of the country. Dr. Austin noted that this is where the concept of environmental justice enters; the Mexican government does not see the border region in the same context as the United States in terms of environmental justice. She will send text via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock to address this in the report. Dr. Ganster added that this relates to the issue of the mistrust that central Mexico has of its northern border. Dr. Austin noted that if this is added to the introduction, then it will frame the instances in the rest of the report that deal with the resistance of the Mexican government and the issues and challenges of cooperation.

Mr. Bresnick asked whether the recommendation was that the United States spend money on the Mexican side of the border if the Mexican government refuses to do the same. Dr. Ganster noted that the United States spends billions of dollars for aid to other countries, and if aid were sent to Mexico, it would benefit the United States. Mr. Niemeyer agreed that \$10 spent in Mexico is the equivalent to \$100 spent in the United States, and it benefits the United States as well. The State of Texas is authorized to spend money in Mexico if it benefits Texas.

Mr. Joyce asked whether there were citations or statistics to support the assertions in the section dealing with NAFTA on page 4. Dr. Ganster thought that the Federal Reserve Bank of Dallas (Austin Branch) has data regarding job distribution. Mr. Joyce noted that these data needed to be added. Mr. Manzanilla noted that one way to handle this would be to connect this section with the section on poverty. There are data from 2006 cited; 1994 per capita data could be compared to the 2006 data cited in the report. Dr. Ganster noted that Dr. Peach included similar data in the first Border Institute report; he will look for these data and include them. Ms. Grijalva noted her objection to the word “great” in describing NAFTA. Mr. Niemeyer noted that a University of Texas study found that Dallas and Houston had benefitted from NAFTA but border communities had not.

Mr. Niemeyer commented that language regarding border security was needed in the introduction, and the Board’s advice letter should be mentioned. Dr. Ganster said a footnote could be used to refer readers to

the appropriate appendix. Ms. Wesson noted that there are several mentions of the border fence in the habitat chapter, so references should be included there as well. Mr. Bresnick added that there had been discussion the day prior regarding three or four paragraphs within the chapter on habitat that needed to be moved; he thought that these paragraphs should be moved to the introduction, particularly the reference to the letter. He will send his specific suggestion via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.

Dr. Austin asked whether there was a need to mention specific mechanisms, other than funding, that will help bring cohesiveness to the report. Dr. Ganster responded that some of the recurring themes were institutional adjustments, innovation, overcoming barriers and regulations, and the idea that federal agencies need to change the way in which they do business.

Dr. Ganster will send the Board members the new version of the introduction after he has incorporated all of the comments.

Ms. Wesson stated that all comments regarding the report must be received by her no later than close of business on March 16, 2010.

Approval of Minutes for the Last Meeting

Dr. Ganster asked the Board members to approve the September 2009 meeting minutes. Mr. Niemeyer had one substantive comment that he had sent via e-mail to Ms. Ann-Marie Gantner (EPA). Mr. Gillen moved that the minutes be approved to include any suggestions sent to Ms. Gantner by March 19, 2010; Ms. Grijalva seconded the motion. The motion was passed unanimously by the GNEB members with no further discussion.

GNEB Future Meetings

Mr. Joyce explained that there were two options for the next meeting. The first was a press event announcing the publication of the 13th Report at the NADB office in San Antonio, Texas, just prior to the Del Rio, Texas, meeting. The advantage of holding the press release in Texas is the increased regional media coverage, but the disadvantage is decreased federal government participation. The second option is to follow the recent pattern of holding the press release and subsequent meeting in Washington, DC, which facilitates the ability of CEQ and other federal agencies to be involved.

Mr. Gillen commented that the Board's annual report in the past had been released at the Border Governors meeting, but the question was why the report was released at a meeting to which agencies represented on GNEB were not invited. The decision was made to hold the press release in Washington, DC, because the report is for the president, but media coverage is significantly less in Washington, DC. It might be beneficial to move the press release back to the border region to increase publicity, which will increase the benefit for the border region.

Ms. Spener said that one of the advantages of holding the meeting in Texas was that media will be present for the NADB meeting. IBWC has an office in Del Rio, Texas, as well as an international dam that can be toured; IBWC Commissioner Edward Drusina has promised that his staff will fully support the logistics for a GNEB meeting in Del Rio, Texas.

Mr. Niemeyer noted that there were advantages and disadvantages to both places. It would be ideal if CEQ Chair Nancy Sutley, a former Board member, could accept the report on behalf of the president, make some remarks, and attend the meeting. The appropriate media could be targeted, such as the Washington, DC-based reporters of border publications, including the *Austin American Statesman*, *Houston Chronicle*, and *San Diego Union Tribune*, and the Associated Press Spanish-language reporter. Past EPA media efforts have been subpar. Mr. Joyce explained that there was a conscious decision by the EPA press secretary not to seek press for advisory committee meetings because the thought was that it

was inappropriate for EPA to promote independent meetings. This has changed, and GNEB will have support from the EPA Press Office when the report is released to the president.

Dr. Ganster suggested having the press event in San Antonio, Texas, and a second release in Del Rio, Texas. Dr. Brown thought that if the meeting was in Washington, DC, board members would have a chance to speak to the various federal agencies.

Dr. Austin asked to whom the Board was communicating. Was the goal to encourage the public to attend the meeting? GNEB must clarify who the target audience is and choose the meeting location to reach the target audience. Which responsibilities are GNEB's and which are EPA's? Ms. Wesson responded that as DFO she is responsive to the Board. During the last meeting, the Board wanted EPA's assistance with increasing public participation; Region 9 offered to help with the press release. This meeting had a significant public showing, and Region 9 assisted with the press release that was released the previous week. It is the collective responsibility of the Board and the Agency to make products known to the border community and local, state, and federal agencies.

Judge Agan made a motion to hold the June 2010 GNEB meeting in Washington, DC, and the fall GNEB meeting in San Antonio, Texas, with a side trip to Del Rio, Texas. Ms. Grijalva seconded the motion. Following further discussion, Judge Agan amended the motion to add that if Ms. Sutley is available to attend the June meeting in San Antonio, Texas, then the June meeting will be held in San Antonio, Texas; if she is unable to attend, the meeting will be held in Washington, DC. The GNEB members passed the motion 10 aye votes to one nay vote.

GNEB 14th Report Discussion

Mr. Joyce explained that the Board should develop a short list of possible topics (three to four) for the next report, and his office will discuss with CEQ the usefulness and benefits of the potential topics and then report to GNEB on CEQ's comments. With this input, the Board will determine the topic of the next report. He reminded the members that new members will be joining the Board within a few months; therefore, he suggested that they be included in choosing the short list of topics or at least the final selection. In response to a question by Ms. Wolf, Mr. Joyce explained the membership process; he and Ms. Wesson can make recommendations, but Administrator Jackson has the final say in appointments. Members who wish to serve again should be proactive and send their resume and a short letter of intent via e-mail to Ms. Wesson.

Dr. Brown expanded on Mr. Gillen's suggestion to hold the innovative policy discussion for the next report, suggesting that it be broadened to include the exploration of opportunities and models for sharing environmental governance on the U.S.-Mexico border. Successful models from both U.S. borders could be examined and thoroughly discussed to provide a specific set of recommendations to the White House.

Mr. Niemeyer suggested discussing TEIAs in the next report, and Ms. Wolf suggested an in-depth examination of climate change, energy, and adaptation on the border. Ms. Siwik supported Ms. Wolf's suggestion as it is important and needs to be addressed in more detail. It would be useful to include a U.S. Department of Energy (DOE) representative on the Board. Border 2012 is coming to a close, and GNEB input regarding climate change would be helpful in developing the next iteration of the program. If climate change is not chosen as the topic for the next report, GNEB should release an advice letter on the subject. Mr. Manzanilla agreed that the timing of the 14th Report would be helpful in terms of planning for the next Border 2012 Program. Ms. Wolf asked that an advice letter for Border 2012 be added to the agenda for the next meeting.

Mr. Gillen asked whether Dr. Brown's topic was compatible with Dr. Ganster's suggestion of the day before. Dr. Ganster responded that the two topics are consistent. Examining these topics on many levels would be beneficial and provide a broad opportunity for Board member participation.

Ms. Wesson explained that Ms. Capel needed to leave but suggested as a topic “greening the border,” which could include green infrastructure, green jobs, climate change, and green energy initiatives.

Ms. Capel offered to introduce Ms. Wesson to the appropriate individuals in DOE as well as facilitate a chapter and act as lead on several topics. Private sector and NGO initiatives could be highlighted.

Ms. Grijalva thought that all of the Board’s annual reports addressed greening the border. Ms. Krebs warned that sustainability must be defined when exploring this topic because the term has many different meanings to different people. The framework for a discussion on sustainability must be carefully crafted.

Mr. Manzanilla noted that much of the stimulus funding related to green jobs, energy efficiency, and so forth; it would be useful to obtain lists from the various federal agencies (e.g., EPA, DOE, USDA) to determine which funded projects were in the border area. This information could be used to inform the GNEB members. Much of the information is publicly available on Web sites. Dr. Ganster agreed that the Board could write letters to the relevant agencies regarding programs in the border area and expenditures under various programs occur at the border. This could be the basis of an entire report about federal agencies and the border environment. Dr. Austin noted that there was a significant amount of public participation the previous day to hear the information from the federal agencies; information regarding federal agencies and their relationship to the border region would have a strong impact because the report will have the type of data for which people are looking.

Dr. Ganster summarized the list of potential report topics:

- ✧ TEIA process.
- ✧ Models for shared and cooperative governance across the border.
- ✧ Climate change, energy, and adaptation.
- ✧ The next iteration of Border 2012.
- ✧ Greening the border for a sustainable future.
- ✧ Program expenditures on the border by key federal agencies.
- ✧ Prioritizing border environmental investment. (From a previous meeting discussion.)

In terms of sustainability, Mr. Manzanilla explained that there is a partnership between EPA, USDOT, and the U.S. Department of Housing and Urban Development, one element of which is funding of \$1 to \$5 million sustainable community grants to promote Smart Growth planning, green building, transportation planning, and so forth. He noted that the program expenditures information would be a starting point that could lead into a discussion on greening the border and sustainability. Ms. Krebs added that the ISO 14000 Registration Group is developing a sustainability plan for private industry. She will find out more information on the topic because this could be used to help identify sustainable components that would be useful to communicate to businesses in the border region.

Dr. Ganster will compile the list of potential 14th Report topics.

The Board members discussed the reasons that Regions 6 and 9 shared responsibilities as the regional liaison. Region 9 performed admirably as the liaison between the regions and GNEB for the prior 2 years, and now Region 6 will accept responsibility for the next 2 years. This allows Regions 6 and 9 to be involved in the Board’s work without taxing limited resources. No matter which region is acting as the liaison, the region in which GNEB meetings are held provide support. The possibility of Deputy Regional Administrators attending Board meetings was discussed; generally, it is not a lack of interest but a lack of time.

Mr. Bresnick reported additional statistics regarding border security activities. Between FY2008 and FY 2009 marijuana seizures were reduced by 12 percent, cocaine by 35 percent, and heroine by 61 percent. Mr. Niemeyer added that the GAO report to which he had referred to earlier was entitled, *Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed*, which was released on September 17, 2009. He read the following text from the report: “Until CBP determines the contribution of tactical infrastructure to border security, it is not positioned to address the impact of this investment.”

Public Comments

There were no public comments.

Closing Remarks

Paul Ganster, Chair, GNEB

Dr. Ganster asked whether the GNEB members had information about their organizations that they wanted to share with the other members.

Ms. Grijalva reported that a conference on the green transportation on the border will take place in Phoenix, Arizona, on May 12–13, 2010, and will include the U.S.-Mexico Joint Working Committee, CEC, Transport Canada, Canada Border Security Agency, North America’s SuperCorridor Coalition, and U.S. and Mexico border states. The U.S.-Mexico Joint Working Committee also is conducting border wait time studies at a variety of points of entry; the goal is to obtain baseline data and then monitor. The group also is promoting binational regional master plans in each region.

Mr. Thomas reported that the Border Governors Conference is being held at the Biltmore Hotel in Phoenix, Arizona, during the first part of September 2010. This is the first year that the event will be funded entirely by the private sector. The State of Arizona is organizing a visit of Border Governor representatives to Washington, DC, from March 28–31, 2010; the representatives will meet with EPA and CEQ. The Woodrow Wilson International Center for Scholars is hosting an event at 10:00 a.m. EDT on March 31, 2010; the event is a dialogue between all of the representatives from the seven border states. The Arizona-Mexico Commission is meeting in June in Phoenix, Arizona; representatives from Region 6 and Region 9 are invited. The Border Liaison Mechanism Meeting will be held on March 25, 2010, in Phoenix, Arizona. The final item that Mr. Thomas wanted to discuss is the lack of funding. The president’s FY2011 budget included \$93 million for ports of entry in spite of the fact that DHS determined that there was a need of \$6 billion for border security. There is a disconnect between funding allocation and priorities. Tourism also needs to be taken into consideration; a study by the University of Arizona showed that Mexican tourists contribute \$7.3 million per day to the Arizona economy.

Mr. Dorsey stated that he is proud to have served the Board for 4 years and the County of San Diego for more than 30 years; it has been an honor. Dr. Ganster thanked Mr. Dorsey for his dedicated service, noting that he helped GNEB members to understand the difference between what is said and what is actually happening on the border.

Ms. Siwik reported that, in terms of stimulus funding, southern New Mexico border counties received energy efficiency and conservation block grant funding and are performing residential energy efficiency efforts and outreach. Border 2012 is funding the Gila Resources Information Project to perform similar efforts in border counties on both sides of the border.

Mr. Manzanilla reported that Region 9 is partnering with BECC again to fund Border 2012 projects. The grant solicitation will open on April 1, 2010, and close on June 1, 2010. The focus of the RFP is to address the unmet objectives of the Border 2012 Program, regional priority areas, and children’s environmental health protection. Approximately \$900,000 is available. He expressed his gratitude to Mr. Dorsey for his participation in Border 2012 and on GNEB. Mr. Luthans added that he had heard the

message the day prior that there had been difficulties regarding these applications, and he will ensure that there are no institutional obstacles to ensure tribal and rural participation.

Dr. Austin reported that a Border 2012 project in Nogales, Sonora, is constructing composting toilets. She noted the need for funding to transition from a pilot project to full-scale implementation. Border 2012 is monitoring the area for 2 years. Additional federal funds for hiring unemployed workers were obtained to help with the project, and 46 additional units were built. Funding has been received from SEMARNAT to build 70 more units and move into Mascareñas, Mexico.

Mr. Niemeyer reported that he had supplied the GNEB members with the latest version of the border initiative, which is updated quarterly on the Web site. The Border Governors Conference Environmental Work Table will take place April 15–16, 2010, in Phoenix, Arizona. The Texas Commission on Environmental Quality holds an annual environmental trade fair, the largest in Texas with 1,500 participants. This year is part of a Border Governors declaration to hold a binational workshop on water quality. Day 2 of the event will focus on binational water quality. The U.S. and Mexico IBWC Commissioners will be speaking as well as Mario López of Mexico's National Water Commission and Jose Angel of the California Water Resources Control Board. The fair will be held May 4–5, 2010, in Austin, Texas. A banquet on May 5 will honor Carlos Marin, former GNEB member and IBWC Commissioner. The California Department of Water Resources is sponsoring a conference on desalination at the end of May in San Diego, California; more information about the conference is available on the Water Environment Federation Web Site.

Mr. Bresnick thanked the GNEB members for the opportunity for DHS to be involved on the Board, although he probably will not be the permanent designee. DHS is looking forward to taking advantage of the connections that the Board can provide to help it with outreach. Dr. Brown stated that it is a sea change in Agency approach to have DHS participation, and it has been a positive change. He explained that this is his last meeting, and it has been a true honor to work with the Board members, and serving on the Board has been the high point of his career. He thanked Dr. Ganster for his outstanding leadership skills.

Mr. Florez reported that the U.S-Mexico Border Field Coordination Committee, comprised of DOI agency representatives, will hold its annual meeting April 20–22, 2010, in Rio Rico, Arizona. The committee has been in existence for 16 years, and Mr. Florez is the current chair. The group addresses border environmental issues parallel to GNEB, and it might be advantageous for the two groups to coordinate. He invited GNEB members to attend the annual meeting and noted that GNEB members could provide their expertise.

Dr. Ganster reported that the Monterrey campus of El Colegio de la Frontera Norte is working with El Colegio de San Luis to develop a master's degree program in water planning. It will include binational water planning and how water is managed in the United States to produce graduates with skills that can address water planning problems in the border region.

Given the success of including DHS within the Board constituency, Mr. Gillen asked that an advice letter be written to DOE to include a DOE representative on the Board.

Mr. Joyce thanked Mr. Dorsey for all of his energy and efforts, noting that they had borne fruit. He thanked Dr. Ganster for his service as GNEB Chair and the members for their participation. He thanked Ms. Wesson for efforts as the DFO and also recognized the efforts of OCEM staff members. Ms. Wesson added that the experience has been rewarding, and the GNEB members are an impressive group whom she thanked for their service. Mr. Dorsey recognized Mr. Joyce's efforts throughout the transition that the Board has undergone during the last few years. Mr. Joyce stated that it is rewarding to work with border individuals who deal with immediate issues.

Dr. Ganster adjourned the meeting at 12:22 p.m.

Action Items

- ✧ Board members interested in serving another term should send their resumes and a short statement of interest via e-mail to Ms. Wesson as soon as possible.
- ✧ All comments on the annual report must be sent to Ms. Wesson, with a copy to Dr. Ganster and Ms. Spock, no later than March 16, 2010.
- ✧ The following GNEB members are responsible for the following assignments regarding the annual report:
 - Dr. Ganster:
 - Work with Mr. Niemeyer and Mr. Gillen to develop language addressing the unique situation in Texas in regard to cap and trade.
 - Include a comparison as if the border region were the 51st state to the introduction.
 - Add clarifying language regarding the “level of development” on page 5.
 - Include Dr. Peach’s data from in the first Border Institute report in the introduction.
 - Forward to the Board members the new version of the introduction following incorporation of the comments.
 - Mr. Niemeyer:
 - Forward language to Ms. Wesson regarding the paragraph on page 11 that begins with “With the exception of Texas...”.
 - Work with Dr. Ganster and Mr. Gillen to develop language addressing the unique situation in Texas in regard to cap and trade.
 - Obtain statistics from Ms. Giner to strengthen Recommendation #1 in the water chapter.
 - Send language defining *colonias* via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.
 - Obtain data from Dr. Peach regarding population statistics and adjust the appropriate sentences as necessary.
 - Mr. Gillen:
 - Work with Dr. Ganster and Mr. Niemeyer to develop language addressing the unique situation in Texas in regard to cap and trade.
 - Send language regarding the recurrent issue of local stakeholder reluctance to work with the federal government to Ms. Wesson, Dr. Ganster, and Ms. Spock via e-mail with instructions regarding where to place it within the introduction.
 - Ms. Siwik:
 - Add language regarding coordination between state agencies and their Mexican counterparts to upgrade and expand their binational air quality monitoring networks to Recommendation #3 in the chapter on air quality.

- Add the following sentence on page 19: Air monitoring equipment in Mexican border cities is aging and will need to be replaced to maintain access to binational airshed data.
- Adjust the language regarding Recommendation #3 in the air quality chapter to include all agencies and sea ports.
- Include all air task forces in Recommendation #4 in the air quality chapter.
- Work with Dr. Brown to write language regarding a binational forum related to energy.
- Ms. Grijalva:
 - Send the information regarding the truck crossing data for Laredo, Texas.
 - Send wording regarding Recommendation #4 in the chapter on emergency response and planning to Mr. Dorsey via e-mail.
 - Send language regarding the Coordinated Border Infrastructure Program to Dr. Brown via e-mail to be added to the chapter on institutional mechanisms.
- Dr. Brown:
 - Forward language to Ms. Wesson regarding the energy shed to be added to Recommendation #2 in the chapter on border energy and environment.
 - Work with Ms. Siwik to write language regarding a binational forum related to energy.
 - Add comments and information from the Border Institute to the chapter on institutional mechanisms.
 - Remove Recommendation #2 from the chapter on institutional mechanisms.
 - Return the removed language from Recommendation #1 in the chapter on institutional mechanisms.
 - Add language regarding binational bond markets to the appropriate section.
- Mr. Bresnick
 - Send via e-mail editorial changes to Recommendation #3 in the chapter on habitat and biodiversity conservation to Ms. Wesson, Dr. Ganster, and Ms. Spock.
 - Send via e-mail his specific suggestion regarding moving three or four paragraphs from the habitat chapter to the introduction to Ms. Wesson, Dr. Ganster, and Ms. Spock.
- Ms. Garcia
 - Add the following language to Recommendation #2 in the chapter on solid and hazardous waste: Establish specific times for HAZMAT vehicle transport for the appropriate ports of entry.
 - Add local and state governments to Recommendation #1 in the chapter on solid and hazardous waste.
 - Add the following language to Recommendation #7 in the chapter on solid and hazardous waste: Work with the states in cooperation with the government of Mexico to improve

control of the flow of used and scrap tires and other used goods, including appliances and vehicles, to Mexican border cities.

- Mr. Dorsey:
 - Change the wording from “along the border” instead of “at the points of entry” and remove the word “inspections” in Recommendation #1 in the chapter on emergency response and planning.
 - Reference the fact that Recommendation #1 in the chapter on emergency response and planning was discussed in the Board’s 10th and 11th reports.
- Ms. Spener:
 - Ensure that IBWC Minutes 294 and 306 are paraphrased correctly.
 - Send language regarding the process of prioritizing services along the border via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.
- Ms. Capel:
 - Contribute several paragraphs to the chapter on border energy and environment, including text regarding the background of the energy agreements signed by the two countries.
- Mr. Manzanilla
 - Provide language regarding the tribes to be included in the introduction and send this via e-mail to Ms. Wesson, Dr. Ganster, and Ms. Spock.
- Dr. Austin:
 - Forward language regarding environmental justice to be included in the introduction.
- ✧ The following activities related to the annual report were not assigned to a specific Board member:
 - Confirm the January 1, 2011, date regarding annual reporting to EPA on page 13.
 - Modify the sentence on page 13 regarding the light-duty vehicle emissions standard rule if it is released on schedule.
 - Further describe the 2007 Supreme Court decision on page 13, possibly using the Rockefeller letter.
 - Add information about the Western Climate Initiative jurisdictions.
 - Determine the proper technology regarding “dirty diesel.”
 - Add what is being reduced (carbon dioxide or ozone) to the reference of distribution of seasonally appropriate gasoline in Juarez on page 21.
 - Add, on page 22, “and through delegated state programs” to the end of the following sentence: “Emission sources in U.S. nonattainment areas are regulated under EPA rules.”
 - On page 24, change “large source” to “one area of concern.”
 - Change “listed species” to “threatened and endangered species” on page 65.

- Move the paragraph that begins with “The California condor...” to the prior section and provide a population update for the species.
 - Add a subtitle of “Border Fence” above the paragraph that begins, “The GNEB wrote a letter of advice on the border fence on December 2, 2009...”
 - Move the paragraph on page 73 regarding tribal issues to earlier within the chapter.
 - Include positive and negative effects in Recommendation #1 in the chapter on habitat and biodiversity conservation.
 - Change the wording in Recommendation #2 in the chapter on habitat and biodiversity conservation to indicate that it would be beneficial to encourage a broad effort that examines all of these stressors.
 - Develop a recommendation regarding water efficiency and determine in which chapter it would be most appropriate to be included.
 - Verify the acronym TEIS used in the chapter on institutional mechanisms.
 - Verify the data regarding the deficit in environmental infrastructure mentioned on page 4.
- ✧ Ms. Wesson will add a discussion regarding an advice letter to Border 2012 to the agenda of the next meeting.
 - ✧ Ms. Krebs will gather information regarding the ISO 14000 Registration Group’s efforts to develop a sustainability plan for private industry.
 - ✧ Dr. Ganster will compile the list of potential 14th Report topics.
 - ✧ An advice letter will be written to include a DOE representative on GNEB.

Good Neighbor Environmental Board (GNEB) Meeting

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AGENDA

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|-----------------------|--|
| 8:00–8:30 a.m. | Registration |
| 8:30–8:45 a.m. | Welcome and Introductions
Paul Ganster, Chair, GNEB
Rafael DeLeon, Director, OCEM
Dolores Wesson, GNEB Designated Federal Officer
Board Members, Introductions |
| 8:45–10:45 a.m. | Border Fence and Environmental Impacts
Status of Fence and Map Analysis – Wayne Lackner and Scott Recinos, DHS
Monitoring Program – Dan James, USGS, and Greg Eckert, NPS
Mitigation Efforts and Projects – Jim Northup, DOI |
| 10:45–11:00 a.m. | Break |
| 11:00–11:40 a.m. | Border Fence and Environmental Impacts (Continued)
Effects of the Fence on Mexico – Carlos de la Parra, El Colegio de la Frontera Norte |
| 11:40 a.m.–12:10 p.m. | Public Comments |
| 12:10–1:30 p.m. | Lunch |
| 1:30–3:15 p.m. | Discussion and Approval of 13th Report
Air – Allyson Siwik
Climate Impacts – Ricardo Martinez
Water – Steve Niemeyer
Solid and Hazardous Waste – Veronica Garcia |
| 3:15–3:30 p.m. | Break |

3:30–5:30 p.m. **Discussion and Approval of 13th Report (Continued)**
Emergency Response and Planning – Mike Dorsey
Habitat and Biodiversity Conservation – Luis Florez
Institutional Mechanisms – Christopher Brown
Introduction, Overview, and Conclusions – Paul Ganster

5:30 p.m. **Adjourn**

Meeting Day 2 March 12, 2010

8:00–10:00 a.m. **BUSINESS MEETING**

Wrap-Up of 13th report

Approval of Minutes for the Last Meeting
Rio Rico, AZ, September 2009 Meeting

GNEB Future Meetings
Release of the 13th Report
Yuma, AZ, Meeting in September

10:00–10:15 a.m. **Break**

10:15 a.m.–12:30 p.m. **GNEB 14th Report Discussion**

12:30–1:00 p.m. **Public Comments**

1:00 p.m. **Adjourn**