

Mr. Jorge Guzman
Secretariat for Environmental Matters
4a Av. 10-25, zona 14
Guatemala City, Guatemala

Dear Mr. Guzman:

With this letter, the United States transmits its vote to instruct the CAFTA-DR Secretariat for Environmental Matters to prepare a factual record for the public submission: Laguna del Tigre-FONPETROL (CAALA/10/006).

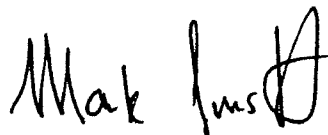
We recognize that, according to CAFTA-DR Environment Chapter, the Secretariat shall proceed no further if the precise matter at issue is the subject of a pending judicial or administrative proceeding, and the government response states there are pending legal processes. We understand that, after analyzing the response and additional information presented by the Party, the Secretariat determined it did not receive sufficient documentation necessary to "validate the circumstances as they pertain to CAFTA-DR Article 17.7.5 and Section 11.4 of the Work[ing] Procedures." CAFTA-DR 17.8.3 states, "The preparation of a factual record by the secretariat pursuant to this Article shall be without prejudice to any further steps that may be taken with respect to any submission."

The United States therefore transmits this vote to instruct the Secretariat to prepare a factual record with the understanding that, if the Secretariat receives information that confirms that the precise matter at issue is the subject of a pending judicial or administrative proceeding, the Secretariat shall proceed no further.

Sincerely,



Kerri-Ann Jones, Ph.D.
Assistant Secretary of State for Oceans
and International Environmental and
Scientific Affairs
U.S. Department of State



Mark Linscott
Assistant U.S. Trade Representative for
Environment and Natural Resources
Office of the U.S. Trade Representative

Instruction to the Dominican Republic – Central America – United States Free Trade Agreement (CAFTA-DR) Secretariat for Environmental Matters Regarding Submission CAALA/10/006 (Laguna del Tigre-FONPETROL) Concerning the Assertion that Guatemala is Failing to Effectively Enforce Provisions of its Environmental Laws in Regard to the Protection of the Laguna del Tigre Biotope and the Laguna del Tigre National Park.

THE UNITED STATES OF AMERICA:


SUPPORTIVE of the process provided for in Articles 17.7 and 17.8 of the *Dominican Republic-Central America-United States Free Trade Agreement* (CAFTA-DR) regarding Submissions on Enforcement Matters and the preparation of factual records;

CONSIDERING Submission CAALA/10/006 (the “Submission”) filed by Ramón Cadena Rámila on March 8, 2010 and the Responses provided by the Government of Guatemala on September 13, 2010 and November 4, 2010;

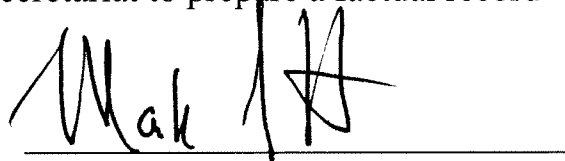
HAVING REVIEWED the Secretariat’s determination of March 1, 2011 that the preparation of a factual record is warranted in relation to the Submission; and

PURSUANT to Article 17.8 of CAFTA-DR,

HEREBY VOTES TO INSTRUCT the Secretariat to prepare a factual record concerning the Submission.



Kerri-Ann Jones, Ph.D.
Assistant Secretary of State for Oceans
and International Environmental and
Scientific Affairs
U.S. Department of State



Mark Linscott
Assistant U.S. Trade Representative for
Environment and Natural Resources
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U.S. Representatives to the CAFTA-DR Environmental Affairs Council