



# Restoring the Gulf Coast's Ecosystem & Economy

August

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Gulf Coast Ecosystem Restoration Council



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# Table of Contents

I.	Introduction .....	1
II.	Overview .....	5
III.	Goals .....	10
IV.	Council-Selected Restoration Component .....	13
V.	State Expenditure Plans – Spill Impact Component .....	20
VI.	Next Steps .....	24

# I. Introduction

In July 2012, the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE Act) established the Gulf Coast Ecosystem Restoration Council (Council). The Council is comprised of the Governors of the five Gulf Coast States and Cabinet-level officials from six federal agencies. One of the Council's primary responsibilities is to develop a Comprehensive Plan to restore the ecosystem and the economy of the Gulf Coast region.

This Initial Comprehensive Plan (Plan) provides a framework to implement a coordinated, Gulf Coast region-wide restoration effort in a way that restores, protects, and revitalizes the Gulf Coast. This is the first version of a Plan that will change over time. It will guide the Council's actions to restore the Gulf Coast ecosystem and economy. The Plan establishes the Council's Goals for the region and provides for a process to fund restoration projects and programs as funds become available (see Section IV for a definition of projects and programs). Over the next few years, development and implementation of this Plan will be an iterative process leading to a comprehensive, region-wide, multi-objective restoration plan based on the best available science.

To develop this Plan, the Council carefully reviewed the findings and recommendations of the *Gulf Coast Ecosystem Restoration Task Force Strategy (Strategy)*. The Council also reviewed numerous existing local, regional, state, and federal plans to inform the development of this Plan. The Council initiated a robust public engagement process to receive initial input from diverse voices from across the region. The Council hosted fourteen public meetings with over 2,300 attendees and established a web presence to accept public comments. The Council received over 41,000 public comments on the Draft Initial Comprehensive Plan. The suggestions and comments that the Council received were considered and incorporated, as appropriate, into this Plan (see "Response to Public Comments"). The Council recognizes that Gulf Coast restoration will not be successful without genuine and meaningful input from the people in the region. The Council will continue to support opportunities for public engagement to hear from individuals and organizations across the Gulf Coast region.

Additionally, the United States has a unique legal relationship with federally-recognized Tribes as set forth in United States treaties, statutes, Executive Orders and court decisions. Given the importance of the Tribes to the Gulf Coast region, the Council recognizes the value of tribal input in the region's restoration activities. To begin this engagement, the Council held webinars on April 9 and 11, 2013, and a tribal engagement session on June 13, 2013. The Council will continue to engage with the Tribes on these important issues throughout the implementation of the Plan.

This Plan sets forth the Council's overarching goals for restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region. Additionally, the Plan: (1) incorporates recommendations and findings of the *Strategy*; (2) describes how projects and programs under the Council-Selected Restoration Component will be solicited, evaluated, and funded; (3) outlines the process for the development, review, and approval of State Expenditure Plans; (4) includes a list of any project or program authorized prior to enactment of the RESTORE Act, but not yet commenced, (see Appendix A); and (5) provides the Council's Next Steps.

The RESTORE Act also established the Gulf Coast Ecosystem Restoration Trust Fund (Trust Fund). Due to uncertainty around a variety of factors associated with ongoing litigation, the ultimate amount of administrative and civil penalties that may be available to the Trust Fund and the timing of their availability are unknown. As a result of the settlement of Clean Water Act civil claims against Transocean Deepwater Inc. and related entities, a total of approximately \$800 million, plus interest, will be deposited in the Trust Fund within the next two years – approximately \$320 million of which has already been deposited. Thus, based upon the RESTORE Act and the payment schedule agreed to by the court for the Transocean settlement, by February 20, 2015, thirty percent of that total amount – \$240 million, plus interest – will be deposited in the Trust Fund for allocation by the Council under the Council-Selected Restoration Component. Additional funding is dependent upon settlement or adjudication of civil or administrative claims against other parties responsible for the *Deepwater Horizon* oil spill.

This Plan does not yet include a description of the manner in which amounts from the Trust Fund projected to be made available to the Council to implement the Plan for the next ten years will be allocated, referred to as the "Ten-Year Funding Strategy." Nor does it include a project and program priority list that the Council will fund, referred to as the "Funded Priorities List." The Council did not include

these elements in this iteration of the Plan for several reasons. First, as noted above, there is uncertainty related to the overall amount and availability of funds deposited in the Trust Fund. Second, the final procedures to guide Trust Fund expenditures have not yet been issued by the U.S. Department of the Treasury. Third, the Council wished to seek public input on key elements of the Plan. Fourth, the Gulf Coast States are in the process of developing State Expenditure Plans to guide the disbursement of funds that will be allocated to the States based upon the extent of impacts from the *Deepwater Horizon* oil spill. For all of these reasons, the Council has purposely deferred developing the Ten-Year Funding Strategy and Funded Priorities List.

Under the National Environmental Policy Act (NEPA), 42 U.S.C §§ 4321-4335, and its implementing regulations at 40 C.F.R. Parts 1500–1508, the Council is required to consider all reasonably foreseeable alternatives and the environmental effects of its proposed actions and to inform and involve the public in its environmental analysis and decision-making process. The Council prepared a Programmatic Environmental Assessment (PEA) analyzing the environmental impacts of this Plan. After analyzing the potential direct, indirect, and cumulative effects of the Plan, the Council has determined that issuance of the Plan will not have a significant impact on the environment and that no further environmental analysis is required prior to approval of the Plan. The PEA summarizes the current environment of the Gulf Coast region, describes the purpose and need for the Plan, identifies the “No Action” alternative, describes the process for selecting a proposed alternative, and assesses the potential environmental consequences of the alternatives based on the available information. The PEA can serve as a reference document upon which supplemental or individual NEPA documents can build. The PEA does not analyze impacts of projects or programs that could subsequently be funded by the Council because the Council has not yet selected projects and programs for funding. It is expected that projects and programs subsequently selected for funding through the processes set forth in this Plan may be subject to further NEPA review. In addition to meeting NEPA requirements, the Council acknowledges that any projects or programs ultimately selected for funding must comply with applicable laws and regulations.



## II. Overview

The Gulf Coast region is vital to our Nation and our economy, providing valuable energy resources, abundant seafood, extraordinary beaches and recreational activities, and a rich cultural heritage. Its waters and coasts are home to one of the most diverse environments in the world – including over 15,000 species of sea life. Over twenty-two million Americans live in Gulf coastal counties and parishes – working in crucial U.S. industries like commercial seafood, shipping, tourism, and oil and gas production. The region also boasts ten of America's fifteen largest ports accounting for nearly a trillion dollars in trade each year.

Despite the tremendous importance of the Gulf Coast region, the health of the region's ecosystem has been significantly impacted, most recently by the *Deepwater Horizon* oil spill which spurred passage of the RESTORE Act. Over the past decade the Gulf Coast region has also endured significant natural catastrophes, including major hurricanes such as Katrina, Rita, Gustav, and Ike. The Gulf Coast region has experienced loss of critical wetland habitats, erosion of barrier islands, imperiled fisheries, water quality degradation, and significant coastal land loss due to natural forces, the alteration of hydrology, and other human activities.

In addition, the Gulf of Mexico experienced numerous water quality problems resulting from the *Deepwater Horizon* disaster and other factors, including excess nutrients, hypoxia, altered sediment resources, pathogens, mercury, remaining *Deepwater Horizon* oil and dispersants and other pollutants. Living coastal and marine systems are showing signs of stress, such as depleted species populations and degraded habitats. Storm risk, land loss, depletion of natural resources, compromised water quality and quantity, and sea-level rise are imperiling coastal communities' natural defenses and ability to respond to natural and man-made disruptions. These problems not only endanger the natural systems but also the economic vitality of the Gulf Coast region and the entire Nation.

## The RESTORE Act

The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, or the RESTORE Act, was passed by Congress on June 29, 2012, and signed into law by President Obama on July 6, 2012. The RESTORE Act envisions a regional approach to restoring the long-term health of the valuable natural ecosystems and economy of the Gulf Coast region. The RESTORE Act dedicates 80 percent of any civil and administrative penalties paid under the Clean Water Act, after the date of enactment, by responsible parties in connection with the *Deepwater Horizon* oil spill to the Trust Fund for ecosystem restoration, economic recovery, and tourism promotion in the Gulf Coast region (Figure 1). This effort is in addition to the restoration of natural resources injured by the spill which will be accomplished through a separate Natural Resource Damage Assessment (NRDA) and restoration process pursuant to the Oil Pollution Act.

Figure 1: Allocation of RESTORE Act Trust Fund



\*Supplemented by interest generated by the Trust Fund (50% to Gulf Coast Ecosystem Restoration Council, 25% to Science Program, 25% to Centers of Excellence)

### ***Geographic Scope of the Gulf Coast Region***

The RESTORE Act defines where and how funds may be spent. The Act defines "Gulf Coast State" to mean any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas, and includes the following areas within the "Gulf Coast region:"

1. In the Gulf Coast States, the coastal zones (including federal lands within the coastal zones) that border the Gulf of Mexico;
2. Any adjacent land, water, and watersheds within 25 miles of the coastal zones; and,
3. All federal waters in the Gulf of Mexico.

### ***Gulf Coast Ecosystem Restoration Council***

In addition to establishing the Trust Fund, the RESTORE Act establishes the Council as an independent entity in the Federal Government. The Council is charged with helping to restore the ecosystem and economy of the Gulf Coast region by developing and overseeing implementation of a Comprehensive Plan and carrying out other responsibilities. The Council is chaired by the Secretary of the U.S. Department of Commerce and includes the Governors of the States of Alabama, Florida, Louisiana, Mississippi and Texas and the Secretaries of the U.S. Departments of Agriculture, Army, Homeland Security and the Interior, and the Administrator of the U.S. Environmental Protection Agency.

The Council has responsibilities with respect to 60 percent of the funds made available from the Trust Fund. Thirty percent of the Trust Fund, plus interest, will be administered for ecosystem restoration and protection by the Council according to Section IV of this Plan (Council-Selected Restoration Component). The other 30 percent of the Trust Fund will be allocated to the Gulf Coast States under a formula described in the RESTORE Act and spent according to individual State Expenditure Plans (Spill Impact Component). The State Expenditure Plans must be consistent with the Goals and Objectives of this Plan and are subject to the Council's approval. Remaining RESTORE Act funds not within the Council's responsibilities are: the Direct Component (35 percent of the funds), available to the Gulf Coast States in equal shares; the Gulf Coast Ecosystem Restoration Science Program (2.5 percent of the funds plus interest); and Centers of Excellence Research Grants Program (2.5 percent of the funds plus interest). See Figure 1 above for a breakdown of the five components.

### ***Commitment to Science-Based Decision-Making***

The decisions made pursuant to the Plan will be based on the best available science, and this Plan will evolve over time to incorporate new science, information, and changing conditions. The Council will coordinate with the scientific community to improve decision-making. The Council will consider the most effective means of ensuring that its decisions are based on the best available science, including the creation of a science advisory committee or some other structure, to inform its decisions and facilitate coordination across various Gulf restoration efforts.

### ***Commitment to a Regional Ecosystem-based Approach to Restoration***

The Council recognizes that upland, estuarine, and marine habitats are intrinsically connected, and will promote ecosystem-based and landscape-scale restoration without regard to geographic location within the Gulf Coast region. A regional approach to restoration more effectively leverages the resources of the Gulf Coast and promotes holistic Gulf Coast recovery. The Council recognizes that regional ecosystem restoration activities can also have multiple human and environmental benefits, such as restoring habitats that sustainably support diverse fish and wildlife populations, while also providing an array of commercial, recreational, and other human uses of the ecosystem.

### ***Commitment to Engagement, Inclusion, and Transparency***

It is the Council's intent to seek broad participation and input from the diverse stakeholders who live, work, and play in the Gulf Coast region in both the continued development of this Plan and the ultimate selection and funding of ecosystem restoration activities. The Council intends to provide opportunities to facilitate the formation of strategic partnerships and collaboration on innovative ecosystem restoration projects, programs, and approaches that might ultimately form the basis of a proposal to the Council. The Council is committed to engaging the public and tribes, and will use its website, [www.restorethegulf.gov](http://www.restorethegulf.gov), to collect comments, questions, and suggestions for Council consideration. The Council intends to create a public engagement structure that reflects the richness and diversity of Gulf Coast communities to ensure ongoing public participation in the Council's restoration efforts.

### ***Commitment to Leveraging Resources and Partnerships***

The Council will encourage partnerships and welcome additional public and private financial and technical support to maximize outcomes and impacts. Such partnerships will add value through integration of public and private sector skills, knowledge, and expertise.

### ***Commitment to Delivering Results and Measuring Impacts***

The Council recognizes the importance of measuring outcomes and impacts in order to achieve tangible results and ensure that funds are invested in a meaningful way. The Council will consider a variety of methods to measure and report on the results and impacts of Council-Selected Restoration Component activities and will include project- or program-specific measurement and reporting requirements in funding agreements with Council Members.



## III. Goals

Building on the strong foundation established in the Task Force Strategy and other local, regional, state, and federal plans, the Council is taking an integrated and coordinated approach to Gulf Coast restoration. This approach strives to both restore the Gulf Coast region's environment and, at the same time, revitalize the region's economy because the Council recognizes that ecosystem restoration investments may also improve economic prosperity and quality of life. In addition, this approach acknowledges that coordinated action with other partners is important to successfully restore and sustain the health of the Gulf Coast region. This coordination is particularly important because diverse funding sources and decision-making bodies are investing in Gulf Coast restoration.

To provide the overarching framework for an integrated and coordinated approach for region-wide Gulf Coast restoration and to help guide the collective actions at the local, state, tribal and federal levels, the Council has adopted five goals.

- (1) ***Restore and Conserve Habitat*** – Restore and conserve the health, diversity, and resilience of key coastal, estuarine, and marine habitats.
- (2) ***Restore Water Quality*** – Restore and protect water quality of the Gulf Coast region's fresh, estuarine, and marine waters.
- (3) ***Replenish and Protect Living Coastal and Marine Resources*** – Restore and protect healthy, diverse, and sustainable living coastal and marine resources.
- (4) ***Enhance Community Resilience*** – Build upon and sustain communities with capacity to adapt to short- and long-term changes.
- (5) ***Restore and Revitalize the Gulf Economy*** – Enhance the sustainability and resiliency of the Gulf economy.

The fifth goal focuses on reviving and supporting a sustainable Gulf economy to ensure that those expenditures by the Gulf Coast States authorized in the RESTORE Act under the Direct Component and the Spill Impact Component (Figure 1) can be considered in the context of comprehensive restoration. To achieve all five goals, the Council will support ecosystem restoration that can enhance local communities by giving people desirable places to live, work, and play, while creating opportunities for new and existing businesses of all sizes, especially those dependent on natural resources. In addition, the Council will support ecosystem restoration that builds local workforce capacity.

Ecosystem restoration activities can also directly support the region's ability to withstand, prevent, and quickly recover from future natural or man-made disruptions. This includes promoting natural storm buffers and other ecosystem restoration activities that produce environmental benefits and reduce economic losses from storm surge flooding to residential, public, industrial, and commercial infrastructure.

The Council will work to coordinate restoration activities under the Council-Selected Restoration Component and the Spill Impact Component to further the goals. While the Council does not have direct involvement in the activities undertaken by the States or local governments through the Direct Component, the Council will strive, as appropriate, to coordinate its work with those activities. In addition, the Council will actively coordinate with the Gulf Coast Ecosystem Restoration Science Program and the Centers of Excellence Research Grants Program.

The Council recognizes that there are other partners critical to restoring and sustaining the health of the Gulf Coast region. The Council will coordinate, as appropriate, with states, federal agencies, tribes, and other entities working in the Gulf Coast region to achieve common goals, overcome regulatory obstacles, and collectively work towards an integrated vision for comprehensive restoration. Additionally, the Council will coordinate with other intergovernmental bodies and Gulf Coast restoration initiatives, as appropriate, to ensure that efforts are complementary and mutually beneficial. Specifically, the Council recognizes similar work resulting from the *Deepwater Horizon* oil spill undertaken by the Natural Resource Damage Assessment (NRDA) Trustees, the National Fish and Wildlife Foundation (NFWF), the National Academy of Sciences (NAS), and the North American Wetlands Conservation Fund (NAWCF). A brief overview of these efforts is provided below.

- The *Deepwater Horizon* Natural Resource Damage Assessment Trustees are assessing injury to natural resources and the services they provide, as well as the lost use of such resources, resulting from the *Deepwater Horizon* oil spill in the Gulf and the Gulf Coast States. Damages for natural resource injury will include the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of the injured natural resources; the diminution in value of those natural resources pending restoration; and the reasonable cost of assessing those injuries as a result of the *Deepwater Horizon* oil spill. The Trustees are using a public process to select and implement restoration projects.
- NFWF was established by Congress in 1984. NFWF will receive over \$2.5 billion throughout the next five years from the Transocean (January 2013) and BP (November 2012) criminal plea agreements with the United States. NFWF has stated that these funds will be used "to support projects that remedy harm to natural resources (habitats, species) where there has been injury to, or destruction of, loss of, or loss of use of those resources resulting from the oil spill."
- The NAS received \$500 million from the Transocean and BP criminal plea agreements. These funds are to be used for human health and environmental protection, including oil spill prevention and response in the Gulf region.
- The NAWCF received \$100 million from the BP criminal plea agreement for wetlands restoration, conservation, and projects benefiting migratory birds.

The Council will work with its partners to advance common goals, avoid duplication, and maximize the benefits to the Gulf Coast region.

# IV. Council-Selected Restoration Component

The Council-Selected Restoration Component will be used for ecosystem restoration in the Gulf Coast region. The Council defines ecosystem restoration as:

All activities, projects, methods, and procedures appropriate to enhance the health and resilience of the Gulf Coast ecosystem, as measured in terms of the physical, biological, or chemical properties of the ecosystem, or the services it provides, and to strengthen its ability to support the diverse economies, communities, and cultures of the region. It includes activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity, and sustainability. It also includes protecting and conserving ecosystems so they can continue to reduce impacts from tropical storms and other disasters, support robust economies, and assist in mitigating and adapting to the impacts of climate change (per Executive Order 13554).

The Council will use the Goals, Objectives, and Evaluation Criteria in Sections III and IV of this Plan to guide its ecosystem restoration funding decisions. The Goals provide the Council's desired long-term outcomes for Gulf Coast restoration; the Objectives outline the broad types of activities that are expected to achieve the Goals and will be refined over time to be more specific and measurable as more information is known about the ultimate amount and availability of funding.

## **Objectives**

The Council will select and fund projects and programs that restore and protect the natural resources, ecosystems, water quality, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region. Projects and programs not within the scope of these Objectives for ecosystem restoration will not be funded under the Council-Selected Restoration Component. The Objectives are not listed in any particular order, and the Council does not anticipate that restoration efforts funded under the Council-Selected Restoration Component will be equally distributed among the Objectives. Restoration projects and programs may achieve multiple Objectives simultaneously. The list of example projects and programs is meant to be descriptive rather than limiting.

- 1. Restore, Enhance, and Protect Habitats** – Restore, enhance, and protect the extent, functionality, resiliency, and sustainability of coastal, freshwater, estuarine, wildlife, and marine habitats. These include barrier islands, beaches, dunes, coastal wetlands, coastal forests, pine savannahs, coastal prairies, submerged aquatic vegetation, oyster reefs, and shallow and deepwater corals.

The types of projects and programs that could be implemented under this Objective include the restoration, enhancement, creation, and protection of important coastal, freshwater, estuarine, and marine habitats, and removal of invasive species. Protection and conservation projects may be implemented through active management, acquisition, voluntary management agreements, protected area management, perpetual management, conservation easements, and other conservation activities.

- 2. Restore, Improve, and Protect Water Resources** – Restore, improve, and protect the Gulf Coast region's fresh, estuarine, and marine water resources by reducing or treating nutrient and pollutant loading; and improving the management of freshwater flows, discharges to and withdrawals from critical systems.

The types of water resource management projects and programs that could be implemented include implementation of watershed best management practices; improved agricultural and silvicultural management practices; enhanced stormwater and/or wastewater management; improved quality and quantity of freshwater flows, discharges, and withdrawals; sediment runoff management; and other foundational water quality concerns.

- 3. Protect and Restore Living Coastal and Marine Resources** – Restore and protect healthy, diverse, and sustainable living coastal and marine resources including finfish, shellfish, birds, mammals, reptiles, coral, and deep benthic communities.

The types of projects and programs that could be implemented under this Objective may address recovery of threatened and endangered species, overfishing and bycatch, improved fisheries assessments, sustainable resource management of commercially and recreationally important

activities (such as fishing, hunting, and wildlife watching), increased resource stocks, invasive and nuisance species management and removal, enforcement, and other protective measures.

4. **Restore and Enhance Natural Processes and Shorelines** – Restore and enhance ecosystem resilience, sustainability, and natural defenses through the restoration of natural coastal, estuarine, and riverine processes, and/or the restoration of natural shorelines.

The types of projects and programs that could be implemented under this Objective may include: removal of barriers to improve freshwater inflow and fish passage; improved sediment management (e.g., through increased beneficial use, dedicated dredging, and sediment capture structures); restoration of coastal wetlands, restoration of eroded shorelines; river diversions (also known as river re-introduction projects) and other types of hydrologic restoration; natural ridge restoration; implementation of living shoreline techniques; and other restoration techniques that address natural processes and shorelines.

5. **Promote Community Resilience** – Build and sustain Gulf Coast communities' capacity to adapt to short- and long- term natural and man-made hazards, particularly increased flood risks associated with sea-level rise and environmental stressors. Promote ecosystem restoration that enhances community resilience through the re-establishment of non-structural, natural buffers against storms and flooding.

The types of projects and programs that could be implemented under this Objective may address: capacity for local governments, businesses, and community-based organizations to adapt; risk assessments; advance natural resource planning and natural resource recovery planning with locally-driven solutions; long-term land use planning as it relates to the management and sustainability of coastal resources; acquisition and/ or preservation of undeveloped lands in coastal high-hazard areas (e.g., as buffers against storm surge and sea level rise); non-structural storm and surge protection; design of incentive-based mitigation programs; engagement with and among local communities and other measures that build community resiliency through ecosystem restoration. Projects and programs that promote community resilience should be tied to ecosystem restoration or protection.

**6. Promote Natural Resource Stewardship and Environmental Education** – Promote and enhance natural resource stewardship through environmental education efforts that include formal and informal educational opportunities, professional development and training, communication, and actions for all ages.

The types of projects and programs that could be implemented under this Objective may include: environmental stewardship and education programs tied to Gulf Coast resources that encourage and coordinate the use of existing environmental education and outreach networks and institutions; establish a more effective relationship between research and education communities; and provide meaningful hands-on ecosystem education that includes local, cultural, environmental and economic values with the belief that education will encourage action toward a healthier Gulf Coast. Projects and programs which promote natural resource stewardship and environmental education should be tied to ecosystem restoration or protection.

**7. Improve Science-Based Decision-Making Processes** – Improve science-based decision-making processes used by the Council.

The types of projects and programs that could be implemented under this Objective may implement or improve: science-based adaptive management and project-level and regional ecosystem monitoring, including the coordination and interoperability of ecosystem monitoring programs; regional database and expert systems used to warehouse ecosystem data; improved ecosystem restoration outcome and impact measurement and reporting; and development of local and regional ecosystem models to apply the monitoring information gained and address the critical uncertainties related to restoration to adaptively manage and inform Council decision-making processes related to ecosystem investments.

## **Evaluation Criteria**

The RESTORE Act directs the Council to use the best available science and give highest priority to ecosystem projects and programs that meet one or more of the following four Priority Criteria. The Council will use these criteria to evaluate proposals and select the best projects and programs to achieve comprehensive ecosystem restoration. Prior to evaluating particular projects and programs for funding, the Council will develop a proposal solicitation and evaluation process that ensures proponents submit information sufficient to effectively evaluate projects and programs based on the Priority Criteria. The process will include additional detail regarding the manner in which the Council will apply the Priority Criteria.

1. Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region, without regard to geographic location within the Gulf Coast region.
2. Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.
3. Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
4. Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the *Deepwater Horizon* oil spill.

## **Project and Program Phases**

The Council recognizes that there are numerous ecosystem projects and programs that are ready for implementation. In addition to these projects and programs, the Council will seek proposals that advance new ideas and approaches to ecosystem restoration but may not yet be ready for implementation. Consequently, in addition to considering proposals for project and program implementation, the Council will consider proposals for project and program planning and/or project design and permitting. To accomplish this, the Council will accept proposals that

**● Projects**—The proposed activity is a discrete project or group of projects where the full scope of the restoration or protection activity has been defined at the time the Council considers the proposal.

**● Programs**—The proposed activity is the establishment of a program where the program manager will solicit, evaluate, select, and carry out discrete projects that best meet the program's restoration Objectives and evaluation criteria.

address one or more of three distinct Phases – Planning, Technical Assistance, and Implementation. All three phases may include projects and programs.

If a project or program is selected for either Planning or Technical Assistance funding, consideration for Implementation funding is not necessarily guaranteed. Each Project Phase definition includes some examples of the types of activities the Council might fund under that Phase. The list is meant to be descriptive rather than limiting.

**Planning** – Proposed activities may include: development of ecosystem restoration projects and programs; cost estimates; the scientific foundation for a proposal; and public engagement.

**Technical Assistance** – Proposed activities may include: feasibility analysis; design; environmental review and compliance; evaluation and establishment of monitoring requirements and methods to report outcomes and impacts; and permitting.

**Implementation** – Proposed activities may include: construction; public outreach and education; and measurement, evaluation, and reporting of outcomes and impacts of restoration activities.

While focused on the long-term recovery of the Gulf Coast, this approach will allow the Council to invest in specific actions, projects and programs that can be carried out in the near-term to help ensure on-the-ground results to restore the overall health of the ecosystem.

### **Submittal of Proposals to the Council**

The RESTORE Act directs the Council to fund and implement projects and programs through its Members. The Council will periodically request proposals from its eleven State and Federal Members. Individual Council Members may solicit and then choose to “sponsor” – submit to the Council for consideration -- projects and/or programs from any entity, as well as the general public. The Council will provide opportunities for the public to offer ecosystem restoration ideas through its website and public meetings, and Council Members will consider these ideas when developing their proposals. The Council will encourage coordination and collaboration with other regional efforts.

## **Proposal Evaluation and Selection**

Proposals submitted to the Council from its Members will be evaluated according to a three-step process.

- (a) Eligibility Verification** – The Council will verify the eligibility of each proposal (*i.e.*, determine whether the proposal is complete and meets the minimum set of requirements under applicable law).
- (b) Coordination Review** – In order to avoid duplication and maximize benefits from collaboration, the Council will review eligible proposals for potential coordination opportunities, both within other RESTORE Act components and across the other Gulf Coast restoration efforts.
- (c) Evaluation** – The Council Members will cooperatively evaluate proposals against the Evaluation Criteria and will draw on experts as needed. Following this evaluation, recommended proposals will be forwarded to the full Council for further consideration.

The Council will review the recommendations made through the evaluation process and select proposals for funding – the Funded Priorities List. As a future addendum to this Plan, the Council will publish for public review and comment the Draft Funded Priorities List, which will include projects and programs the Council intends to prioritize for funding. The Council will carefully review public comments, make any appropriate changes, and finalize the List. Once finalized, the List will serve as the basis for allocating funds under the Council-Selected Restoration Component. This List will assign primary authority and responsibility for each of the projects and programs to one of the eleven Council Members.

As funds become available to execute the selected projects or programs, the U.S. Department of the Treasury, at the direction of the Council, will transfer funds to the appropriate State and Federal Members through a process that complies with its regulations and all applicable laws. The Council will include project- and program-specific measures and reporting requirements in its funding agreements.

## V. State Expenditure Plans – Spill Impact Component

While the Council will select and fund projects and programs to restore the ecosystem with Council-Selected Restoration Component funds, the Spill Impact Component funds will be invested in projects, programs, and activities identified in an approved State Expenditure Plan. Each Gulf Coast State will develop a State Expenditure Plan describing how it will disburse the amounts allocated under the Spill Impact Component. These projects, programs, and activities will be implemented in a manner that is consistent with the requirements of the RESTORE Act, as well as, the Goals and Objectives of the Comprehensive Plan.

### **Eligible Activities**

The RESTORE Act provides the scope of activities eligible for funding under the Spill Impact Component. As described in the Act, these activities can include:

- Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
- Mitigation of damage to fish, wildlife, and natural resources.
- Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
- Workforce development and job creation.
- Improvements to or on State parks located in coastal areas affected by the *Deepwater Horizon* oil spill.
- Infrastructure projects benefitting the economy or ecosystem resources, including port infrastructure.
- Coastal flood protection and related infrastructure.
- Planning assistance.

- Administrative costs of complying with the Act.
- Promotion of tourism in the Gulf Coast region, including recreational fishing.
- Promotion of the consumption of seafood harvested from the Gulf Coast region.

Once a State Expenditure Plan is approved by the Council, a grant will be awarded to the State, in accordance with a formula developed by the Council as directed by the Act, for specific projects, programs, and activities identified in the State Expenditure Plan. Because the ultimate size of the Trust Fund is unknown at this time, a State may submit periodic addenda to its State Expenditure Plan in order to request additional disbursements.



## **Development of State Expenditure Plans**

The Council recognizes that each Gulf Coast State is unique and may have a distinct set of priorities. State Expenditure Plans may include the following information and must comply with the RESTORE Act and applicable regulations:

- 1.** The amount of funding needed for each project, program, and activity selected by the State for planning and implementation; the proposed start and completion dates; and specific mechanisms that will be used to monitor and evaluate the outcomes and impacts of each project, program, and activity.
- 2.** A description of how the best available science, as applicable, informed the State's project, program, and activity selection.
- 3.** A statement that all included projects, programs, and activities are eligible activities under the RESTORE Act.
- 4.** A statement that all included projects, programs, and activities do not exceed the 25 percent funding limit for infrastructure, unless the State Expenditure Plan documents an exception in accordance with the RESTORE Act.
- 5.** A description of how all included projects, programs, and activities contribute to the overall economic and ecosystem recovery of the Gulf Coast.
- 6.** A description of how all projects, programs, and activities are consistent with the Goals and Objectives of this Plan. The Council views "consistent" to mean that the Gulf Coast States will implement eligible projects, programs, and activities that will further one or more of the five Goals and will be implemented in a manner that does not have a negative impact on the Gulf Coast ecosystem restoration projects and programs selected for implementation by the Council.
- 7.** A description of the process the State will use to ensure appropriate public and tribal participation and transparency in the project, program, and activity selection process.
- 8.** A description of the financial controls and other financial integrity mechanisms to be used to assure the public and Congress that funds have been managed appropriately to further the purposes of the RESTORE Act.

- 9.** A description of the methods the State will use to measure, monitor, and evaluate the outcomes and impacts of funded projects, programs, and activities.
- 10.** To the extent known, a description of any certain or prospective collaborations or partnerships to be used or created through the selection process.
- 11.** To the extent known, a description of any additional resources that will be leveraged to meet the goals of the State Expenditure Plan.

### **Submittal, Review and Approval Process**

The State Council Member may submit a State Expenditure Plan for Council consideration at any time after the publication of this Plan and the promulgation of appropriate regulations. There is no specific timeframe required for State Expenditure Plan submission, but no funds may be expended from a State's allocation pursuant to the spill impact formula before the Council approves the State Expenditure Plan and an associated initial project, program, and activity list.

The Council will review each State Expenditure Plan to ensure it is consistent with Goals and Objectives provided in this Plan and ensure all requirements are met. The Council will also consider the State Expenditure Plan's compatibility with other State Expenditure Plans when evaluating issues that cross Gulf Coast State boundaries. The Council will make State Expenditure Plans available to the public and tribes and will approve or disapprove a plan within sixty days of receipt. If a State Expenditure Plan does not meet the applicable requirements, the Council will work with the State to address any outstanding issues.

State Expenditure Plans may be updated as necessary. Projects, programs, and activities funded under State Expenditure Plans must comply with all applicable laws and regulations.

## VI. Next Steps

Since its establishment, the Council has convened, selected a Chair, hosted several rounds of public listening sessions in all five Gulf Coast States, hosted tribal engagement sessions, published *The Path Forward to Restoring the Gulf Coast: A Proposed Comprehensive Plan*, published the Draft Initial Comprehensive Plan and reviewed over 41,000 public comments on the Draft Plan.

Due to ongoing litigation, there is uncertainty surrounding the ultimate amount of administrative and civil penalties that may be available to the Trust Fund and the timing of their availability. The Council will continue to build more detail into the Plan and its associated processes as existing uncertainties are resolved and will issue future updates and addenda to this Plan. In accordance with the RESTORE Act, the Council will review and update the entire Plan at least every five years.

The Council will continue its work to implement the RESTORE Act. The Council recognizes that some of these steps will be addressed in the near-term, while others may be more appropriately addressed as the processes of the Council evolve. The Council envisions the following next steps:

- Update the Council's website, [www.restorethegulf.gov](http://www.restorethegulf.gov), to enhance public and tribal engagement in the Council's decision-making processes.
- Continue and enhance coordination, as appropriate, with partners in Gulf Coast restoration, including NRDA and NFWF.
- Consider the most effective means of ensuring that the Council's decisions are based on the best available science, including formation of a scientific advisory committee or some other vehicle to inform its decisions and facilitate coordination across various Gulf restoration efforts. Given the current uncertainty surrounding the amount and timing of funding for Council activities, the Council has not yet settled on the specific advisory and coordination model. However, the Council is firmly committed to science-based decision-making as well as coordinating scientific efforts with its key partners including the NOAA

Science Program; the Centers of Excellence established in each State; NRDA; NFWF; and the many other efforts throughout the region.

- The Council remains committed to active and meaningful public engagement and, to that end, will create a public engagement structure that reflects the richness and diversity of Gulf Coast communities. The Council will take steps to create a public engagement structure, though the precise nature and role of such a structure are still under consideration. The Council anticipates making additional announcements regarding this important effort in the near future.
- Develop regulations establishing the Oil Spill Restoration Impact Allocation formula and provide further guidance on the process of reviewing, evaluating and funding State Expenditure Plans.
- Release a schedule for the submittal of proposals from Council Members and develop a proposal solicitation and evaluation process to effectively evaluate projects and programs based on the Priority Criteria set forth in the Act.
- Publish for public review and comment a Draft Funded Priorities List, which will identify the projects and programs the Council intends to prioritize for funding. The Council will carefully review public comments, make any appropriate changes, and finalize the List. Once finalized, the List will serve as the basis for allocating funds under the Council-Selected Restoration Component.
- Once there is more certainty regarding ongoing litigation, publish a Draft Ten-Year Funding Strategy (i.e., a description of the manner in which the Council will allocate amounts from the Trust Fund that are projected to be available to the Council for the next ten years) as an addendum to the Comprehensive Plan. The public will have an opportunity to review and comment on the Draft Ten-Year Funding Strategy before it is finalized.

[www.restorethegulf.gov](http://www.restorethegulf.gov)





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