

Gulf of Mexico Alliance Federal Working Group Monthly Call (5-30-13)

Attendees

USFWS: Linda Kelsey, Linda Walker, Chris Pease

USGS: Kristen Kordecki, Scott Wilson, Kate Spear

NPS: Mark Ford, Cherry Green

USACE: Ed Creef

NASA: Nancy Searby

BOEM: Michael Miner

EPA: John Bowie, Lael Butler, Keala Hughes, Drew Puffer

NOAA: Todd Davison, Kristen Laursen, Becky Allee, Heather Young, G.P. Schmahl, Marian Hanisko, Laurie Rounds, Julien Lartigue, Alan Lewitus, Heidi Stiller, Miles Croom

GOMA: Laura Bowie

Navy: Camille Destafney

Update of RESTORE Executive Committee and release of the Comprehensive Plan

Linda Walker and Chris Pease, USFWS

- Linda is Senior Advisor for Gulf Restoration for DOI. Home agency is USFWS, but in this role serves as a representative of all DOI bureaus, covering all things Gulf restoration except NRDA. (Kevin Reynolds is case manager for NRDA.)
- Chris Pease, USFWS, has been working on Gulf restoration since formation of the Gulf Coast Ecosystem Restoration Task Force. Now with the Task Force disbanded and the Council formed, role is to help coordinate larger landscape scale conservation priorities around the Gulf.
- Linda thanks Ben Scaggs of EPA and Brent Ache of NOAA, both of whom are serving on Council Executive Team with her, and the entire DOI Gulf team.
- RESTORE Council just released comprehensive plan, accompanying Environmental Assessment, and list of projects. There are other activities moving forward as well – NRDA, Programmatic EIS on early restoration, public meetings, etc. – which means there is some confusion. RESTORE is just one of many sources of funding resulting from the DWH spill.
- Two over-arching pieces of legislation impacting Gulf restoration funding streams – OPA and CWA and civil and criminal penalties resulting from that. There have already been some settlements – e.g. BP on the criminal side, and Transocean on both criminal and civil penalties (civil is first installment into the RESTORE funding streams.)
- Ocean Conservancy graphic shows different “pots” of funding under RESTORE. 80% of civil penalties go to a Gulf Restoration Trust Fund that is divided into five components:
 1. 35% split evenly among 5 Gulf States for the States to spend directly
 2. 30% to the Council to implement the Comprehensive Plan
 3. 30% to the States; must produce State plans that are consistent with the Council’s plan
 4. 2.5% to NOAA Science Program; USFWS is coordinating closely on this
 5. 2.5% to establish State Centers of Excellence
- Per deadlines in the RESTORE Act, NOAA Science Program has been stood up and is essentially waiting for funding.
- Regulations for the Trust Fund are to be developed by Treasury Department. These have not yet been released for comment and review; they are in draft, and Treasury is consulting with DOC and DOI. Until the regulations are finalized, no money can flow from the Trust Fund.

- Last week (May 23rd) the Council published a draft Comprehensive Plan for a 30-day comment period in the hopes of meeting the Congressionally-mandated deadline of July for this plan.

The Comprehensive Plan – “Cliff-notes” Version

- Council is chaired by DOC. Made up of Cabinet-level individuals with recognition that duties can be delegated down to Assistant Secretary level. USDA, Army, EPA, DHS, DOI are on the Council. Executive Team is made up of staff who represent the principles on the Council. There’s also a Writing Team – Alice Perry from MS is the lead. Brent Ache is detailed from NOAA to DOC to work on this Team. CEQ folks have also been detailed to this Writing Team, and an attorney from DOJ. Justin R. Ehrenwerth of DOC was just named as Executive Director of the Council. It is our understanding the Council will be physically located in the Gulf, which is good news.
- Council felt a NEPA analysis needed to take place on the Comprehensive Plan; wanted to produce an Environmental Assessment (EA) to document the impacts of the planning process itself. The EA does not look at any specific projects; as specific projects are identified they will go through a NEPA process.
- Geographic scope of the Gulf Coast Region remains under debate in the Council. RESTORE defines the scope as including the coastal zones within the five Gulf Coast States, including federal lands, as well as any lands and watersheds within 25 miles of the coastal zones, and all federal waters. There are areas of dispute among the Council members – e.g. definition of watershed and how applies to the 25-mile boundary.
- Comprehensive Plan named 5 overarching commitments that apply to all the work that the Council and comprehensive planning:
 1. Commitment to Science-Based Decision-Making
 2. Commitment to a Regional Ecosystem-based Approach to Restoration
 3. Commitment to Engagement, Inclusion, and Transparency
 4. Commitment to Leveraging Resources and Partnerships
 5. Commitment to Delivering Results and Measuring Impacts
- 5 goals that will guide restoration and selection of projects:
 1. Restore and Conserve Habitat
 2. Restore Water Quality
 3. Replenish and Protect Living Coastal and Marine Resources
 4. Enhance Community Resilience
 5. Restore and Revitalize the Gulf Economy
- States are allowed to spend a portion of their funds on economic restoration. Needed to add this fifth goal so the States can comply with their requirements. Council has been very clear that their 30% will be applied strictly to ecosystem restoration and not to economic projects.
- Within the Council-selected restoration component, have identified 7 objectives that are asking for public input on. The Council included a few examples of the types of projects that could be funded under these objectives.
 1. Restore, Enhance, and Protect Habitats
 2. Restore, Improve, and Protect Water Quality
 3. Protect and Restore Living Coastal and Marine Resources
 4. Restore and Enhance Natural Processes and Shorelines
 5. Promote Community Resilience
 6. Promote Natural Resource Stewardship and Environmental Education
 7. Improve Science-Based Decision-Making Processes
- Council also identified selection criteria that will be used to select projects for their 30%. Council will consider not only restoration projects, but also restoration programs. An

entity will be able to manage and execute a program that the Council will fund (so that entity would be the sole grantee.) Council recognizes the need for some thoughtful long-term planning, so will fund planning and technical assistance as well as implementation.

- RESTORE requires the Council funds projects through its members, so projects will not move directly from the public to the Council; they must be sponsored by one of the members (States or Federal agencies.) The Council will periodically request projects from members, who will present projects for consideration.
- Comp plan also addresses State expenditure plans. This is the money dedicated to the States based on the amount of oiled shoreline. Eligible activities are the same covered under the 35% (several include economic restoration.) States will submit implementation plans to the Council to review – must be consistent with 4 overarching criteria as well as 11 criteria from RESTORE.
- The Council is considered an independent federal entity – currently housed under DOC but is for legal purposes a separate entity, so the Council is required to submit its own regulations. Before States can submit projects to the Council, the Council must promulgate its own independent regulations on how it will fund the States' 30% portion.
- The plan outlines the Council's process and procedures for how intends to solicit and select projects for funding under both the 30% to the Council and the States' 30%. 30-day comment period on the plan and on the EA. Council plans to establish advisory committees in the near future. Also hopes to promulgate regulations soon, and to solicit projects from Council members.
- Restorethegulf.gov website lists public meetings coming up in next few weeks.

Responses to Qs

- Most of Council discussion has focused on the Council comprehensive plan and not on the individual State plans. States are moving forward independently. Really hasn't been much discussion of what those plans would look like.
- Council will have a science advisory council and citizen advisory council
- Hasn't been specific discussion about how to incorporate climate change yet. Will probably be part of the science discussion.
- Requirement of RESTORE Act was to publish a list of "authorized but not yet commenced" projects. Council was not able to resolve interpretation of what authorized meant – allowed each member to use own definition in order to allow States to submit projects. All members submitted projects, and Council decided this would just be a "data point" or informative list, not a list that is the first list of projects to be funded.
- No real discussion by federal agencies with Treasury about criteria/templates for reviewing projects. All projects will have to go through pretty extensive environmental review. DOI and DOC are only two agencies engaged with Treasury (on a limited basis) at this point. Prohibited from talking about details of the Treasury regulations, but agree would be wise to try and achieve a level of consistency in the information about projects to try and minimize the administrative burden.
- Council is asking for public comment and review of the criteria and process for project selection.

Overview of different restoration funding sources

- Chris Pease shared a chart illustrating the various restoration funding streams coming out of DWH criminal and civil settlements – includes RESTORE as well as criminal plea agreements that send funding to the National Academy of Sciences and the National Fish & Wildlife Foundation.
- Can be complicated to sort out all these different funding streams, so there's been a lot of concern about how we're going to coordinate. Folks are discussion how we leverage or at least don't duplicate as put restoration projects forward. NGOs are trying to

organize around the Gulf; Walton Family Foundation has been leading some of this. Council can work to see that things are aligned, but not everything is under their purview.

- Have set up a session at the GOMA All Hands meeting on June 25 to talk about this coordination, and are recruiting panel members who can speak to the different funding sources. One outcome hope to have is that get enough interest from State, Federal, and NGO representatives that we start to form at least an informal group that will continue to work on coordination.
- Laura: May be early for any heavy coordination, but thought it would be good to start the conversation at All Hands. It should be a good session.
- Chris: Welcome thoughts if anyone has suggestions on how to do the coordination.

Discussion:

Todd: Engagement sessions coming up across the Gulf – what’s your impression regarding need for participation by federal representatives stationed across the Gulf?

Linda: Encourage as much participation as possible. Each State will be hosting. Will follow model of last round of meetings for the Path Forward document. DOI will be represented at each meeting. DOC will be running the presentations. Don’t think there will be open Q&A. Think may be open workshop prior to the meeting itself.

Laura: Will the restoration money help relieve the travel funding limitations federal folks have experienced recently?

Linda: Unfortunately no money is available yet, and there’s a shallow cap of 3% for the administrative agencies. Most of the engagement and commitments will come out of existing budgets.

Heather: Speaking of travel funding limitations, has thought been given to allowing remote participation in All Hands so people who cannot attend could at least hear the discussions about DWH funding?

Laura: Great thought. Can check on cost and see if feasible in the budget for the meeting.