

December 11th, 1995

BY CERTIFIED MAIL

Earthlaw
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U.S.A.

**Re: Submission on Enforcement Matters - Articles 14 & 15 of the NAAEC
Submission I.D.: SEM-95-001**

Submitter(s): Biodiversity Legal Foundation et Al

Concerned Party: United States of America

Madams/Sirs:

Please find attached the Secretariat's determination in connection with your submission on enforcement matters resubmitted on October 17, 1995 in accordance with section 6.2 of the Draft Guidelines for Submissions on Enforcement Matters.

Yours truly,

Commission for Environmental Cooperation - Secretariat

per: Victor Lichtinger
Executive Director

VL/MP

Commission for Environmental Cooperation - Secretariat

Determination pursuant to Articles 14 & 15 of the North American Agreement on Environmental Cooperation

Submission I.D.: SEM-95-001

Submitter(s) :

Biodiversity Legal Foundation; Consejo Asesor Sierra Madre; Forest Guardians; Greater Gila Biodiversity Project; Southwest Center for Biological Diversity

Concerned Party:

United States of America

I- PROCEDURAL HISTORY

On July 5, 1995, the Submitters requested the Secretariat to consider submission SEM-95-001 under Article 14 of the Agreement. On July 19, the Secretariat notified the Submitters that their submission satisfied the screening criteria established in Article 14:1 of the Agreement. On September 21, 1995, the Secretariat notified the Submitters that it would not request a response from the government of the United States of America and that accordingly, in the absence of new or supplemental information provided within 30 days of receipt of said notice, the Secretariat had concluded its consideration of the matter. In a letter dated October 17, 1995 the Submitters offered a response to the Secretariat's determination in accordance with section 8.1 of the Draft Guidelines for Submissions on Enforcement Matters ("Guidelines"). The Secretariat now reviews the response to determine whether a response from the concerned Party is merited in light of the new or supplemental information provided by the Submitters, in accordance with section 8.1 of the Guidelines.

II- ANALYSIS

In a letter dated October 17, 1995, the Submitters respond to the Secretariat's determination not to request a response from the concerned Party. The Submitters' letter does not provide new or supplemental information sufficient to merit a review of the Secretariat's previous determination in

this matter. No new facts are advanced which bear on the alleged failure to enforce environmental law.

III. CONCLUSION

For the foregoing reasons, the Secretariat determines that no response from the Party is merited in light of the new or supplemental information provided by the Submitters, and hereby notifies the Submitters that the submission process is terminated with respect to submission SEM-95-001.

Dated this 11th day of December, 1995.

Commission for Environmental Cooperation - Secretariat

per: Victor Lichtinger
Executive Director