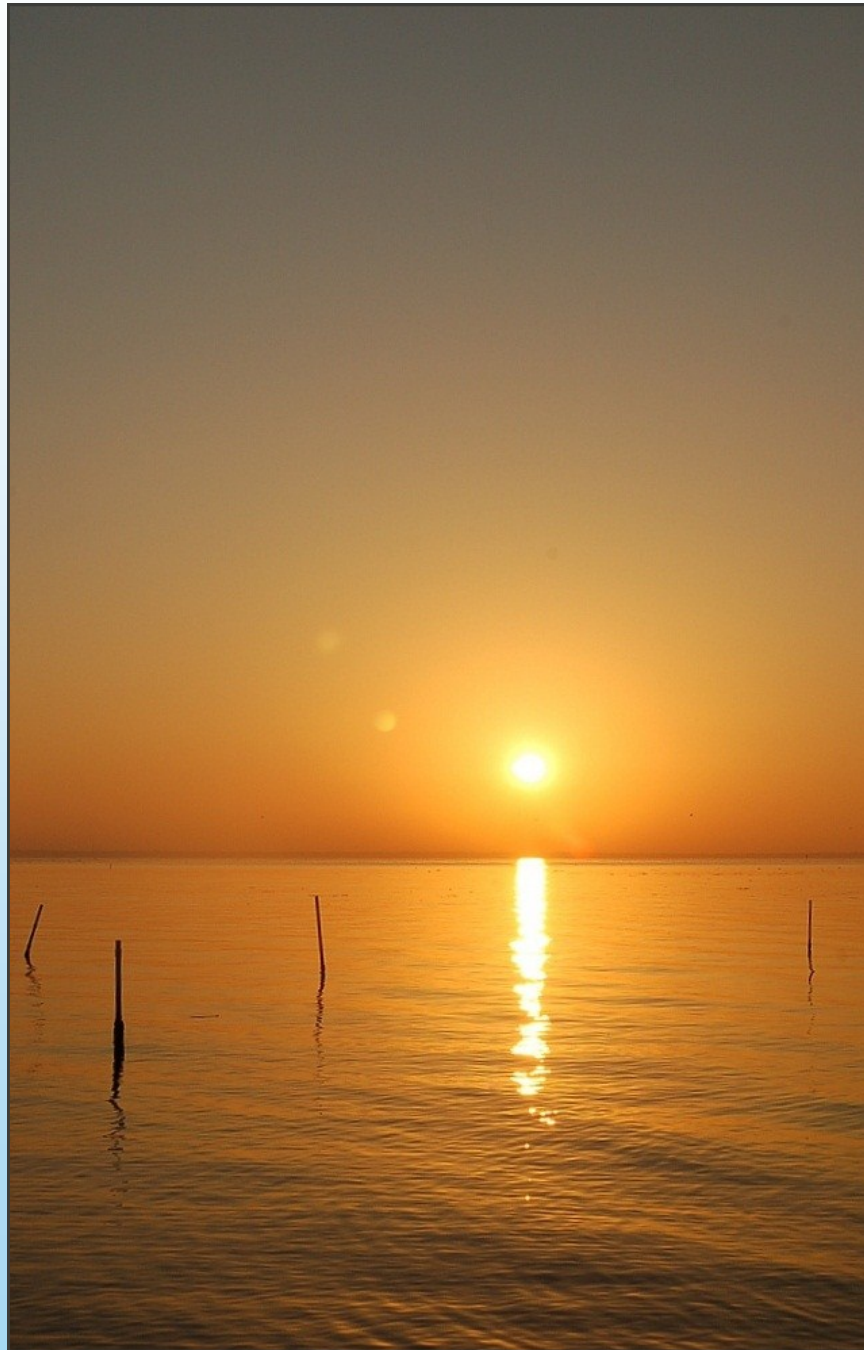


SUNSHINE ON THE GULF

The Case for Transparency in Restoration Project Selection



A REPORT FROM THE GULF FUTURE COALITION

NOVEMBER 30, 2011

EXECUTIVE SUMMARY

The explosions on the *Deepwater Horizon* and blowout of the Macondo well fouled marine life and deep sea and shoreline habitats, resulting in the closure of economically critical fisheries and oiling of beaches across the Gulf Coast. The disaster exacerbated challenges already faced by the Gulf ecosystem, including loss of estuarine and fresh water habitats, erosion of barrier islands, an annual Dead Zone, the effects of climate change and lost use and enjoyment of public resources.

The Natural Resource Damage Assessment (“NRDA”) process and determination of responsible party liability can take many years. To speed up the process of restoration, on April 21, 2011, the NRDA Trustees entered into an agreement committing BP to pay \$1 billion in funding for early restoration projects to address injuries on an accelerated timeline (the “Framework Agreement”). Provisions of the Framework Agreement specify the criteria that proposed early restoration projects must meet in order to be considered for funding. Additionally, it provides that early restoration projects will only be funded if all parties to the Framework Agreement agree on which projects to implement and to the Natural Resource Damage Offsets (“NRD Offsets”) that BP will receive for the projects, despite the fact that the full extent of injury will not be known for many years.

The Department of Interior (“DOI”) has indicated that it will make Trustee-proposed restoration plans available for public review and comment. It appears to us, however, that restoration plans will be prepared and issued after completion of negotiation of project selection and NRD Offsets with BP. If true, the public’s opportunity for input may come too late in the process to meaningfully affect the selection of early restoration projects

Preparation of this report began in response to a letter from the Gulf Future Coalition¹ asking the NRDA Trustees how they will go about selecting and rejecting proposed NRDA restoration projects. Unfortunately, the responses to that letter failed to delineate any selection criteria beyond those set forth in the Framework Agreement. This lack of transparency of the project selection process is exacerbated by the failure of any state, other than Louisiana, to publish a list of priority projects that will be the focus of that state or federal agency’s early restoration proposals. The consequences of the lack of publicly available project selection criteria became particularly evident to the Gulf Future Coalition when reviewing NRDA project proposals. Hundreds of projects may meet the generic criteria set forth in the Oil Pollution Act’s implementing regulations and the Framework Agreement, but only a relative few will be funded and implemented. Without knowing the selection criteria by which the NRDA Trustees will prioritize restoration projects, some project proponents have omitted information that may be critical for evaluation of their proposals. Furthermore, the public has no way of knowing which projects are most likely to rise to the top of the NRDA Trustee’s priority list.

Our Project Selection Criteria and Methodology:

The NRDA early restoration process should be as open and transparent as possible. This requires that NRDA Trustees provide the public with specific project selection criteria that will be used to prioritize among the hundreds of possible restoration projects. Because there is no publicly available Trustee-generated project selection criteria, we developed a set of Gulf –specific criteria to supplement the general criteria prescribed by the OPA regulations and the Framework Agreement. We set this expanded set of criteria into a project selection matrix, which we then used to review a sampling of NRDA restoration project proposals available to the public. As members of the Gulf communities affected by the oil spill, we believe that a systematic project selection methodology that uses these criteria will go farther to ensure a sustainable environmental and community restoration. Our Gulf-specific criteria require that restoration projects:

- Address specific ecosystem impairments to the extent possible and, where choices exist, address the root cause of the problem in a manner that will have the longest term impact for natural resource protection and enhancement;
- Address public health risks (i.e. contamination) and create public health safeguards; Support local economies through workforce development, local hiring, and local contracting,

- Ensure that projects engage the public, and
- Include monitoring and evaluation of success to ensure public accountability.

These criteria, as well as our project scoring methodology, are described in more detail below.

Our Conclusions/Recommendations:

Our limited review of project proposals revealed that although hundreds of projects meet the broad criteria set forth in the Framework Agreement and OPA regulations, very few projects address workforce training/local hiring, public engagement or monitoring and evaluation of projects as they are implemented. Many other proposals simply did not contain sufficient information needed to determine whether they met the Framework Agreement criteria, OPA criteria or Gulf Future criteria.

While we were able to draw some general conclusions about the pool of proposed restoration projects submitted to date, the main intent of our evaluation is to show how a set of criteria addressing multiple environmental and community imperatives can be used to systematically evaluate and prioritize projects selected for funding and implementation. This type of systematic approach to project selection provides the consistency and predictability that the public is seeking from the NRDA project selection process. We wish to move forward as partners with the NRDA Trustees, to collaboratively develop sustainable restoration solutions. To be an effective partner in this effort, the public needs access to the best available information about the problems we face, the decision-making processes in place, and the resources available for creating solutions. Our goal in preparing this report is to offer a model methodology that the NRDA Trustees can use to build a comparable, predictable project selection strategy that takes into account the priorities of the Gulf Coast communities.

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The Gulf Future Coalition is a network of fifty-five community, local, regional, national and international environmental, social justice, and fishing groups. Formed in March 2011 with the creation of the Gulf Future Action Plan, this network of organizations continue to work together in a coordinated effort to bring about meaningful and effective restoration and recovery of our Gulf and our communities. Not all of the members of the Gulf Future Coalition have contributed to the drafting of this report nor have all endorsed its content. All Gulf Future Coalition organizations support a healthy and resilient Gulf Coast.

For more information about these groups visit www.gulffuture.org

I. INTRODUCTION

A. THE GULF ECOSYSTEM

The explosions on the *Deepwater Horizon* oil drilling rig that was under contract to BP, Inc. and the blowout of the Macondo well discharged approximately 4.9 million barrels of oil into the Gulf of Mexico. More oil was released into the marine environment during this incident than any other oil spill in United States history. The disaster fouled marine life and deep sea and shoreline habitats, resulting in the closure of economically critical fisheries and oiling of beaches across the Gulf Coast. The images of the continuous flow of oil and gas spewing from the well in the depths of the Gulf of Mexico, people working to protect coastal areas from the invading oil slicks, or the tragic videos and photographs of oil-covered birds and turtles will not soon be forgotten. This single event severely damaged the Gulf's natural resources, shattered livelihoods dependent on fishing, tourism, and oil-and-gas production, and created a public health crisis.

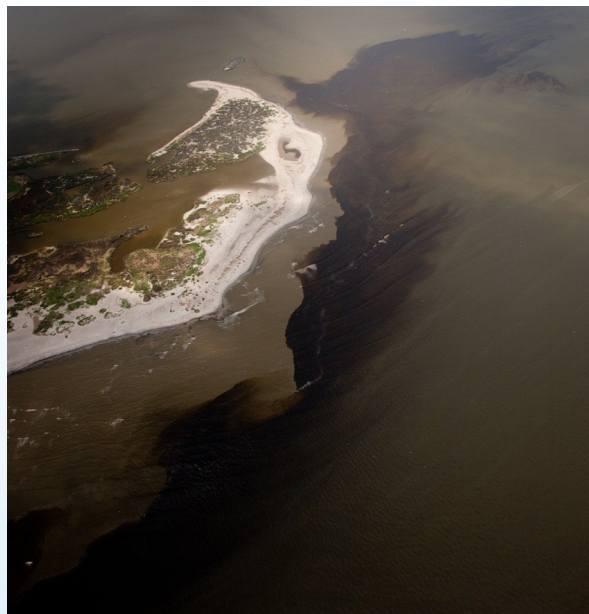


Photo Courtesy of Gulf Restoration Network

The Gulf of Mexico is an incredibly diverse and vibrant ecosystem and a vital environmental, economic, and cultural asset for the nation. It is home to ecologically, commercially, and recreationally important species of fish and wildlife. The Gulf Coast region's economy is dependent on its natural resources, including

oil and gas deposits, commercial and recreational fisheries, coastal beaches, and waterways for ports, waterborne commerce, and tourism.² These activities create nearly \$156 billion in economic activity each year.³

The Gulf ecosystem is comprised of a variety of coastal and marine habitats—including wetlands, barrier islands, beaches, and coral and oyster reefs—which are integral to the cultural fabric and economies of the Gulf and the nation. The coastal marshes and near-shore environs of the Gulf provide essential habitat for diverse species of birds and fish. Healthy Gulf Coast habitats also contribute to the resilience of Gulf Coast residents, providing a line of defense for coastal communities and natural infrastructure against powerful storms. Additionally, the Gulf's wetlands provide natural flood attenuation, which reduces the impacts of flooding associated with storms. Healthy wetlands also reduce potential future impacts associated with climate change.

Before the BP oil disaster, the Gulf Region faced a number of threats and challenges to its unique ecosystem, including:

- * loss of estuarine and fresh water habitats, including coastal marshes, forested wetlands, and coastal shorelines;
- * erosion of barrier islands throughout the Gulf Coast;
- * at risk fisheries;
- * hypoxia (low oxygen) in the Gulf of Mexico contributing to an annual dead zone; and
- * climate change.

The BP oil drilling disaster exacerbated these threats.

B. NATURAL RESOURCE DAMAGE ASSESSMENT REQUIREMENTS OF THE OIL POLLUTION ACT

Photo Courtesy of the Gulf Restoration Network



After an oil spill or hazardous substance release, government response agencies clean up the spilled materials and eliminate or reduce risks to humans and the environment. The Oil Pollution Act of 1990⁴ (“OPA”) requires that the parties responsible for the spill compensate the government for the costs of the cleanup and replace or restore natural resources injured by the spill. Damages owed by the responsible parties to the government also include costs to compensate the public for lost use of those resources (e.g., recreation). The process of developing the public’s claim for natural resource damages against the parties responsible for the spill and planning for restoration is called a Natural Resource

Damage Assessment (NRDA). Federal, state, and tribal governments, acting as “trustees” in “trustee councils,” are responsible for completing the NRDA after a spill. The NRDA Trustees for the BP oil drilling disaster are the U.S. Department of Interior (“DOI”), the National Oceanic and Atmospheric Administration (“NOAA”), the U.S. Department of Defense, and the natural resource agencies of the five Gulf states—Alabama, Florida, Louisiana, Mississippi, and Texas (collectively, the “NRDA Trustees”)⁵.

To assess the impacts of an oil spill the NRDA Trustees must determine pre-spill baseline conditions; assess the extent of the damage associated with the spill; and plan for and implement restoration. For the Gulf disaster, the NRDA Trustees are currently in the injury assessment and restoration planning phase of the NRDA process. Completing the injury assessment and determining the extent of liability for BP and the other responsible parties could take many years.

C. EARLY NRDA RESTORATION

Typically, the natural resource trustees develop a restoration plan or series of plans to compensate for the impacts of the spill following a complete assessment of the injuries. Plans for early restoration projects may, however, be developed prior to the completion of the injury assessment in order to achieve restoration faster. On April 21, 2011, the NRDA Trustees entered into an agreement with BP entitled “Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill” (the “Framework Agreement”). Under the Framework Agreement, BP has committed to provide \$1 billion in funding for early restoration projects to address injuries on an accelerated timeline, i.e., prior to completion of the NRDA. Implementation of early restoration projects pursued by the NRDA Trustees under the Framework Agreement is expected to begin in 2011 and 2012.

The Framework Agreement is the largest of its kind ever reached and, as such, many components of the process and agreement are novel. Provision 6 of the Framework Agreement specifies that, consistent with OPA and its implementing regulations⁶, early restoration projects must:

- a. Contribute to making the environment and the public whole by restoring, rehabilitating, replacing, or acquiring the equivalent of natural resources or services injured as a result of the Deepwater Horizon Oil Spill or response (collectively, “incident”), or compensating for interim losses resulting from the incident;
- b. Address one or more specific injuries to natural resources or services associated with the incident;
- c. Seek to restore natural resources, habitats or natural resource services of the same type, quality, and of comparable ecological and/or human use value to compensate for identified resources and service losses resulting from the incident;
- d. Be not inconsistent with the anticipated long-term restoration needs and anticipated final restoration plan; and
- e. Be feasible and cost effective.⁷

The NRDA Trustees are primarily responsible for generating project proposals, but BP is also free to “submit proposed early restoration projects to the Trustees for the Trustees’ consideration.”⁸ Early restoration projects will only be funded by BP if all parties to the Framework Agreement (including the NRDA Trustees, BP, and the U.S. Department of Justice) agree to both the implementation of the proposed project⁹ and the natural resource damage offsets BP will receive for that project—i.e., the type and amount of credit BP will get toward fulfilling its ultimate NRDA liability for injuries to the Gulf’s natural resources (the “NRD offsets”).

In an October 2011 letter to the Gulf Restoration Network, DOI stated that:

The Trustees will present to the public those projects that best meet the selection criteria in the form of early restoration alternatives. Alternatives will be outlined in one or more restoration plans, as required by OPA. Plans will include: 1) a discussion of how the Trustees arrived at a range of alternatives; 2) a description of how projects included within proposed alternatives were judged against the OPA evaluation criteria; and 3) the preferred alternative. Final

versions of these plans will include responses to comments we receive on restoration alternatives discussed within the plan and a final Trustee selection of one of the alternatives.¹⁰

Photo Courtesy of the Gulf Restoration Network



In the letter, DOI also indicated that it will publish notices of the availability of the draft plans in the Federal Register and will make the plans widely available to the public, including on the web. It is uncertain, however, whether the restoration plans will be issued before or after negotiating project selections and/or natural resource damage offsets with BP. As a result, it is unclear whether the public’s input will come too late in the process to meaningfully affect the selection of appropriate early restoration projects.

D. PUBLIC PARTICIPATION

The magnitude of the BP oil drilling disaster demands robust public engagement and transparency in the process at all levels. Recognizing that widespread feelings of mistrust and lack of confidence continue to color restoration and slow recovery efforts, residents, community leaders, and public interest organizations throughout the Gulf Coast have continued to advocate strongly for a process that supports meaningful public participation. Since the goal of the NRDA process is to make the environment and the public whole from the BP oil drilling disaster, it is important that the process make public input a high priority during all phases so that the people of the Gulf have a voice in project evaluation, selection, and implementation efforts.

Federal regulations require public participation in the NRDA process.¹¹ This legal right is reinforced by the environmental justice policies applicable to NRDA trustees that prioritize meaningful public participation, in particular for poor communities and communities of color who are vulnerable to environmental threats.¹² Public participation can help ensure that injured resources are fully restored and that trustees adequately address community concerns. Public participation increases the comprehensiveness of project evaluation and contributes to the public’s confidence in the decision-making process. In fact, members of the public have played an active and influential role in natural resource restoration.¹³

On several occasions in public forums and in written correspondence to the NRDA Trustees, the public has emphasized the need for greater transparency in the project selection process. The NRDA Trustees' consistent response has been to point to OPA and the Framework Agreement criteria as the basis of early restoration project selection. Many of the hundreds of proposed early restoration projects may meet the broadly-worded project eligibility criteria described in the Framework Agreement, yet only a relative few projects will make it into the draft restoration plan.¹⁴ The Framework Agreement's eligibility criteria alone are not specific enough to guide or inform the public as to why one eligible project will be chosen over another. There is no publicly-defined procedure by which proposed projects will be evaluated, selected, and included in the draft restoration plan.

The lack of transparency in this approach to selecting early restoration projects precludes meaningful public participation in the restoration planning process. Although the NRDA Trustees have invited comments from the public on early restoration projects, there is not a clear understanding of the criteria and methodology the NRDA Trustees will use to select projects. Therefore any such comments are made blindly and will be less useful to the NRDA Trustees than fully-informed comments.

Photograph Courtesy of The Gulf Coast Fund



Federal and state Trustees should provide the public with the selection process they will use to nominate projects for funding. The fact that the NRDA Trustees will allow public comment only on the nominated projects greatly restricts public participation and the opportunities for sharing ideas and resources that can maximize the benefits of proposed natural resource restoration projects.

The success and durability of actions taken to restore injuries caused by the BP oil drilling disaster will in part depend upon the way projects and programs address the impacts of historical ecosystem degradation and anticipate future changes by creating both ecosystem and community resiliency across the Gulf Region. It is important that the NRDA Trustees identify and pursue clear and achievable goals that are informed and enhanced through meaningful public participation.

II. PURPOSE OF THIS REPORT: TO ILLUSTRATE A METHODOLOGY FOR SELECTING PROJECTS WITH MAXIMUM BENEFITS THROUGH IMPROVED PUBLIC PARTICIPATION AND TRANSPARENCY IN THE PROJECT SELECTION PROCESS

The genesis of this report was a July 14, 2011 letter to the NRDA Trustees signed by 16 members of the Gulf Future Coalition.¹⁵ In that letter, we asked the NRDA Trustees how they will go about selecting and rejecting proposed natural resource restoration projects. To date, only the trustee representatives for the State of Florida, State of Mississippi, State of Texas, Department of Interior, Department of Justice and NOAA have responded to the letter. Unfortunately, each of their responses takes the position that the additional selection criteria they will use that go beyond the federal requirements for natural restoration projects will not be made publicly available (*see* correspondence at Appendix A). How the NRDA Trustees will make project selections, beyond merely meeting the basic federal requirements should be open and transparent. The present lack of transparency is compounded by the failure of some of the state trustees to make the full list of project proposals submitted to their states available to the public (e.g., Alabama, Louisiana, and Mississippi).



Photo by Jon Wathan

Furthermore, project applicants may not have been aware of the federal requirements and the other project selection criteria the NRDA Trustees will use for selecting proposed restoration projects. This problem became particularly evident to us when reviewing many of the project proposals that were submitted by members of the public; without knowing the criteria by which their projects would be judged, many of the project applicants omitted information in their proposals that may be critical for evaluating their projects under the NRDA Trustees' selection criteria. This unfortunate reality may skew

the project selection process away from viable, beneficial projects solely because the project may not have been adequately described in the proposal. Furthermore, because the NRDA Trustees have still not made the specific criteria and evaluation process available to the public, this problem cannot yet be remedied.

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III. OUR SOLUTION: CRITERIA FOR THE FUTURE OF THE GULF

A. COMMUNITY EVALUATION OF PROPOSED RESTORATION PROJECTS

To demonstrate the feasibility of transparent and systematic decision-making using clearly-defined goals and project priorities, groups of citizen volunteers in each of the Gulf states have evaluated the public lists of proposed NRDA restoration projects on a state-by-state basis. There are several reasons for conducting a community evaluation. First, we wanted to gain a general understanding of the types and quality of projects proposed for NRDA funding. Second, we wanted to demonstrate that systematic evaluation of proposed restoration projects is possible and can be achieved in a relatively short period of time, utilizing limited resources. Most importantly, we wish to provide the NRDA Trustees with thoughtful comments and critiques of certain projects, which we feel is necessary prior to publication of the NRDA Trustees' draft restoration plan(s).

B. GULF-SPECIFIC CRITERIA

The goals and priorities of the Gulf Future Coalition were identified as additional project selection criteria to supplement the requirements of OPA and the Framework Agreement, as well as other important evaluation criteria developed collaboratively among environmental experts and Gulf region stakeholders. These criteria, specific to our coalition's goals for a sustainable Gulf, provide a framework for systematic analysis of whether implementation of the proposed projects will help to meet the many challenges facing the Gulf in the wake of the BP oil disaster.

Our selection criteria are specific to the injuries sustained in the Gulf and reflect our collective restoration goals. Projects that satisfy these additional, criteria would contribute to the recovery and sustainability of the Gulf region by:

- (1) Improving specific ecosystem impairments;
- (2) Creating public health safeguards;
- (3) Supporting local economies through workforce development, local hiring, and local contracting;
- (4) Engaging public participation; and
- (5) Involving a plan for evaluating outcomes that can be monitored by the public.

Environment: Improving specific ecosystem impairments

A central criterion that must be addressed is the need for NRDA projects to address ecosystem damages. Because NRDA is focused on environmental injury, projects that meet the criteria set by the OPA and its implementing regulations generally ensure that appropriate NRDA projects meet many of the Gulf Future Coalition's ecosystem goals.



Photo Courtesy of Gulf Restoration Network

Since a large amount of impacts were to the marine environment, criteria should ensure that injuries to marine resources receive appropriate emphasis in any restoration process. Yet, in the context of early restoration, few projects have been proposed for restoration of the marine environment. The Ocean Conservancy has proposed several marine projects, some of which are implementable within the time frame proposed by the Framework Agreement for early restoration and should, therefore, receive priority. Additionally, Pew Environment has released a report (“A Once and Future Gulf of Mexico Ecosystem”¹⁶) documenting possible impacts and future marine projects. It is unclear, however, whether any of these projects could be implemented in the time frame proposed by the Framework Agreement for early restoration.

A concern is that these early restoration projects will account for a considerable amount of ecosystem restoration credits for BP and reduce potential future restoration opportunities before the full extent of damage to the marine environment is known. (i.e impacts of bacteria to corals, red snapper, turtles, impacts of oil and dispersant on *sargassum* and sperm whales). Accordingly, it is important to ensure that monies are appropriately allocated now for restoration projects that can focus on injuries that are known.

Public Health: Creating public health safeguards

There are significant public health challenges presented by the presence of multiple toxic chemicals and pollutants in the Gulf coastal and marine environments. For this reason, we developed evaluation criteria for proposed natural resource restoration projects that generate public health benefits. Specific benefits include the prevention of toxic exposure, seafood safety, and reduction of toxic discharges.

Local Hiring: Supporting local economies through workforce development, local hiring, and local contracting

The NRDA Trustees have an opportunity to implement policies with regard to project selection that maximize the economic benefits for local communities during the construction and maintenance of NRDA-financed ecosystem restoration projects. Analysis by Oxfam America found that restoration projects could create as many as 28 jobs for every million dollars invested, including a significant number of jobs that local workers could potentially access with additional skills training. This comes at a time when coastal areas and industries are feeling the lingering impacts from the oil spill and the national economic downturn.



Photo Courtesy of the Gulf Coast Fund

The state Trustees should devise procurement policies that promote contractors hiring workers who live and work in the impacted coastal areas, especially among disadvantaged and underemployed populations impacted by the oil spill. This includes commercial fishers. Furthermore, procurement policies should encourage contractors to work with local workforce development agencies and programs to train and identify qualified local workers when they make new hires. All skills training programs shall provide bilingual training to ensure the inclusion of non English proficient local workers as new hires. Such policies can help provide local workers onramps to new reasonable wage livelihoods and skills as well as help employers meet new demands for labor as more ecosystem projects financed under potential additional NRDA funds, the proposed RESTORE the Gulf Coast States Act, and offshore energy revenue sharing commence online.

Resources already exist to train workers for these new jobs. NRDA trustees in Alabama, Florida, Louisiana and Mississippi should be encouraged to work with their state workforce agencies, as well as the U.S. Department of Labor (DOL), industry and community stakeholders, to identify new partnerships and necessary actions to train workers for jobs connected to NRDA-financed projects utilizing what remains of the \$27 million in DOL oil spill National Emergency Grants (NEG) given to these states to develop programs to train and place oil spill impacted workers. State officials across the region have detailed similar situations of large quantities of unspent NEG funds and difficult definitions, deadlines and requirements from DOL for spending such funds.

Working together, the Gulf states' Trustees, workforce agencies and the DOL, working with industry and local stakeholders, could develop modifications for these grants to extend their deadlines, broaden the definitions to include impacted family members, underemployed and long-term unemployed individuals and startup programs to train thousands of workers for new jobs and skills tied to ecosystem restoration and protection.

Public Participation: Engaging the public

The Gulf Future Coalition feels strongly that the NRDA Trustees need to expand opportunities for public engagement, which would be consistent with the environmental justice applicable to NRDA Trustees. We believe that a Public Advisory Council should be created to provide formal guidance to the NRDA Trustees throughout the NRDA process. The council would be comprised of Gulf Coast community leaders and scientific experts to participate formally in NRDA efforts. The NRDA Trustees would make significant strides to improve public trust and provide additional layers of accountability and transparency in the NRDA process if they established a Public Advisory without any further delay.

Increased public participation is particularly needed in the context of early restoration. Because the \$1 billion spent on early restoration projects will offset the ultimate liability assessed to BP through the NRDA process, there is *no guarantee* of any additional funds becoming available in the future for further restoration. Restricting early restoration to pre-existing, “shovel-ready” projects may not be most responsive to actual damages from the spill. For this reason alone, it is imperative that early restoration projects are scrutinized by the public at all decision phases and that the selected projects proportionally remedy the total scope and magnitude of injuries arising from the *Deepwater Horizon* oil disaster.

Transparency: The need for a plan for evaluation that can be monitored by the public

As the early restoration process has progressed into the project evaluation and selection phases, many community leaders and public interest organizations have continued to call on the NRDA Trustees to provide information on project selection criteria and methodology, as well as the methodology and calculations being used to generate the NRD offsets. Because the NRDA Trustees failed to make this information available to the public, the preparers of this report, with the support of many members of the Gulf Future Coalition, were driven to develop selection criteria for qualified natural resource restoration projects.

The need for transparency in the \$1 billion early restoration process – one of the largest undertakings in the Gulf Region – is critical to building national support for prioritizing the restoration of the Gulf ecosystem as well as valuing the people whose lives and livelihoods depend on a sustainable and healthy Gulf Coast, and meeting the commitments that NRDA trustees have to environmental justice policies. This report was prepared in this spirit of transparency.

The public must also be informed and engaged during determination of NRD Offsets for early restoration projects. The Framework Agreement gives BP and the Trustees a great deal of latitude in determining the NRD offsets, which makes it difficult for the public to even guess what the offsets might be for any particular project. First, the Framework Agreement specifies no methodology for measuring the NRD offsets. Second, a wide range of scaling factors for restoration actions are available to the parties to the Framework Agreement (the “Parties”) which may affect the NRD offsets given for a particular action, and which ultimately may not mirror the type, quantity and/or quality of resources injured by the oil spill.¹⁷ Further, pursuant to the Framework Agreement, NRD offsets for a project must be discounted if the predicted benefits or risks of associated with the project are uncertain.¹⁸

Projects with high uncertainty or risks would have correspondingly low restoration credit value, and would not offset total liability to the same degree as a similar project with low uncertainty. However, since all Parties must agree to both the projects and the NRD offsets, this provision may greatly influence selection of projects,

favoring projects that carry the least uncertainty and disfavoring those that require extensive discounting. Moreover, since the Framework Agreement specifically states that those projects with the greatest NRD offsets will be given higher priority, BP will likely prefer such projects in its negotiations. This could be problematic, for example, if a restoration project is predicted to potentially result in great ecological benefits, but is determined by BP to be “too risky” due to the high cost to implement it. The opportunities for BP to game the system to maximize the NRD offsets it receives per dollar spent, without corresponding public benefit, are too great for this process to occur without public oversight.

Equally as important as public oversight during project selection and determination of offsets, is the ability for the public to assess the effectiveness of project implementation and maintenance over time. Restoration projects funded through the NRDA process (including early restoration projects funded pursuant to the Framework Agreement) are intended to restore *public* resources injured by the oil spill. As such, a mechanism must be put in place to allow the public to ascertain whether its money has been well-spent, or whether additional funds and actions are needed to make the public whole. While the NRDA Trustees are responsible for ensuring the success of the NRDA process, the public has a right to be fully informed of the progress. The entire NRDA process, from beginning to end, involves public resources and must be kept transparent and accessible for public oversight and input.

C. METHODOLOGY

Drawing on our list of Gulf-specific selection criteria, as well as the requirements of OPA and the Framework Agreement, our citizen volunteers developed an evaluation form and systematic process to evaluate a sampling of the publicly available project proposals for Alabama, Florida, Louisiana, Mississippi, and Texas. Since priorities in each state differ, projects that were important or of high priority to one state were not always considered as a priority for others. The Projects Evaluation Form, which can be found in Appendix B, was used as the template for review of each project. Projects were categorized as follows:

Recommended/Positive: Projects are recommended if the reviewers felt they met the majority of the criteria set forth in the evaluation form or that, although the project might benefit from additional elements needed to satisfy those criteria, the proposal’s intended goal and proposed method was sufficient to determine it will have a positive benefit to ecosystem restoration.

Appropriate Projects with Insufficient Information: Reviewers felt that these projects appeared to be worthwhile projects. However, the information provided in the proposals was insufficient to determine whether they would meet the criteria used in this evaluation. For example, the proposal may not specify the local workforce impact of the project or the public health benefits or safeguards.

Inappropriate Projects: These projects either do not meet the criteria set forth in OPA and its associated regulations and/or the Framework Agreement, do not have as a goal or objective to return the injured natural resources and services to baseline and/or compensate for interim losses, or are otherwise unnecessary.

Because priorities in each state differ, projects that were important or of high priority to one state were not always considered as a priority for others and in some cases were considered inappropriate. The results of the Gulf Future coalition review of a sampling of each state’s proposed NRDA projects are summarized in the following section.

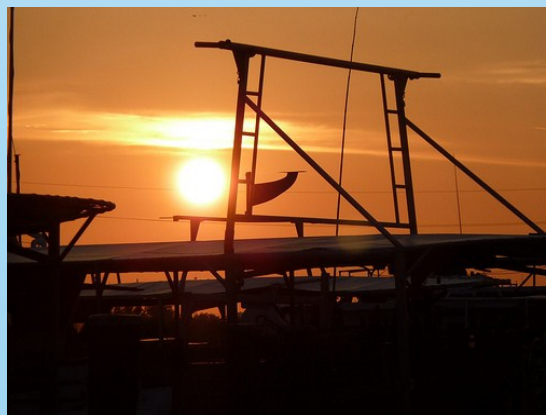


Photo Courtesy of the Gulf Coast Fund

IV. OUR CONCLUSION

Gulf Coast communities are mindful of the complexities and legal restrictions constraining the flow of information to the public during the NRDA process; however, we are not willing to sit idly in the dark as the NRDA process moves forward without meaningful public involvement. The damage to the Gulf ecosystem from the BP oil drilling disaster did not merely harm the public's natural resources, it also ravaged the coastal economy and the very fabric of our communities. It is not only our right as citizens, but our responsibility to take part in restoration efforts.

Although the \$1 billion that BP has committed to the restoration effort is greater than any amount seen before for early restoration during an ongoing NRDA, it is still only a fraction of the funds that will be needed to adequately restore resources injured by the spill. Importantly, there is *no guarantee* of any additional funds becoming available in the future for further restoration because the \$1 billion available for early restoration projects will offset the ultimate liability assessed to BP through the NRDA process. For this reason alone, it is imperative that early restoration projects are scrutinized by the public at all decision phases and that the selected projects proportionally remedy the total scope and magnitude of injuries arising from the *Deepwater Horizon* oil spill.

The public also needs to understand the methodology by which projects are selected. The NRDA Trustees should make available the specific criteria they are using to select from among the hundreds of submitted projects which meet the basic requirements of the Framework Agreement and OPA. Although the Framework Agreement and OPA regulations require NRDA projects to address damage to the environment, the criteria for project prioritization must include considerations specific to injuries sustained in the Gulf region, such as the ability of projects to:

- Address specific ecosystem impairments to the extent possible;
- Tackle public health risks (i.e. contamination) and create public health safeguards;
- Support local economies through workforce development, local hiring, and local contracting,
- Ensure that projects engage the public, and
- Include monitoring and evaluation of success to ensure public accountability.

This report does not review of all project proposals submitted to date. We are aware that project submissions are ongoing, and there are likely to be projects submitted after issuance of this report that meet all of our selection criteria. However, our limited review did reveal that although hundreds of projects meet the broad criteria set forth in the Framework Agreement and OPA regulations, very few projects address workforce training/local hiring, public engagement or monitoring and evaluation of projects as they are implemented. Many other proposals simply did not contain sufficient information needed to determine whether they met the Framework Agreement criteria, OPA criteria or Gulf Future criteria.

While we were able to draw some general conclusions about the pool of proposed restoration projects submitted to date, the main intent of our evaluation is to show how a set of criteria addressing multiple environmental and community imperatives can be used to systematically evaluate and prioritize projects selected for funding and implementation. This type of systematic approach to project selection provides the consistency and predictability that the public is seeking from the NRDA project selection process. We wish to move forward as partners with the NRDA Trustees, to collaboratively develop sustainable restoration solutions. To be an effective partner in this effort, the public needs access to the best available information about the problems we face, the decision-making processes in place, and the resources available for creating solutions. Our goal in preparing this report is to offer a model methodology that the NRDA Trustees can use to build a comparable, predictable project selection strategy that takes into account the priorities of the Gulf Coast communities.

ALABAMA EARLY NRDA PROJECT PROPOSAL EVALUATION¹⁹

Positive:

- * The loss of habitat in some areas, the impacts to water quality and, most importantly for Alabama, the loss of use and enjoyment of public resources are significant losses that must be addressed. Each of the supported projects specifically addresses one of these particular impacts.
- * Living reef projects, land acquisition, and projects related to stormwater improvements are favored because they address injuries that have either occurred as a result of the *Deepwater Horizon* oil disaster, or as a result of long-term stressors, including commercial fishing, shipping, industrial activity, and storm damage. These projects offer a replacement of lost use – fishing, swimming, etc. – and water quality improvements.
- * Many projects propose use of funds for land acquisition, which provides long-term protection and possible restoration/education opportunities for the future. Acquisition of properties should be placed as a priority for NRDA funding in Alabama, because setting land aside for protection is an excellent way to preserve equivalent resources to those lost.
- * Projects that include broad partnerships to ensure the spirit of cooperation and teamwork that either continues or grows post oil disaster are favored.

Issues of Concern:

- * Most, if not all, projects proposed in Alabama lacked a monitoring or evaluation plan.
- * Most, if not all, proposed projects lacked a bilingual training component.
- * Few proposed projects deal directly with education, although there are a handful of proposals for educational/environmental centers. Some proposed projects provide educational signage and materials, as well as the potential to host student groups for alternative extra-classroom lessons, while others outline specific ways to educate the community on the importance of the Gulf of Mexico and Alabama's coastal environment. The Alabama project reviewers support education projects as an excellent means to address why there are impacts, the importance of assessing and protecting our critically important natural resources.
- * It is imperative that projects incorporate impacted communities in their hiring and or job training.
- * Projects that promote updates to water treatment systems, improve water quality, and result in a direct nexus to damage from the *Deepwater Horizon* oil spill should be given priority.

Recommended Proposals²⁰:

Projects focused on Habitat Creation and Water Quality Improvement

Projects that have environmental, economic, and water quality benefits for the Alabama coast should be prioritized. For example, the oyster reefs installed as a part of “100-1000 Restore Coastal Alabama” project addressed damage done to the shoreline and coastal fisheries by both the oil disaster and years of storm damage and industry impacts. A firm grounding in science, carefully selected project sites and numerous partnerships with public agencies, nonprofit organizations, and independent businesses strengthened these projects.

Below is a list of all “100-1000”-style projects submitted for early restoration NRDA funding that scored favorably under our criteria. Projects are not listed in any particular order.

- * 100-1000: Restore Coastal Alabama
- * Western Mobile Bay and Portersville Bay Coastal Resiliency and Habitat Restoration (100-1000)
- * Grand Bay Coastal Resiliency and Habitat Restoration (100-1000)
- * Town of Perdido Beach Shoreline Restoration Project
- * Shoreline Restoration near Skunk Bayou
- * Eastern Mobile Bay and Bon Secour Bay Coastal Resiliency and Habitat Restoration (100-1000)
- * Fairhope Beach Shoreline Enhancement & Water Quality Project
- * Shell Belt Road and Coden Belt Road Shoreline Restoration and Preservation

- * Dauphin Island Parkway, Bayfront Park, and Heron Bay Cut-Off Shoreline and Habitat Restoration and Public Access Enhancements
- * Coastal Alabama Habitat Restoration – Portersville Bay Islands
- * Dauphin Island Salt Marsh, Finfish and Shellfish Habitat Restoration
- * Coastal Alabama Habitat Restoration – Arlington Cove Project, Mobile
- * BayWinds Living Shoreline

Mobile Causeway Hydrologic Restoration Project – Mobile and Baldwin Counties

This project proposes to restore historic hydrologic connectivity between the Mobile/Tensaw Delta and Mobile Bay. Reconnecting the tidal exchange will ensure the productivity of the estuary. The exchange will have significant ecological benefits to the water, flora and fauna that live within Alabama’s significant estuary, all of which were impacted by the *Deepwater Horizon* oil disaster. While this project resolves an historic problem, addressing upstream and downstream modifications that have altered ecological productivity can create habitat for brown pelicans and other wildlife significantly impacted by the oil spill. This hydrologic restoration will also create high paying technical and construction jobs.

Land Acquisition

Land acquisition projects received favorable scores from the Alabama reviewers for early restoration NRDA funding. Land acquisition is an excellent strategy for protecting vital habitats, restoring damaged ecosystems, and preventing the further loss or degradation of ecologically sensitive lands. The reviewed land acquisition projects, in no particular order, are:

- * Coastal Land Acquisition in Alabama – Mobile and Baldwin Counties
- * Grand Bay National Wildlife Refuge
- * Property Acquisitions for Protecting Big Creek Lake/Converse Reservoir
- * City of Spanish Fort Land Acquisition Project
- * Bon Secour National Wildlife Refuge
- * Fly Creek Restoration
- * Acquisition of Wetlands for Habitat Enhancement and Public Access for the City of Satsuma
- * Swift Tract Addition- A Resource Protection Project
- * Headwaters Coastal Forest Protection
- * Andrew Benton Tract – Protection and Restoration of Coastal Alabama – A Coastal Resource Recovery Land Acquisition Project

Photo Courtesy of Save Our Gulf



- * Meadows Addition—A Resource Protection Project
- * Dauphin Island Eco-Tourism & Environment Education Area
- * Land Expansion for Foley’s Graham Creek Nature Preserve
- * Gulf Highlands/Gulf Shores AL Public Beach
- * Wolf Bay Wetland Nature Preserve A Coastal Resource Recovery Land Acquisition Project

Habitat Restoration -Projects

Projects that include plans to restore acquired lands, or have the potential for future restoration also received positive reviews. For example, the “Alabama Coastal Forest Restoration Project” aims to conserve longleaf pine forest. Additionally, this project will work with private landowners/managers and public partners to create effective restoration strategies. Other restoration projects that were scored favorably by the Alabama reviewers, in no particular order, are:

- * Safe Harbor Marsh Restoration
- * Shoreline Restoration near Skunk Bayou
- * Island Wildlife Habitat Enhancement

- * Magnolia Springs Habitat Restoration
- * Andrew Benton Tract- Protection and Restoration of Coastal Alabama - A Coastal Resource Recovery Land Acquisition Project
- * Dauphin Island Eco-Tourism and Environment Education Area
- * Restoration of the Former Ziebach WWTF Property Near Mobile Bay

Alabama Oyster Shell Recycling Program – Mobile and Baldwin Counties

The Alabama reviewers believe there is a direct nexus between local businesses/restaurants affected by the oil disaster and this proposed restoration project, for two main reasons. First, this project will engage local businesses in environmental education, provide opportunities for summer jobs/internships for young people, and enlist those businesses and students in the job of teaching a broad population about the importance of oysters, environmental protection and restoration. Oyster shell recycling will connect people to the resource, thus strengthening their knowledge of their relationship with the environment. The second valuable rationale is that creating a system to take precious oyster shells out of landfills and putting them back into the environment facilitates habitat restoration and water quality improvements.

Water Quality Improvement Projects

Projects that address storm water and other water quality issues were scored favorably by the Alabama reviewers. Water Quality projects reduce ongoing impacts to the water flows and chemistry that can impair the functioning of natural ecosystems. The *Deepwater Horizon* oil disaster exposed coastal waters to hydrocarbons and reduced oxygen levels due to increased microbial productivity. This, in turn, has had some negative impacts on water quality, although as yet fully undetermined. Additionally, the loss of fishing, swimming and pure enjoyment of both the beaches and Mobile Bay requires a response through restoration. Restoring natural flows of clean water into the estuaries will aid the productivity and resilience of coastal ecosystems impacted by toxic hydrocarbons and persistent dispersants. Improving water quality and clarity by addressing storm water problems will improve access to our waterways for fishing, swimming and enjoyment.

These projects have a lot of potential to produce living-wage jobs and job training, as many existing water quality workers in the coastal Alabama region are set to retire. The following is a list of projects that received positive review (in no particular order).

- * Map City of Mobile Drainage Systems
- * The Renovation of Mobile, Alabama's Antiquated Storm Water Treatment Methods to Meet Modern EPA standards
- * Safe Harbor Marsh Restoration
- * Magnolia Springs Habitat Restoration
- * Perdido Watershed Water Quality Improvement
- * Fly Creek Restoration
- * Fairhope Beach Shoreline Enhancement & Water Quality Project
- * Reconstruct Dauphin Street (Fulton Street to Broad Street)
- * Reconstruct Old Shell Road Multiple Phases 1) East of I-65 to Catherine St.; 2) West of I-65 to University
- * Reconstruct US-90 (Government St.) Multiple Sections (1) 0.53 miles – Pinehill to Dauphin Island Pkwy, (2) 1.42 miles – West St. to Broad St., 3) 0.93 miles Broad St. to Water St.
- * Little Stickney Drainage Repair/Update
- * Drainage Improvements in the Southern Drain Watershed
- * Three Mile Creek Repair/Maintenance

D'Olive Creek Watershed Restoration

The streams included within the D'Olive Watershed have been impaired for decades, suffering in particular from excessive erosion and sedimentation. Sedimentation inhibits photosynthesis in the water column and in submerged vegetation, which has ecological impacts downstream. This project will restore natural hydrology, stabilize stream banks, and provide habitat for wildlife impacted by the oil spill.

Additionally, this project is included within the Mobile Bay National Estuary Program's Watershed Management Plan.

Increasing Research Capacity In Alabama Coastal Waters

Project that increase monitoring and research capacity in the coastal waters of Alabama were also favorably reviewed. For example, construction of a laboratory at the Weeks Bay National Estuarine Research Reserve would support coastal and estuarine science, enable research and monitoring, and support future resource recovery activities. The goal of this project is to protect and restore the natural resources of coastal Alabama. Partner organizations in the Weeks Bay community would contribute to the operation of the lab. Initiatives such as this increase the research and monitoring capacity in the Bay as well as enable nonprofits, government agencies, and other organizations to work more efficiently towards caring for the health and sustainability of our estuarine and marine resources.

Three more projects (listed in no particular order) also seek to increase the monitoring and research capacity of groups working in the Mobile Bay and coastal Alabama areas. Therefore, these projects were scored favorably by the Alabama reviewers:

- * Fisheries Oceanography of Coastal Alabama (FOCAL)
- * Water Quality Monitoring for Protecting Fish and Shellfish Resources in South Mobile County
- * Informed Restoration: Assessing the uptake of Deepwater Horizon-derived heavy metals and organic contaminants by coastal molluscan species in the Gulf of Mexico

Educational Centers, Programs, and Signage

Several promising projects have been proposed which aim to create environmental education centers, training programs, or the introduction of passive educational/informative signage to restoration sites or protected lands. We highlight several of these projects (listed in no particular order, also merit consideration for early NRDA funding because they would increase public knowledge and appreciation of the importance of our estuarine and marine resources:

- * Visitors Center at Bon Secour National Wildlife Refuge
- * Dauphin Island Eco-Tourism and Environment Education Area
- * 100-1000: Restore Coastal Alabama--Community Outreach and Education
- * Island Wildlife Habitat Enhancement

Projects Aimed at Addressing Loss of Human Use:

A handful of projects focused on loss of human use of resources have been submitted for Mobile and Baldwin Counties, Alabama. Many of them involve increasing access to public beaches, public waterways, and state and national parks. Listed below are a few projects (in no particular order) that were favorably scored by the Alabama reviewers:

- * Dauphin Island Parkway, Bayfront Park, and Heron Bay Cut-Off Shoreline and Habitat Restoration and Public Access Enhancements
- * Dog River Scenic Blueway – Put-in/Take-out Canoe/Kayak Launch Sites
- * Dauphin Island Causeway Habitat Restoration and Public Access
- * Acquisition of Wetlands for Habitat enhancement and public access for the City of Satsuma
- * Bicycling Trail Connecting Foley to the Graham Creek Nature Preserve
- * Fly Creek Restoration
- * Gulf Highlands/Gulf Shores AL Public Beach
- * Access Road and Trails for Foley's Graham Creek Nature Preserve
- * Nearshore and Snorkeling Reef Project

Several other proposed projects would be more favorably scored by the Alabama reviewers if they were modified so that the focus was not on creating more parking structures, etc., but rather on opening up more natural places to human enjoyment, in the spirit of promoting appreciation for the environment.

Inappropriate Proposals:

Construction/Repairation of Police Headquarters and Fire Stations – These types of projects do not meet any of the criteria for NRDA funding.

Parking Structures—Although projects aimed at increasing public access to beaches and other coastal habitat are appropriate, a parking structure is neither necessary nor an appropriate project substitute for loss of use. The projects discussed above better meet the NRDA and Framework Agreement criteria for loss of use, as well as the needs of coastal Alabama communities.

Conclusions:

One hundred and twenty-seven (127) projects listed as early restoration NRDA proposals in both Mobile and Baldwin Counties, Alabama, were reviewed for this report. Positive reviews were given for seven (7) overall themes or categories of projects and fifty (57) specific projects. Two projects reviewed were identified by the Alabama reviewers as totally inappropriate for NRDA funding, as they neither meet the criteria or the goals of resource restoration or access. Other proposed projects similar in nature to the two projects identified above as inappropriate projects would be equally inappropriate. We reviewed only a sample of all proposed projects for this evaluation. Projects not discussed in this evaluation did not provide enough information or were similar in nature to projects that were reviewed.



Photo Courtesy of 100-1000 Restore Coastal Alabama 100-1000.org

FLORIDA EARLY NRDA PROJECT PROPOSAL EVALUATION²¹

Positive:

- * Proposals preferred by the reviewing groups have a significant nexus in response to the Deepwater Horizon Oil Spill, address one or more specific injuries to natural resources or services associated with the incident, and are feasible and cost effective.
- * Many of the Florida projects were focused on the unique qualities of the waters of that state, and the state's unique condition in the Gulf to conserve large seagrass beds by keeping water clean and areas reserved for natural uses.
- * The state has maintain a separate list from the NOAA site, as with Louisiana, and it was difficult to determine how the state eliminated 62 projects from the initial list. During the writing of this report, the project submissions were made available on the DEP site.
- * Projects that protect, restore, or create habitat were felt to be most appropriate for NRDA early restoration, although there were many human use projects.

Issues of Concern:

- * Generally, groups felt that beach re-nourishment projects fail to “restore” the environment and hence were inappropriate for NRDA.

Recommended Proposals:

Although Florida groups were unable to review specific projects, they generally agreed that proposed projects focused on habitat creation or restoration were the most appropriate for early restoration. Examples of this type of project include:

- * Project Greenshores II and III/Restoring marsh & oyster habitat: Pensacola Bay, FL
- * Oyster Reef Restoration in the Apalachicola Bay System, Florida
- * Apalachicola Bay Oyster Industry Restoration
- * Oyster Reef Restoration in the St. Andrew Bay System, Florida
- * GINS Dune Restoration
- * Large-scale seagrass restoration and protection: locations across FL

Land Acquisition and conservation projects were also felt to be appropriate. Example of this type of project include:

- * Walton County Beaches Habitat Conservation Plan
- * St. Vincent Sound-to-Lake Wimico Land Acquisition Project, Franklin and Gulf Counties, FL
- * Marine Turtle Protection in Bay County, FL

Projects with Insufficient Information Provided:

- * St. Joe Bay Buffer Florida Forever Project/ St. Joe Bay State Buffer Preserve/ St. Joe Bay Aquatic Preserve
- * First Baptist Church Drainage Improvements Project
- * Relocation of the Navarre Beach WWTP Outfall
- * Enhance of Visitation to Coastal Archaeological Sites
- * Storm water Retrofit of Urban Coastal Watersheds in Northwest Florida
- * WRAP: Watershed Restoration, Apalachicola Project
- * Pure Beach Project

Projects Aimed at Addressing Loss of Human Use:

- * Bob Sikes Pier, Parking and Trail Restoration
- * Big Lagoon State Park Boat Ramp Improvements
- * Walton County Fishing Pier

Inappropriate Proposals:

The Florida reviewers failed to reach agreement on the propriety of beach re-nourishment projects as appropriate NRDA restoration. Projects that would fall into this category include:

- * Pensacola Beach, Beach Nourishment
- * Perdido Key, Beach Nourishment

Examples of other potentially inappropriate projects proposed for Florida because of a lack of nexus to loss of use damages include:

- * Bayou Chico Municipal Marina
- * St. Andrews State Park Concession Building Replacement

Conclusions:

We reviewed the project lists –160 projects on the NOAA site as of October, and 152 on “list 2” from the DEP site. As stated on the site, the projects on Florida DEP’s priority list total up to \$2 billion. Florida is unique in the Gulf for managing its water quality, and because of its clearer waters, the state has the largest intact areas of seagrass beds. These habitats provide for many fish and marine species that were impacted by BP’s oil. Keeping water clean also has immediate public health effects. Many NRDA projects sought to maintain this water quality by improving stormwater runoff into rivers, bays, and

sounds. Methods of improving stormwater runoff that would be preferred include systems that use urban wetlands to store and slow down water, as well as treat waters. Most projects also had some human use component (139), and many had an educational component (30). Many Florida restoration and protection projects actively include human use and education into the project scope, which is in line with the Gulf Future criteria.

Photo Courtesy of Save our Gulf



Positive:

- * Louisiana's history of engagement with NRDA, due to the ubiquity and age of its oil infrastructure, allowed fully developed and vetted projects to be identified as state priorities. Additionally, the State of Louisiana has systematically developed publicly vetted restoration projects which have been languishing due to lack of funding for implementation.²³ As a result, the State of Louisiana has been able to publicly release a list of 13 priority projects for early restoration – something that no other state has been able to do. Moreover, 11 of those 13 projects have already been publicly vetted and many have undergone environmental review.
- * The 13 projects have a direct geographic nexus to the state injury.²⁴ Because the state contends that the extent of the damages from the BP drilling disaster are still unknown, the projects listed by the state have a geographic nexus to oiled areas. In fact, most of the 13 projects prioritized by the state for early restoration lie within Barataria Basin, which was heavily impacted by BP's oil. Finally, unlike other state projects, most projects included in the state's priority list were had the information necessary for review.
- * Although, in general, there is a lack of projects with a marine *nexus*, the short list of Louisiana's 13 proposed projects—many of which are barrier island dune and marsh projects—do have marine *connections*, when compared to the entire LOSCO and NOAA lists. Many projects are also within the Barataria Basin and in geographic areas that received heavy oiling.
- * Many priority projects have already completed community engagement processes, such as those that have been developed through the Coastal Wetland Planning Protection and Restoration Authority (CWPPRA) and Louisiana Coastal Area process (i.e. Shell Island and the Caminada Headland. Meetings for the state Master Plan in 2011 were also a venue of discussion for many of the priority projects.
- * Louisiana's ecological needs are urgent, recognized and prioritized, its restoration program is also more organized than other states, and, if projects incorporate training and local hiring practices, the state has much potential for addressing the Gulf Future goals with its priority projects.

Issues of Concern:

- * There are several cost effective restoration projects, such as the project proposing backfilling of oil and gas canals in public lands in coastal areas, that are not include within the state's priority projects. The state should consider adding some of these projects to its priority list. Most, if not all projects, lack bilingual training component
- * The projects proposed by the state have no local hiring component. It is critical that projects incorporate impacted communities in their hiring and or job training. There is hope for local hire proposals given the recent precedent set by some local hiring practices for the levee system improvements post-Katrina and Rita
- * There is a trend away from land acquisition and management funding and toward constructed projects. Rather than conserve seagrass habitats, for example, there is a saltwater hatchery proposed to produce saltwater fishes. The Reviewers feel that conservation is more effective than supplementation or restoration (i.e. a hatchery may merely suffice).
- * There are many rock-armoring projects in the project list that are previously approved for NRDA, but lack the benefit to multiple ecosystem services like designed oyster reef breakwaters (Oysterbreak[™] ReefBlk[™], Reefbreaker[™] “Ecodiscs” or “coastal havens” (Swann 2008)). The state Department of Natural Resources is an advocate of these kinds of breakwater projects.
- * Many of the “Diversion” projects or other hydrological restorations (pre-approved by Regional Restoration Plan²⁵), are not implementable in the timeframe of early restoration. Although other hydrological projects are on the NRDA list, and several in Louisiana have been pre-approved by the NRDA trustees, it has been stated by CPRA that these projects may not be prioritized in the NRDA process, due to lack of precedent.
- * Most, if not all projects, lack bilingual training component, in Spanish or Vietnamese.

Recommended Proposals:

Habitat Restoration and Enhancement



Photo Courtesy of the Gulf Coast Fund

Sustaining Louisiana Seafood Industry & Preserving Ecosystems through Oyster Culture

The oyster project would place cultch material on 855 acres of public oyster seed grounds in parts of Mississippi Sound that are in St. Bernard Parish; Lakes Fortuna and Machias in St. Bernard; Hackberry Bay in Jefferson and Lafourche parishes; Lake Chien and Sister Lake in Terrebonne Parish; and Calcasieu Lake in Cameron Parish.

Oyster clutch replacement is a time-honored habitat restoration project which has benefits to the oyster fishery, and so has benefits to oyster fishers impacted by the spill and the response. The project will train coastal residents to produce juvenile oysters (seed), as well as Project to establish several water-based Enterprise Zones that provide start-up grants to coastal residents for oyster production and farming. There has been some local input into this process at the Louisiana Oyster Task Force meetings.

Vertical profile oyster reefs to stabilize critical areas of shoreline erosion, and to enhance habitat conditions with living shoreline geometries.

The projects reviewed cover all of the living Reefblk™ breakwaters along the Biloxi marshes, built by Coastal Environments, Inc. There are multiple Reef projects in the same area, that add up to the cost of a single marsh creation project of the same scale. It would save time and monies, and also enhance the effectiveness, to consolidate these projects as one.

These designed reefs will be placed in the Biloxi Marshes, which were oiled during 2010.²⁶ Reef restoration like this has been a priority concern for citizens groups, like the MRGO must GO coalition. This project creates a number of jobs in coastal communities in constructing and placing the units.

Shell Island Restoration

The project calls for construction of a barrier island between the Empire Waterway and Grand Bayou Pass. The Corps has estimated the full cost of this part of the Barataria Basin Barrier Shoreline LCA project to be \$200 million, although the state's estimate is lower. This dude project will sustain habitat for estuarine and some marine creatures while enhancing public safety. There has been some public outreach through the NEPA process as this is an LCA project high on the State Master Plan priority list.

Caminada Headland Restoration

The Caminada Headland project, would begin construction of a 7-foot-high sand dune using material dredged from a sand deposit in the Gulf of Mexico about 40 miles southwest of the project, as well as some sources from shipping channels. The Corps has estimated the full cost of this section of the Barataria Basin Barrier Shoreline LCA project, including restoration of wetlands on the shore side of dunes, to be \$220 million, while the state disagrees.

Chandeleur Islands Restoration

The state would work with the Interior Department and Mississippi to design a restoration plan for the hurricane-damaged and oiled islands, which are in Plaquemines and St. Bernard parishes.²⁷

This has been a priority project for public interest groups, such as the MRGO must GO coalition. The island is managed as habitat for breeding migratory birds and the back marshes are habitat for marine and estuarine fishes. The islands are the only known pupping grounds of the Lemon Shark in the Gulf of Mexico.

Orphan wells removal in coastal Louisiana waters

Plugging or removing the approximately 320 non-producing oil and gas wells in coastal Louisiana, 225 of which are located in nearshore waters, would lower the risk of future oil spill occurrence and natural resource damage. By removing orphan wells, the risk of future accidents and oil spills caused by vessel strikes, for example, decreases, as do potential injuries to coastal and nearshore habitats and species that would result from such oil spills. This kind of project was described as having an important connection to the marine system by a recent science report. There are public health benefits to coastal communities as well as coastal workers, oil and gas as well as fisheries.

Gulf Saver Solutions® wetlands restoration initiative

The project proposes to use Gulf Saver Bags in oiled marshes. By focusing on plant roots and soils, The Gulf Saver bags are a way of “jump-starting” plant growth and soil development, while adding some elevation and wave dampening features to planting projects. In 2011, the Gulf Saver bag was modified not just for the species and the region where the bags were planted, but also spiked with oil-eating microbes to help decompose the chronic amounts of oiling in certain planting sites in Pass a Loutre. The Gulf Saver project has been connected to a vigorous outreach program with local stakeholders and agencies, and has had much community involvement in its monitoring to date .



Photo Courtesy of the Gulf Restoration Network

Backfilling of oil and gas canals in public lands in coastal areas

The legacy of oil and gas canals upon the Louisiana landscape is obvious, cost effective to remedy, and yet has cost the state millions in ecosystem services over the thirty years since oil and gas production in the marshes has passed. This type of project, which began thirty years ago under regulatory agencies but stopped as an industry practice, has been advanced by public land managers with restoration objectives. There are many cost-effective benefits to the ecosystem as well as a general benefit to public safety.

Maintain Land Bridge Between Caillou Lake and Gulf of Mexico

The proposal seeks to rebuild or protect 1,600 acres of salt marsh about 38 miles southeast of Morgan City. This project is representative of the “Multiple lines of defense” paradigm, strategically creating and sustaining a large block of coastal marsh habitat, with its many ecosystem benefits, in a way that enhances public safety

from storm surge, while keeping saltwater from freshwater marshes further up the estuary. There is some rock armoring, and the money toward armoring may be better spent filling in subsiding and broken marsh.

Lake Hermitage Marsh Creation --Additional Increment

This marsh creation project would add 97.5 acres of new marsh to an earlier restoration project in Plaquemines Parish that was built with federal money. This project is tied to resource damages in the basin, and would expand an ongoing project to build marsh, which has many ecosystem and public safety benefits.

Grand Liard Marsh & Ridge Restoration

This project would rebuild 18,000 feet of ridge, and create 328 acres and restore 140 acres of marsh, south of Triumph in Plaquemines Parish. Ridge habitat would provide elevation sufficient for a small coastal forest, while the marsh platform would provide services and a buffer for the Ridge. Along with some other Barrier Islands in the Barataria Basin Barrier, this feature would provide some public safety benefit by dampening storm energies.

West Grand Terre Beach Nourishment

This project would restore about 120 acres on the southwest Gulf side of the island using sediment pumped from an offshore source. Although this project is labeled as a beach nourishment, it differs from other beach nourishment projects whose sole purpose is tourism, rather than habitat for birds and fishes.

This project, like the rock armoring project, was originally proposed with the East Grand Terre barrier island project as part of CWPPRA. It is unknown whether this project is the same as the one that was de-authorized, although that project was worthy of NRDA funding. The East Grand Terre project was completed while BP's oiling was ongoing, in 2010.

Cheniére Ronquille Barrier Island Restoration

Just west of the Shell Island project, this project would rebuild 127 acres of beach and dune and 259 acres of marsh. As such, it would complement the public safety and integrity of that project, as well as other adjacent projects like the Scofield Island restoration. As the lead organization for this project, NOAA has submitted an incomplete proposal by not answering all of the questions on a form that it created, for example, the proposal omits any information as to how the project addresses an injury resulting from the BP oil drilling disaster. Although this information is available on the CWPPRA site²⁸, this inconsistency is confusing.

This project appears to be the same project of the same name that is included in the "Louisiana Plan." However, the NOAA proposal estimates the project cost at \$35,000,000, but the cost estimate in the "Louisiana Plan" is \$44,000,000.

Projects Intended to Address Loss of Use:

There are very few projects on the Louisiana lists that seek to address loss of use damages, despite its large recreational fishery and significant tourism industry. One proposal with complete information was Woodlands Trail - Interpretive Center (031105-264). Others were Caminada Pass Bridge Fishing Pier Restoration, Bayou Pointe au Chien Fishing Piers, Grand Point Boat Launch. Less information was available for these projects. Of these, Caminada Pass Pier seems most geographically appropriate, although more information is needed to evaluate the projects.

Possible Projects:

West Grand Terre Stabilization

The project would use rock armoring along 11,000 feet of the shoreline to reduce erosion. Although the persistence of this island habitat is beneficial for its ecosystem benefit and its boon to public safety, the rock armoring may restrict its ecosystem benefits. There is not sufficient information to review the benefits of this proposal.

Biloxi Marsh Shoreline Protection

Biloxi Marsh Shoreline Protection, would create a 6.5 mile to 7.5 mile breakwater structure to protect wetlands along the southeast shoreline of Lake Borgne, which are habitat for the Piping Plover. The Coastal Use Permit²⁹ was consulted for information on this project. Rock armoring has had a history of sinking in this area, such that alternative breakwaters may be more effective for the same purpose. Oyster barriers would also provide the same public safety benefit.

Salt Water Hatchery

The proposal also repeats a request for \$48 million to develop a Louisiana Marine Fisheries Enhancement and Science Center that would pay for hatcheries and research labs at three coast locations, a project also requested of BP after the spill.

Using existing facilities, and creating two others to facilitate research into producing estuarine (and possibly marine) fishes is a worthwhile goal, although perhaps not as effective at achieving restoration of damaged resources than conservation of the habitat of those fishes itself. More information on the scope of the buildings, as well as plans for their use would be helpful.

Bay Side Segmented Breakwater at Grand Isle

This project would include construction of six 300-foot rock breakwaters, about 1.5 miles long, on the back bay side of the island, where other breakwater structures already have been built to protect bay side marsh, as well as residents and commercial structures beyond the marsh. As noted, rock breakwaters are not ideal when compared to other breakwaters that also provide habitat and even grow themselves; but given the location of the marsh close to the injury, the use of this project in protecting marsh, this project is acceptable.

Information on this project, however, was not very public, and LDNR's online database had to be consulted for maps during the evaluation.³⁰

Inappropriate Proposals:

The reviewers found that some projects that were inappropriate had been submitted to the various lists, although none were included in the State of Louisiana's list of priorities. These include projects for:

- * Certain types of hydrological modification ("marsh management")
- * Construction of levee complements, and
- * "Channel management"

Most of these projects were submitted by parishes and Levee districts. They do not appear appropriate for NRDA early restoration projects. In general, marsh creation projects funded by NRDA should not be a mere side effect of a larger, pre-existing levee or dredging project, but projects originally designed to create marsh or dune habitat. NRDA monies should not prioritize duck habitat over swamp or marsh. More information has been requested.

Conclusions:

There are over 449 projects on the LOSCO list, and 79 projects on the NOAA list. The NOAA projects *generally* had more accessible technical information, and we have established communications with the trustee about receiving summary information of the newer projects on the LOSCO list. Most projects have some nexus to injury, and the state has chosen projects that are already ongoing that have a geographic proximity to much of the oiling it received.



Photo Courtesy of the Gulf Restoration Network

MISSISSIPPI EARLY NRDA PROJECT PROPOSAL EVALUATION³¹

Positive:

- * Even though many of the acquisition projects did not have strong implementation and/or evaluation plans in place, the land adds to the protection and possible restoration and education efforts for the future. MS strongly recommends acquisition of properties be placed as a priority for the NRDA funding.

Issues of Concern:

- * Many projects fail to meet the basic legal criteria for eligibility
- * Many projects with similar plans or objectives have been proposed by separate organizations. Examples include the rehabilitation of oyster reefs and the restoration of Deer Island. Such repetition needs to be addressed with a procedure for selecting based on best practices; coordination and facilitation of dialogue between similar- project sponsors is also desirable.
- * Many projects are not fully hashed out and/or require significant planning before implementation can begin. Some even propose to perform research exclusively. Any project that requires extensive research or data collection should not be chosen as an “*Early Restoration Project*.”
- * Most, if not all, projects lack an evaluation plan
- * Most, if not all, projects lack bilingual training component

Recommended Proposals:

Land Acquisition

Acquisition of Private Coastal Lands for Preservation

Though the proposal does not specify exactly what property is to be acquired, coastal land acquisition under DMR management is still the most effective way of ensuring ecosystem resilience. Acquired property is protected from development, from incompatible visitor uses, and is made available for recreational opportunities to visitors and local residents.

Restoration or Enhancement

Derivative of MSCiP ecosystem restoration: Deer Island, MS

This project, as part of the MSCiP process, has been introduced to the public via that planning process. It seeks to restore an ecosystem with some marine connection.

Bayou Auguste Environmental Enhancement Project:

This project aims to protect, enhance and create public access to nature along East Biloxi’s Bayou Auguste, an area devastated by hurricanes Katrina and Rita, and then by the Deepwater Horizon disaster. The restoration initiative includes plans to train and hire local wetlands scientists, engineers, landscape architects and contractors to carry out work including stream-bank reshaping, sediment control installation, and marsh & wetland vegetation cultivation. In addition, the project has already involved local residents and students from Biloxi Public schools in both the design process and its implementation. The project has already received recognition and a public statement of support from EPA director Lisa Jackson, and is included in the Bayou Auguste Greenway Restoration Plan being implemented by the City of Biloxi, Gulf Coast Community Design Studio, Biloxi Public Schools, Biloxi Housing Authority and Land Trust for the Mississippi Coastal Plain.



Photo by MS Department of Marine Resources

Old Fort Bayou Walking Track / Trail

This initiative proposes the restoration and enhancement of Old Fort Bayou, a wetland nature reserve in Ocean Springs, MS. The project contains both ecological and public benefit components. Ecological improvements to shoreline and marsh vegetation will restore the bayou to its natural state, while an improved network of trails and informational material will expand and enhance public access. While specific hiring practices have yet to be finalized, the project will be coordinated with the Land Trust for the MS Coastal Plain and will utilize their volunteer / outreach efforts.

Hancock County Wetlands Stabilization and Oyster Restoration Project

The depletion of oyster reefs in the months following the BP oil spill was perhaps the single largest environmental casualty to result from the disaster, necessitating a comprehensive restoration plan. This project is the most far-reaching to date, re-introducing up to ten miles of oyster habitat that will prevent coastal erosion and further habitat loss.

Using Living Shorelines Technology to Mitigate the Effects of Previously Hardened Shorelines

Hardened shorelines typically lead to the loss of any coastal habitat in their immediate area. Construction of living shorelines structures seaward of a hardened shoreline should encourage deposition of sediment, encourage regrowth of marsh vegetation, re-establishment of natural beaches and increase shoreline complexity.

Proposals with Insufficient

Information:

Rehabilitation of Marine Fish Stocks

Questions of cost-effectiveness remain: offers no metrics for measuring impact or effectiveness of project, despite a \$10 million price tag.

LaFrancis Camp Trenaise Restoration

Fundamental objectives of project are sound, but we suggest using alternatives to concrete debris substrate to fill canal.

Ohr-O'Keefe Museum of Art Native Habitat Restoration Project

This project largely depends on the long-term viability of the Ohr-O'Keefe Museum complex, which is facing severe funding shortages even without this restoration project.

Seapointe Preservation

We support the restoration of Seapointe to its natural state as well as the construction of trails to promote public access, but are concerned about the amount of land to be converted to paved parking.

Pascagoula River Marsh Restoration

This project would restore 11,150 acres of marsh at the mouth of the Pascagoula River. It is unclear as to whether this project is intended for marsh creation or if it is a channel dredging project.



Photo Courtesy of the Gulf Restoration Network

Inappropriate Proposals:

Restoration of Storm Water Outfalls

The project description does not provide information of any nexus to the injury or environmental restoration or loss of use benefit to this project. As described, the projects would improve the appearance of storm water outfalls near highway 90 and direct storm water directly into the Mississippi Sound without filtering pollutants. Accordingly, the project does not, in the opinion of the reviewers, meet the criteria for early restoration projects.

Ocean Expo Learning Center – A World Class Aquarium

Exorbitantly priced tourist attraction which would involve live capture of an impacted species . It would do nothing to address impact of oil spill or restore the ecosystem and would not contribute anything to the public's loss of use of the resource.

Acquisition and Restoration of Harbor Landing Boat Storage Facility and Restaurant

The project does not have a sufficient nexus to NRDA injuries. Moreover, it does not address ecological needs, is not a proper loss of use project and would benefit only a small number of people. The project does not address a restoration; provides access not to natural ecosystem, but to man-made structures.

Restoration Initiatives at the Infinity Science Center

This project does not restore type or quality of resource injured, it includes destructive roadways, and it is expensive for a Human Use project. Additionally, much of the project information was not submitted.

Heron Bay Estates

Although this project purports to address a restoration need, the project description provides few details on what restoration would consist of besides buyouts of property

Transportation of Black Warrior River High Quality Substrate

This project does not meet the requirement for cost-effectiveness. With magnitude of the dredging that takes place in the Gulf already, transporting substrate from hundreds of miles away is inefficient and costly.

Projects intended for loss of use that do no have a sufficient nexus to NRDA damages

- * Beach Access Parking with Shade Structures
- * Boat Ramp Parking Lot at Allman Property
- * Construct Concrete Boardwalks along Beaches
- * County Fishing Pier near Biloxi Bay Bridge
- * Fort Bayou Boat Launch Improvements
- * Harbor Boat Ramp Repair and Parking

Conclusions:

Reviewers performed initial reviews of 152 of the NOAA-listed early NRDA proposals. They then narrowed the analysis down to the projects that supplied the most detailed overviews or were otherwise indicative of what appeared to be larger trends. Based on these detailed analyses, positive reviews were given for 6 projects; 5 projects were found by the reviewers to have insufficient information and 11 projects were found not to meet the criteria and thus were inappropriate. The projects not categorized within this evaluation either did not provide enough information, had been removed from the NOAA website, or were similar or identical in nature to projects that did not contain sufficient information to allow review or were found to be inappropriate.

Positive:

- * Even though many of the projects dealt with acquisition of property and did not have strong implementation and/or evaluations plans in place, the reviewers feel acquisition of land is an important goal for NRDA restoration as it protects and possibly restores habitat, while also increasing available land for educational efforts in the future. Projects involving acquisition of land should, therefore, be given high priority for the NRDA funding.

Issues of Concern:

- * Most, if not all, projects lacked an evaluation plan.
- * Most, if not all projects, lacked bilingual training component.
- * Recent testing of sediments of Galveston Bay has conclusively demonstrated the presence of contamination by PCBs and Dioxins. Projects that propose to place contaminated material in the vicinity of feeding marine, mammal and avian is not recommended. The Texas reviewers recommend projects that use dredge material to restore or elevate project sites, include funding to test for any contaminants within the material.

Recommended Proposals:

Land Acquisition

Allison Parcel Conservation, Laguna Atascosa National Wildlife Refuge (LANWR):

This project should be given priority because it involves acquisition of land in close proximity to the coast. However, other LANWR acquisition projects were also viewed favorably but review was complicated by the similarities in the project descriptions. Other proposed LANWR land acquisition projects that fall into this category are: The Jerkins Tract, the Harlingen Shrimp Farm Tract, the Zarate Tract, and the Walker Tract



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Cade Ranch Conservation

Bolivar Peninsula is rapidly rebuilding after recent hurricanes. Estuarine emergent wetlands are at risk. This project will help protect and restore this valuable resource. The landowner is willing to sell and the project has already received some funding.

Follet's Island Conservation Initiative

Follet's Island consists of valuable coastal habitat with many natural coastal benefits. This acquisition project is viewed favorably due to the location of the property and the potential partners' reference in the project proposal. The site was listed in numerous plans.³³

Land Acquisition and Management for Shorebirds

Projects focused on restoration of shorebird habitat, especially projects that create the possibility of local hire for the restoration of the shrimp farms, received positive reviews.

McAllis Point Phase 2 Land Acquisition

This parcel contains valuable habitat on Galveston Island and will assist in the overall protection of marine and avian species as well as contribute to better water quality and increased storm protection. This project includes work with partners and communities to develop management and stewardship plans.

Restoration Projects

Bolivar Beach and Dune Restoration

Bolivar Peninsula provides valuable turtle and piping plover habitat. Dune and beach restoration would restore some of the lost habitat due to recent storm and help protect valuable habitat from the impact of oil spills. Although, this project is viewed favorably, the addition of any permanent substrate in the restoration process would be objectionable

Estuarine Wetlands Restoration and Protection in West Galveston Bay

The reviewers feel that the proposed breakwaters meet the criteria and are warranted as they will increase the potential for success of previous restoration activities in the vicinity of this proposal. The reviewers cautioned, however, that careful evaluation of breakwater placement and effectiveness was needed.

Scientific Research

Species Protection Research Project – Protecting Texas Shorebird Habitats: Using Piping Plover as an Indicator Species

This cost-efficient proposal appears to be well researched and necessary in order to ensure the protection of habitat for this federally listed endangered species. Reviewers believe that the publication of this research, as well as the proposed management plan will increase protections and hence the success of efforts to build the population of Piping Plovers.

Public Education and Outreach Projects

Reducing Human Impacts to Colonial Nesting Waterbirds through Education and Outreach

This project is the only project listed under the Conservation Outreach category. The proposal states that it will work in cooperation with other partners such as the Service, States, and Audubon. This outreach and education project was viewed favorably because it would increase individual awareness of impacts to colonial nesting birds.

Potentially Appropriate Projects with Insufficient Information:

Beneficial Use of Dredged Material

This project might be beneficial if funding goes to inventory abandoned oil wells and pipelines. However, there is insufficient information to determine the focus of the project.

Barrier Island Habitat Conservation – Coastal Bend

This project does not give enough specific details as to how it plans to spend \$20,000,000.

Follets Island CR-257 Dune Restoration

This project appears, based on the information provided, appropriate to protect the GIWW and county Rd 257. However, the proposal does not make clear whether it will protect vital habitat.

Additional information would, therefore, be needed to determine if the project meets NRDA criteria.

Kemps Ridley Sea Turtle Restoration

Although this project appears at first blush to be an appropriate project, it is unclear from the information provided whether: (1) it has already received significant funding; and (2) it is cost effective -- warranting the requested amount.



Texas Tar Ball—©Jim Olive/ www.stockyard.com

Living Shoreline, Habitat Protection in Nueces and Copano Bays

Although the reviewers feel that a project focused on building living shorelines would meet the criteria, this proposal does not state what type of ‘wave break’ is being proposed (i.e. is it a hard structure or vegetation?) Clarification is needed to determine the appropriateness of this project for early restoration.

Marquette Acquisition Project

The proposal references acquisition of the Marquette property. However, an article from the Galveston Daily News states that the property may have been sold to the Texas School Fund for conservation and development.³⁴

The continuing availability of the property and the purpose of the acquisition (i.e. mitigation for development on adjacent lands) would need to be clarified. Mitigation for development would not be an appropriate focus for an early NRDA restoration project.

Upper Laguna Madre Rookery Island Erosion

This proposal does not provide sufficient information to allow us to assess its appropriateness.

Upper Texas Coast Beach Ridge

This proposal does not provide sufficient information to allow us to assess its appropriateness

Keith Lake Fish Pass

It is unclear if this project intended to benefit shipping vessels or is truly for the restoration of marsh habitat.

Inappropriate Proposals:

Artificial Reef Development

Reviewers felt that the use of oil platform material for the creation of habitat did not meet our criteria as studies have documented contamination near artificial reefs constructed using oil platform materials. This raises public health concerns.³⁵

Habitat Project Study – Bathymetry and Current Profiles of the Lower Laguna Madre near Brazos Santiago

This project appears to be geared around the shipping industry and not about restoration from the BP Oil Spill. It does not meet the criteria for an early restoration project – costs for the project should be paid for by the shipping and maritime industry.

Salt Bayou Siphons

This proposal does not give enough information regarding the mechanism for the siphons or the relationship to the NRDA funds. Additionally, based on the information provided, this project does not meet early restoration criteria because it does not appear cost effective.

Projects Intended to Address the Loss of Use:

The following projects are intended to address loss of use issues. However worthwhile they may be, it is unclear whether they actually satisfy the Agreement/NRDA requirements.

- * Galveston Island State Park Bay side tent, tidal and kayak campsites
- * Sea Rim State Park Tent Platforms
- * Sea Rim State Park Tent Platforms
- * Sea Rim State Park Wildlife Viewing Blind, Fish Cleaning Shelter and Vault Toilet
- * Galveston Island State Park Beach Re-Development
- * Galveston Island State Park Cabins

Conclusions:

Sixty-six (66) of the TPWD listed early NRDA proposals were reviewed for this report. The reviewers felt that 11 projects (includes 4 of the LANWR adjacent projects) satisfied the criteria and were recommended, insufficient information was provided on eleven (11) projects, and nine (9) projects do not appear to meet the criteria for early restoration funding. We did not review all proposed projects for this evaluation. Projects not discussed in this evaluation did not provide enough information, were similar in nature to those that had insufficient information or did not meet the requirements for early restoration.

Photo Courtesy of Gulf Restoration Network



Photo Courtesy of Gulf Coast Fund



¹ Letter from the Gulf Future Coalition, to the NRDA Trustees, re: *Selection Process for Projects to Receive Funding Pursuant to the “Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill,”* July 14, 2011. http://www.gulffuture.org/images/stories/Sign_on_Needed_-_Letter_to_NRDA_RE_public_participation_in_ERP_selection.pdf

² Gulf Coast Ecosystem Restoration Task Force (2011). Gulf of Mexico Regional Ecosystem Restoration Strategy (Preliminary) http://www.epa.gov/gcerty/pdf/GCERTF-Preliminary-Strategy_10052011_forPDF_10-17_changesacc_b.pdf

³ “Gulf Economy Worth Over \$230 Billion,” CNN Money, May 30, 2010, http://money.cnn.com/2010/05/30/news/economy/gulf_economy/index.htm.

⁴ 33 U.S.C. 2701 *et seq.* (1990).

⁵ Federal Trustee agencies include NOAA (representing the U.S. Department of Commerce); Fish and Wildlife Service, National Park Service, Bureau of Land Management and Bureau of Indian Affairs (representing the DOI); and the U.S. Navy (representing the U.S. Department of Defense). State Trustee agencies include the Alabama Department of Conservation and Natural Resources, Alabama State Lands Division, and Geological Survey of Alabama; the Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission; the Louisiana Coastal Protection and Restoration Authority, Louisiana Oil Spill Coordinator's Office, Louisiana Department of Environmental Quality, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources; the Mississippi Department of Environmental Quality; and the Texas General Land Office, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department.

⁶ 15 C.F.R. §§ 990 *et seq.*

⁷ Framework Agreement, pp. 2–3.

⁸ Framework Agreement, p. 3.

⁹ For the NRDA Trustees, projects must be approved by majority vote. See Deepwater Horizon Natural Resource Damage Assessment (“NRDA”): Agreement Among Trustees for Allocation of Funds Under Framework Agreement with BP dated April 20, 2011 for Early Restoration.

¹⁰ Letter from Cynthia K. Dohner, Authorized Official DOI, to Cynthia Sarthou, Executive Director, Gulf Restoration Network, received October 17, 2011.

¹¹ See, e.g., OPA, § 1006(c)(5) (33 U.S.C. § 2706(c)(5)) (requiring, among other things, that restoration plans be “developed and implemented...only after adequate public notice, opportunity for a hearing, and consideration of all public comment”). At the same time, the Framework Agreement requires public participation during early restoration (“All draft early restoration plans, including those containing projects to be funded through this Framework Agreement, will be subject to public review and comment, plus environmental review, as required by law” (paragraph 12)).

¹² *Memorandum of Understanding of Environmental Justice and Executive Order 12898*, August 4, 2011, available at: http://www.justice.gov/crt/about/cor/TitleVI/080411_EJ_MOU_EO_12898.pdf; Steven Bonoriss (Ed.), *Environmental Justice for All: A Fifty State Survey of Legislation, Policies, and Cases* (4th Edition), 2010, available at: <http://www.uchastings.edu/public-law/docs/ejreport-fourthedition.pdf>.

¹³ *NRDA in Action: How the Public Has Helped Shape Natural Resource Restoration* (March 2011), Environmental Law Institute, http://www.gulffuture.org/images/stories/Factsheet4-long-web-3_13_11.pdf.

¹⁴ The project eligibility criteria described in section 6 of the Framework Agreement essentially mirror the criteria outlined in 15 C.F.R. § 990.54 - Restoration selection-evaluation of alternatives. As noted in § 990.54 (a), the listed criteria represent *minimum* project evaluation standards.

¹⁵ Letter from the Gulf Future Coalition, to the NRDA Trustees, re: *Selection Process for Projects to Receive Funding Pursuant to the “Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill,”* July 14, 2011.

¹⁶ <http://www.pewenvironment.org/uploadedFiles/PEG/Publications/Report/Petersonetal-GOM-report.pdf>

¹⁷ The NRDA Offsets may be assessed either by applying methodologies from 15 C.F.R. § 990 *or* by using “other accepted methodologies mutually agreed on by the parties.” Agreement pr. 9. The methodologies from 15 C.F.R. § 990 described in the Framework Agreement likely refer to those under § 990.53, Restoration selection—developing restoration alternatives, which establish categories and basic guidelines for determining the appropriate scale of restoration actions. Moreover, the Framework Agreement leaves open the possibility that the Parties may follow *any* other methods, so long as all Parties agree to the methods chosen.

¹⁸ Although it is not specifically referred to, 15 C.F.R. 990.53(d)(4) is relevant to this NRD Offset provision in the Framework Agreement. As stated in 15 C.F.R. 990.53(d)(4)—Discounting and uncertainty. “When scaling a restoration action, trustees must evaluate the uncertainties associated with the projected consequences of the restoration action, and must discount all service quantities and/or values to the date the demand is presented to the responsible parties. . . . If the streams of losses and gains cannot be adequately adjusted for risks, then trustees may use a discount rate that incorporates a suitable risk adjustment to the riskless rate.”

¹⁹ The review of Alabama projects was led by Mobile Baykeeper. The projects reviewed were found at: <http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas/view-submitted-projects/>.

²⁰ Projects Scoring Well Under Our Criteria

²¹ The Gulf Restoration Network was preliminarily responsible for project evaluation. Feedback was then solicited from Surfrider Foundation and the Apalachicola Baykeeper, who found that time did not permit their comprehensive review of the projects. As a result, the Florida groups provided general guidance rather than true project reviews. Reviewed projects were found at: <http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas/view-submitted-projects/> (November 2011)

²²The review of Louisiana projects was conducted by the Gulf Restoration Network and Advocates for Environmental Human Rights. Projects that formed the basis of the review were found at:

<http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas/view-submitted-projects/>

LOSCO: <http://losco-dwh.com/SubmittedRestorationList.aspx>

LCA: <http://www.lca.gov/Projects/ProjectList.aspx>

CWPPRA: <http://lacoast.gov/new/Projects/List.aspx>

DARRP: The Louisiana Regional Restoration Planning Program Region 2: <http://www.darrp.noaa.gov/pdf/>

[Final_Regional_Restoration_Plan_for_Region_2.pdf](http://www.darrp.noaa.gov/pdf/Final_Regional_Restoration_Plan_for_Region_2.pdf)

<http://coastalmasterplan.la.gov/>

²³ Louisiana is also the state most engaged in Coastal Restoration. The state is the most biologically productive and the most biologically vulnerable, because it contains the Mississippi River Delta. Louisiana's list of projects is long, and many projects have a long history and technical documentation, and even engagement. From the state's perspective, what Louisiana lacks is money for coastal restoration.

Louisiana, after the damages of 2005, has constituted the **Coastal Restoration and Protection Authority** (CPRA) to consolidate these coastal restoration efforts and improve the financing by a State Master Plan. There are monthly daytime meetings of the CPRA that a few stakeholders can attend and comment upon the NRDA process. CPRA oversees LOSCO, the Louisiana Oil Spill Coordinator's Office, formerly tasked with NRDA.

²⁴ A selection of the projects were already planned for 2011 and 2012 by the State's Master Plan, and several projects are receiving additional funding by being included in the early NRDA plan. Other projects, particularly Oyster clutch and hatchery and the saltwater hatchery project, are recent additions in the aftermath of the Deepwater Horizon, in attempt to deal more explicitly with damages to oyster reefs and marine fishes.

²⁵ [DARRP: The Louisiana Regional Restoration Planning Program Region 2](http://www.darrp.noaa.gov/pdf/Final_Regional_Restoration_Plan_for_Region_2.pdf)

²⁶ There are numerous ecological benefits to upthrusting oyster reefs over heavier, unnatural rock breakwaters. Deployment of the light oyster materials does not require as much dredging of deep channels for deployment. These breakwaters would dampen wave energies, allowing the persistence of marsh services, while avoiding unnecessary blockage of fish access to the marsh. The oyster reefs provide spat for the oyster population as well as habitat for reef-using fishes. There is a potential for these reefs to self-elevate with sea level rise, and to permanently sequester carbon as the bottom slowly sinks, although these benefits should be evaluated. Additionally, oyster reefs serve as water filters, reducing suspended sediment loads by filtering large volumes of estuarine waters.

²⁷ Given the history of Louisiana's haphazard and overpriced Berm project, there is concern that the sand for the dunes may come from too close to the island, making the project ineffective. Beneficial dredged material from Mississippi, when appropriate, is preferred over dredging the sound or worse, the footprint of the island for source material.

²⁸ <http://lacoast.gov/reports/gpfs/BA-76.pdf> Cheniere Ronquille Barrier Island (BA-76)

²⁹ P 20110177. http://sonris-www.dnr.state.la.us/sundown/cart_prod/cart_cmd_permit.cart_permit_frame?pcup_num=P20110177

³⁰ This project matches the description of P20100820 SONRIS. http://sonris-www.dnr.state.la.us/sundown/cart_prod/cart_cmd_permit.cart_permit_frame?pcup_num=P20100820

³¹ The review of Mississippi projects was conducted by Gulf Island Conservancy, Mississippi Center for Justice and The Steps Coalition. Projects that formed the basis of the review were found at: <http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas/view-submitted-projects/> and <http://www.mdeqnrda.com/>

³² The review of Texas projects was led by the Galveston Baykeeper. Projects that formed the basis of the review were found at: <http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas/view-submitted-projects/>

³³ The actual property site has been mentioned in the [Galveston Bay Habitat Conservation Blueprint](http://www.galvbay.org/conservation_blueprint.html) and several other management plans. http://www.galvbay.org/conservation_blueprint.html

³⁴ Gonzalez, Christopher Smith (October 1, 2011) "State buys Marquette land in \$10 million deal" Galveston Daily News.

<http://galvestondailynews.com/story/261730>

³⁵ Raines, Ben (December 2001) "Gulf rigs: Islands of contamination" Mobile Press Register.

<http://www.al.com/specialreport/mobileregister/index.ssf?merc19.html> and

Food & Water Watch (October 2007) Rigs to Riches

<http://www.foodandwaterwatch.org/fish/fish-farming/oil-rigs-and-fish-farms/rigs-riches/>

APPENDIX A

Correspondence with the NRDA Trustees

Advocates for Environmental Human Rights • Alabama Coastal Heritage Trust • Bayou Interfaith Shared Community Organizing • Defenders of Wildlife • Global Green USA • Gulf Coast Fund • Gulf Islands Conservancy, Inc. • Gulf Restoration Network • Immaculate Heart CDC • Loretto Earth Network • Mercy Housing & Human Development • MS Coalition for Vietnamese-American Fisher Folks and Families • National Wildlife Federation • Operation HomeCare, Inc. • Sierra Club • SouthWings, Inc. • Turkey Creek Community Initiative

Re: Selection Process for Projects to Receive Funding Pursuant to the “Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill”

Dear Larry L. Laine,

The undersigned organizations are writing to express our concern regarding the lack of adequate public review and participation opportunities during selection of early restoration projects that will receive funding pursuant to the \$1 billion “Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill” (Framework Agreement). While we understand that the draft restoration plan expected to be released in the Fall of 2011 will be made available for public comment, many important decisions will be made concerning proposed early restoration projects prior to then.

Many of the hundreds of proposed early restoration projects may meet the broadly-worded project eligibility criteria described in the Framework Agreement, yet only a relative few projects will make it into the draft restoration plan.¹ The Framework Agreement’s eligibility criteria alone are not specific enough to guide or inform the public as to why one eligible project will be chosen over another. There is no publicly-defined procedure by which proposed projects will be evaluated, selected, and included in the draft restoration plan.

This “black box” approach to selecting early restoration projects precludes meaningful public participation in the restoration planning process. We acknowledge that the Trustees have invited comments from the public on early restoration projects, but without an understanding of the criteria and methodology the Trustees will use to select projects, any such comments are made blindly and will be less useful to the Trustees than fully-informed comments.

To provide for meaningful public involvement in the early restoration project selection process, we respectfully request that the Trustees:

- (1) Publish the project scoring criteria and methodology by which eligible projects will be evaluated and ranked. Allow the public to comment on the criteria and methodology *before* they are employed by the Trustees to evaluate and rank projects.

¹ The project eligibility criteria described in section 6 of the Framework Agreement essentially mirror the criteria outlined in 15 C.F.R. § 990.54 - Restoration selection-evaluation of alternatives. As noted in § 990.54 (a), the listed criteria represent *minimum* project evaluation standards.

- (2) Publish a master list of all the proposed early restoration projects indicating which projects were found to be eligible for consideration per the criteria outlined in the Framework Agreement (and any other criteria used to determine a project's eligibility for funding), and which were not. For those projects that do not meet the eligibility criteria outlined in the Framework Agreement, notate which of the criteria the project did not meet, or any other reason why that project was determined to be ineligible for further consideration.
- (3) Publish a "short-list" of the highest-ranked projects that will be forwarded to the Trustee Council for consideration and vote. Include the score and rank for each project on the short list. Ideally, the score and rank for every proposed project should be made available to the public. Allow the public time to comment on the short list prior to consideration of those projects by the Trustee Council.

Public participation increases the comprehensiveness of project evaluation and contributes to the public's confidence in the decision-making process. Because the \$1 billion spent on early restoration projects will offset the ultimate liability assessed to BP through the Natural Resource Damage Assessment (NRDA) process, there is *no guarantee* of any additional funds becoming available in the future for further restoration. Restricting early restoration to pre-existing, "shovel-ready" projects may not be most responsive to actual damages from the spill. For this reason alone, it is imperative that early restoration projects are scrutinized by the public at all decision phases, and that the selected projects proportionally remedy the total scope and magnitude of injuries arising from the Deepwater Horizon oil spill.

We are also concerned that the NRD Offsets, and the methods and calculations used to generate those Offsets, will not be available to the public prior to selection of early restoration projects. Knowing the NRD Offsets that will result from implementing a specific early restoration project—and, consequently, the implications that early restoration project will have on funds available for future restoration activities following the final NRDA analysis—is critical for the public to meaningfully evaluate and comment on early restoration projects. Recognizing that calculation of NRD Offsets will be project and/or resource specific, to the extent that a framework methodology or guideline for calculating NRD Offsets exists, beyond the vague description offered in the Framework Agreement², please make it available to the public prior to making final selections of early restoration projects.

We thank you for considering our comments and hope they are helpful to you in developing increased opportunities for public involvement in the early restoration project selection process.

Sincerely,

² Section 9 of the Framework Agreement offers only that NRD Offsets will be calculated by applying the general methodologies discussed in 15 C.F.R. Part 990 "or other accepted methodologies mutually agreed upon by the Parties."

Cynthia Sarthou, Executive Director
Gulf Restoration Network

Beth Galante, Executive Director
Global Green USA

Stan Capers, President
Operation HomeCare, Inc.

Jeffrey Dubinsky
Concerned Citizen, Louisiana

Elizabeth Comeaux, Co-Coordinator
The Loretto Earth Network

Terese P Collins, President
Gulf Islands Conservancy, Inc.

Jill Mastrototaro
Director, Gulf Coast Protection Campaign
Sierra Club

Henry H. Caddell, Esq.
Alabama Coastal Heritage Trust

Hume Davenport, Executive Director
SouthWings, Inc.

Glenda Perryman
Immaculate Heart CDC

Monique Verdin
Concerned Citizen, Saint Bernard, LA

Sharon S. Gauthé, Director
BISCO (Bayou Interfaith Shared Community
Organizing)

Derrick Evans, Director
Turkey Creek Community Initiative

LaTosha Brown, Executive Director
Gulf Coast Fund

Monique Harden, Co-Director & Attorney
Advocates for Environmental Human Rights

Thao (Jennifer) Vu
Mercy Housing & Human Development
And MS Coalition for Vietnamese-
American Fisher Folks and Families

Jim Lyon, Vice President for Conservation
National Wildlife Federation

Laurie MacDonald, Director Florida Program
Defenders of Wildlife



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

OCT 17 2011

In Reply Refer To:
FWS/R4/DH NRDAR

Ms. Cynthia Sarthou
Executive Director
Gulf Restoration Network
New Orleans, Louisiana 70112

Dear Ms. Sarthou:

Thank you for your letter dated July 14, 2011, cosigned by 16 of your colleagues, regarding the Deepwater Horizon (DWH) Natural Resource Damage Assessment and Restoration (NRDAR) early restoration project selection process. The Department of the Interior (Interior) greatly appreciates your interest in restoration of the Gulf of Mexico ecosystem. We understand your desire to obtain information about the early restoration process. The purpose of this correspondence is to address the issues your letter raised regarding the criteria, methodologies, and process for identifying and selecting projects.

Interior is committed to as open and transparent communication as possible throughout the restoration process, with the acknowledgement that we are also engaged in sensitive litigation communications. Despite these constraints, we remain committed to disseminating information in a timely manner.

As you are aware, on April 21, 2011, the Trustees and BP agreed to expedite restoration of the Gulf by adopting a unique early restoration approach. DWH Early Restoration allows the Trustees to implement restoration projects before the broader NRDAR assessment and restoration planning process is complete. The Early Restoration Framework Agreement divides the \$1 billion offered by BP among the DWH Natural Resource Trustees. Seven hundred million is divided equally among the seven Trustees. The remaining \$300 million is divided equally between DOI and NOAA, and will be used to implement projects proposed by state Trustees. The Trustee Council must approve all projects before funding is awarded. BP must also agree to the project list and funding plan.

To begin the process of selecting early restoration projects, in May 2011, the Trustees invited the public to provide ideas for early restoration projects via a number of venues, including through a database located at www.gulfspillrestoration.noaa.gov. We received hundreds of proposals, all of which can be viewed at that web page. In addition, ideas and comments were compiled from public meetings focused on both longer-term planning (DWH scoping meetings for the Programmatic Environmental Impact Statement) and early restoration (state-led meetings occurring after the announcement of the Framework Agreement). Websites www.fws.gov/contaminants/DeepwaterHorizon/DH_NRDA.cfm and



www.gulfspillrestoration.noaa.gov were established to provide information about injury assessment and restoration processes and provide a public forum to propose and share project ideas.

Each of the Trustees is evaluating project proposals based on criteria included in the Framework Agreement and the Oil Pollution Act NRDAR regulations. The Framework Agreement sets forth the following:

[T]he Trustees shall select projects for early restoration that meet all of the following criteria:

- a. Contribute to making the environment and the public whole by restoring, rehabilitating, replacing, or acquiring the equivalent of natural resources or services injured as a result of the Deepwater Horizon Oil Spill or response (collectively, "incident"), or compensating for interim losses resulting from the incident;*
- b. Address one or more specific injuries to natural resources or services associated with the incident;*
- c. Seek to restore natural resources, habitats, or natural resource services of the same type, quality, and of comparable ecological and/or human-use value to compensate for identified resource and service losses resulting from the incident;*
- d. Are consistent with the anticipated long-term restoration needs and anticipated final restoration plan; and*
- e. Are feasible and cost-effective.*

The Oil Pollution Act (OPA) provides guidance concerning the evaluation and selection of projects designed to compensate the public for injuries caused by an event such as the Deepwater Horizon spill. As discussed by the OPA (15 CFR § 990 et seq.), the Trustees are required to evaluate proposed restoration alternatives based on, at a minimum:

- a. The technical feasibility and adherence to applicable laws, regulations and permits;*
- b. The cost to carry out the alternative;*
- c. The extent to which each alternative is expected to meet the Trustee Council's goals and objectives in returning the injured natural resources and services to baseline; and/or to compensate for interim losses;*
- d. The likelihood of success of each alternative;*
- e. The extent to which each alternative will prevent future injury as a result of the incident and avoid collateral injury as a result of implementing the alternative;*

- f. *The extent to which each alternative benefits more than one natural resource and/or service; and*
- g. *The effect of each alternative on public health and safety.*

The Trustee Council must select preferred restoration alternative(s) based on these factors. If the Trustee Council concludes that two or more alternatives are equally preferable, the most cost-effective alternative must be chosen.

Where additional information is needed to identify and evaluate the feasibility and likelihood of success of restoration alternatives, the Trustee Council may implement restoration pilot projects. Pilot projects should only be undertaken when, in the judgment of the Trustees, these projects are likely to provide information at a reasonable cost and in a reasonable time frame.

The Trustees are evaluating a broad suite of restoration proposal ideas as part of the early restoration process. The Trustees will present to the public those projects that best meet the selection criteria in the form of early restoration alternatives. Alternatives will be outlined in one or more restoration plans, as required by OPA. Plans will include: 1) a discussion of how the Trustees arrived at a range of alternatives; 2) a description of how projects included within proposed alternatives were judged against the OPA evaluation criteria; and 3) the preferred alternative. Plans will also meet the requirements of the National Environmental Policy Act (NEPA) by analyzing how implementation of the alternatives would affect the environment. Draft plans will constitute an excellent source of the information you requested. Final versions of these plans will include responses to comments we receive on restoration alternatives discussed within the plan and a final Trustee selection of one of the alternatives.

Regarding your inquiry about Natural Resource Damage Offsets, this is a topic currently under discussion with BP. Thus, we are unable to share specific information with you at this time. The draft restoration plans will contain, however, a thorough discussion of offsets – both the methods used and the calculations performed. In the interim, you may find it helpful to review the information that describes the most prevalent offset calculation methods. A description of them can be found on NOAA's Damage Assessment, Remediation, and Restoration Program (DARRP) website (www.darrp.noaa.gov). To understand the suite of offset approaches available, a recent publication, *Manuscript of Ecology and Economics of Compensatory Restoration (English, et. al.)* can be found on the web at www.crrc.unh.edu/final/petersonmanuscript09. We believe a review of both information sources will provide valuable information before the draft restoration plans are published.

As a Trustee of public resources, Interior highly values public participation in the NRDAR restoration process. We appreciate the ability to evaluate projects proposed by entities outside of Interior. We will follow the public notice requirements contained in the NRDAR regulations and the Framework Agreement. Interior will publish notices of availability of the draft plans in the Federal Register and will make the plans widely available including on the web. The Trustees

will consider public comments prior to the selection of an alternative for implementation. Final published plans will include a summary of comments received and Trustee responses.

Interior's early focus on potential restoration has been on projects that will bring both direct and indirect benefits to federal refuges and parks impacted by the DWH spill. We hope to maximize benefits achieved by the funds allocated to Interior by coordinating closely with our fellow Trustees and others during the project identification process. Interior intends to continue to solicit public ideas and comment throughout the DWH NRDA restoration process.

We deeply appreciate your interest in the NRDAR process. We look forward to working with you to help restore the Gulf of Mexico through this process. If you have questions, or require further assistance, please do not hesitate to contact Nanciann Regalado at (678) 296-6805, or Nanciann_Regalado@FWS.gov.

Sincerely,



Cynthia K. Dohner
Authorized Official
Department of Interior



U.S. Department of Justice

Environment and Natural Resources Division

*Assistant Attorney General
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001*

*Telephone (202) 514-2701
Facsimile (202) 514-0557*

AUG 22 2011

Ms. Cynthia Sarthou
Executive Director
Gulf Restoration Network
P.O. Box 2245
New Orleans, LA 70176

Ms. Jill Mastrototaro
Senior Regional Representative/Manager
Sierra Club
P.O. Box 52503
Lafayette, LA 70503

Dear Ms. Sarthou and Ms. Mastrototaro:

This responds to your letter to the Associate Attorney General dated April 29, 2011, regarding the Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill. As your letter notes, the Framework Agreement establishes a basis for developing, funding, and implementing early restoration projects relating to the Deepwater Horizon Oil Spill. We appreciate your support of early restoration efforts.

Your letter requests that a Public Advisory Council, or PAC, be developed to serve as a liaison between the Trustees and interested members of the public. Public participation will be an essential part of the development of early restoration projects. As your letter notes, Paragraph 12 of the Framework Agreement requires public review of, and comment on, early restoration projects. Even apart from the public review and comment required by the Framework Agreement (and other applicable authorities), we understand that the federal and state natural resource trustees ("Trustees") are committed to providing meaningful opportunity for public input into early restoration projects. The Department of Justice supports that commitment and shares the Trustees' view that providing effective mechanisms for public participation can improve the quality of the early restoration projects that are ultimately selected and implemented.

We understand that you have directed your request to establish a PAC to advise the Trustees on early restoration projects to the federal Trustee agencies--NOAA and the Department of the Interior--as well as to the Department of Justice. The Trustees are the agencies primarily

responsible for designing and carrying out the process for selecting early restoration projects. While we wholeheartedly support public participation in that process, the Department of Justice defers to the Trustees on whether to establish a PAC, and if the Trustees decide to do this, on the timing for doing so.

We encourage you and others in the Non-Governmental Organization community and the public at large to take full advantage of all opportunities that the Trustees provide both to suggest potential early restoration projects and to provide input on projects proposed by the Trustees. If there are particular early restoration projects that Sierra Club or the Gulf Restoration Network or any of their members would like to suggest, please submit them to the federal and state Trustees.

Again, we appreciate your support for early restoration in connection with the Deepwater Horizon oil spill and your interest in active public participation in the early restoration process.

Sincerely,



Ignacia S. Moreno
Assistant Attorney General



Herschel T. Vinyard Jr.
Secretary

Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

Florida Fish & Wildlife Conservation Commission
620 S. Meridian Street
Tallahassee, Florida 32399



Nick Wiley
Executive Director

August 24, 2011

Cynthia Sarthou, Executive Director
Gulf Restoration Network

Glenda Perryman
Immaculate Heart CDC

Beth Galante, Executive Director
Global Green USA

Monique Verdin, Concerned Citizen
Saint Bernard, LA

Stan Capers, President
Operation HomeCare, Inc.

Sharon S. Gauthe, Director
BISCO (Bayou Interfaith Shared Community
Organization)

Jeffrey Dubinsky
Concerned Citizens, Louisiana

Derrick Evans, Director
Turkey Creek Community Initiative

Elizabeth Comeaux, Co-Coordinator
The Loretto Earth Network

LaTosha Brown, Executive Director
Gulf Coast Fund

Teresa P. Collins, President
Gulf Islands Conservancy, Inc.

Monique Harden, Co-Director and Attorney
Advocates for Environmental Human Rights

Jill Mastrototaro, Director
Gulf Coast Protection Campaign
Sierra Club

Thao (Jennifer) Vu
Mercy Housing & Human Development and
Mississippi Coalition for Vietnamese-American
Fisher Folks and Families

Henry H. Caddell, Esquire
Alabama Coastal Heritage Trust

Jim Lyon, Vice President for Conservation
National Wildlife Federation

Hume Davenport, Executive Director
SouthWings, Inc.

Marianne Engelman Lado
Earthjustice

Dear Interested Parties,

The Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission, on behalf of the state of Florida, continue to work diligently as part of the Natural Resource Damage Assessment (NRDA) Trustee Council for the Deepwater Horizon Oil Spill.

We appreciate your efforts to help the Trustees in the Deepwater Horizon Oil Spill NRDA to enhance what is already the most transparent process of its kind in history. In response to the concerns about the Early Restoration planning raised in correspondence dated July 14, 2011, and April 29, 2011, we assure

you that we are fully committed to providing transparency and increasing public participation in the NRDA at every juncture that does not imperil the legal case that underlies the process.

In April 2011, the Trustee Council negotiated a \$1 billion down payment for early restoration projects to begin the restoration of the Gulf prior to completion of the NRDA. The resulting Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill (the Framework Agreement) is the largest of its kind and an important first step toward fulfilling BP's obligation to fund the complete restoration of injured public resources, including the loss of use of those resources by the people living, working and visiting the Gulf region.

Since May, the public has been invited to provide the Trustee Council with ideas for early restoration via www.gulfspillrestoration.noaa.gov. On this site, project ideas that have been submitted, and those that continue to be received, are available for review by the general public. Florida has been accepting project ideas from the public, local governments and interested stakeholders since late 2010. All projects submitted directly to Florida Trustees are in the process of being added to the NOAA site, and in the meantime, the project list is available at www.dep.state.fl.us/deepwaterhorizon/projects.htm.

As there is currently no cutoff date for submission of restoration project ideas the list changes regularly. We encourage you to visit the site frequently to review submitted projects. It is important to keep in mind these ideas will be used in the formulation of an Early Restoration Plan according to the Framework Agreement and in the creation of overall, long-term restoration plans as well.

For the initial \$1 billion outlined in the Framework Agreement the Trustee Council will evaluate and select early restoration project ideas based on criteria within the Framework Agreement and the Oil Pollution Act (OPA) NRDA Regulations. The Framework Agreement sets forth the following:

- The parties (the Deepwater Horizon NRDA Trustees and BP) will use good-faith efforts to implement the early restoration projects as expeditiously as possible, with the goal of beginning projects in 2011 and 2012.
- Consistent with Section 1006 of the OPA (33 U.S.C. § 2706) and the OPA NRDA Regulations (15 CFR §§ 990 et seq.), the Trustees shall select projects for early restoration that meet all of the following criteria:
 - a. contribute to making the environment and the public whole by restoring, rehabilitating, replacing, or acquiring the equivalent of natural resources or services injured as a result of the Deepwater Horizon Oil Spill or response (collectively, "incident"), or compensating for interim losses resulting from the incident;
 - b. address one or more specific injuries to natural resources or services associated with the incident;

- c. seek to restore natural resources, habitats, or natural resource services of the same type, quality, and of comparable ecological and/or human-use value to compensate for identified resource and service losses resulting from the incident;
- d. are consistent with the anticipated long-term restoration needs and anticipated final restoration plan;
- e. are feasible and cost-effective.

Based on the selection criteria above and on information obtained through the NRDA thus far, the Trustee Council will select and propose early restoration projects that best fulfill the stated criteria and work to restore the Gulf of Mexico to pre Oil Spill conditions.

These proposed projects will be presented to the public for comment in the form of Draft Early Restoration Plans (Draft Plans) in accordance with the public notice requirements contained in the NRDA Regulations and the Framework Agreement. The public will be provided an opportunity to review and comment on each Draft Plan prior to the development of any Final Early Restoration Plan.

Public comments on Draft Plans, which will include potential offsets toward the ultimate liability assessed to BP through the NRDA process, will help guide the Trustee Council's implementation of early restoration projects. Opportunities for review will be advertised and all comments will be carefully evaluated.

In order to meet the goals outlined in the Framework Agreement, the first Draft Plan is anticipated to be available for review and comment in the near future.

Your input, support and understanding of the process are vitally important, and we thank you for your continued interest in the Deepwater Horizon NRDA process.

Sincerely,



Mimi A. Drew
Special Advisor to the Secretary of the Florida
Department of Environmental Protection

Sincerely,



Nick Wiley
Executive Director
Florida Fish and Wildlife Conservation Commission



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:

Cynthia Sarthou, Executive Director
Gulf Restoration Network

Beth Galante, Executive Director
Global Green USA

Stan Capers, President
Operation HomeCare, Inc.

Jeffrey Dubinsky
Concerned Citizens, Louisiana

Elizabeth Comeaux, Co-Coordinator
The Loretto Earth Network

Terese P. Collins, President
Gulf Islands Conservancy, Inc.

Jill Mastrototaro, Director
Gulf Coast Protection Campaign
Sierra Club

Henry H. Caddell, Esquire
Alabama Coastal Heritage Trust

Hume Davenport, Executive Director
SouthWings, Inc.

Glenda Perryman
Immaculate Heart CDC

Monique Verdin, Concerned Citizen
Saint Bernard, Louisiana

Sharon S. Gauthe, Director
BISCO (Bayou Interfaith Shared Community
Organizing)

Derrick Evans, Director
Turkey Creek Community Initiative


LaTosha Brown, Executive Director
Gulf Coast Fund

Monique Harden, Co-Director & Attorney
Advocates for Environmental Human Rights

Thao (Jennifer) Vu
Mercy Housing & Human Development and
Mississippi Coalition for Vietnamese-American
Fisher Folks and Families

Jim Lyon, Vice President for Conservation
National Wildlife Federation

Marianne Engelman Lado
Earthjustice
156 William Street, Suite 800
New York, NY 10038

FROM: Trudy D. Fisher 
Mississippi Trustee, Deepwater Horizon Natural Resource Damage Assessment
Executive Director, Mississippi Department of Environmental Quality

SUBJECT: NGO Letter Dated July 14, 2011: *Selection Process for Projects to Receive Funding Pursuant to the Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill*

DATE: August 26, 2011

In an effort to most effectively advance the Deepwater Horizon Natural Resource Damage Assessment (NRDA), this memorandum has been prepared in response to your letter dated July 14, 2011, and in response to a letter from the Gulf Restoration Network and the Sierra Club dated April 29, 2011.

As you know, the Deepwater Horizon NRDA, which is already the most transparent assessment since the enactment of the Oil Pollution Act (OPA), is the process by which the Deepwater Horizon Trustee Council (Trustee Council) is developing the public's claim for natural resource damages against the party or parties responsible for the spill and seeking compensation for the harm done to natural resources and services. The NRDA also provides for the development of a restoration plan or series of plans to restore or replace those resources. We are fully committed to continuing to provide transparency and increasing public participation at every juncture when doing so does not imperil the legal case underlying the process.

Working within the NRDA process, the Trustee Council negotiated a \$1 billion down payment for early restoration projects so restoration could begin prior to the completion of the NRDA. The resulting Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill (the Framework Agreement) is the largest of its kind and an important first step toward fulfilling BP's obligation to fund the complete restoration of injured public resources, including the loss of use of those resources by the people living, working, and visiting the Gulf region.

The public has been invited to provide the Trustee Council with ideas for early restoration through the www.MDEQNRDA.com and the www.gulfspillrestoration.noaa.gov web sites, by U.S. mail, and during public meetings. Project ideas that have been submitted, and those that continue to pour in, are being uploaded to the National Oceanic and Atmospheric Administration web site (listed above) where they are available for review by the general public. As there is currently no cutoff date for submission of early restoration project ideas, this information is continually changing. I encourage you to visit the site frequently and review submitted projects.

The Trustee Council will evaluate and select early restoration project ideas based on criteria within the Framework Agreement and the OPA NRDA Regulations. The Framework Agreement sets forth the following:

- The parties (the Deepwater Horizon NRDA Trustee Council and BP) will use good-faith efforts to implement the early restoration projects as expeditiously as possible, with the goal of beginning implementation for all early restoration projects within 2011-2012.

- Consistent with Section 1006 of the OPA (33 U.S.C. § 2706) and the OPA NRDA Regulations (15 CFR § 990 et seq.), the Trustees shall select projects for early restoration that meet all of the following criteria:
 - a. Contribute to making the environment and the public whole by restoring, rehabilitating, replacing, or acquiring the equivalent of natural resources or services injured as a result of the Deepwater Horizon Oil Spill or response (collectively, “incident”), or compensating for interim losses resulting from the incident
 - b. Address one or more specific injuries to natural resources or services associated with the incident
 - c. Seek to restore natural resources, habitats, or natural resource services of the same type, quality, and of comparable ecological and/or human-use value to compensate for identified resource and service losses resulting from the incident
 - d. Be consistent with the anticipated long-term restoration needs and anticipated final restoration plan
 - e. Be feasible and cost-effective

As specified by the OPA NRDA Regulations 15 CFR § 990.54, (restoration selection/evaluation of alternative), once the Trustee Council has developed a reasonable range of restoration alternatives, its members must evaluate the proposed alternatives based on (at a minimum) the following:

- a. The cost to carry out the alternative
- b. The extent to which each alternative is expected to meet the Trustee Council’s goals and objectives in returning the injured natural resources and services to baseline and/or to compensate for interim losses
- c. The likelihood of success of each alternative
- d. The extent to which each alternative will prevent future injury as a result of the incident and avoid collateral injury as a result of implementing the alternative
- e. The extent to which each alternative benefits more than one natural resource and/or service
- f. The effect of each alternative on public health and safety

Further, the Trustee Council must select a preferred restoration alternative(s) based on these factors. If the Trustee Council concludes that two or more alternatives are equally preferable, the most cost-effective alternative must be chosen.

Where additional information is needed to identify and evaluate the feasibility and likelihood of success of restoration alternatives, the Trustee Council may implement restoration pilot projects. Pilot projects should only be undertaken when, in the judgment of the Trustees, these projects are likely to provide information at a reasonable cost and in a reasonable time frame.

Based on the selection criteria above and on information obtained through the NRDA thus far, the Trustee Council will select and propose early restoration projects that *best* fulfill the stated criteria and will work to restore the Gulf of Mexico to pre-oil-spill conditions. These proposed projects will be presented to the public for comment in the form of Draft Early Restoration Plans (Draft Plans) in accordance with the public notice requirements contained in the NRDA Regulations and the Framework Agreement. The public will be provided an opportunity to review and comment on each Draft Plan prior to the development of any Final Early Restoration Plan. In order to maintain the aggressive schedule within the Framework Agreement, the first Draft Plan is anticipated to be available for review and comment sometime this fall.

The public's comments about the Draft Plans, which will include potential offsets toward the ultimate liability assessed to BP and others through the NRDA process, will help guide the Trustee Council's selection of early restoration projects. Opportunities for review will be well advertised, and the Trustee Council will carefully evaluate each comment.

Hundreds of project ideas have already been submitted and more are anticipated. Since ideas are still being received and evaluated, it would be premature at this time to extend a list of the proposed early restoration projects and whether they have been found eligible for consideration according to the criteria outlined above. In addition, as specified within the Framework Agreement, funding for early restoration projects should be implemented by 2012, and the time needed to accomplish this goal is limited.

Concern for the natural and cultural resources of our coastal communities and the health and well-being of all people are values we share. Like you, the Trustee Council is working to ensure that BP and other responsible parties are held accountable for the Oil Spill and any collateral injuries that may be identified. Your input, support, and understanding of the process are vitally important, and we thank you for your continued interest in the Deepwater Horizon NRDA process.



Life's better outside.®

June 23, 2011

Ms. Cynthia Sarthou
Executive Director
Gulf Restoration Network
P.O. Box 2245
New Orleans, LA 70176

Ms. Jill Mastrototaro
Senior Regional Representative/Manager
Sierra Club
716 Adams Street
New Orleans, LA 70118

Re: Natural Resource Damage Assessment for the Deepwater Horizon Oil Spill and
Recommendations for Public Input

Dear Ms. Sarthou and Ms. Mastrototaro:

I am writing on behalf of the Texas Natural Resource Trustees comprised of the Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife Department (TPWD), and the Texas General Land Office (GLO). The three Texas Natural Resource Trustee agencies continue to participate in the Natural Resource Damage Assessment ("NRDA") for the Deepwater Horizon Oil Spill ("Oil Spill") in cooperation with the Gulf Coast Trustees, including the designated federal and state Natural Resource Trustee agencies from each of the Gulf States (collectively, the "Trustees").

Please know the Texas Natural Resource Trustees welcome the comments provided by the Gulf Restoration Network and the Sierra Club regarding public participation in the NRDA and restoration planning process. The Oil Pollution Act of 1990 ("OPA"), in conjunction with the applicable provisions of the National Environmental Policy Act ("NEPA"), provide opportunities for the Trustees to include the public in the NRDA and restoration planning process. In accordance with OPA, the public will receive notice of the proposed restoration plans and the Trustees will carefully consider all public comment before selecting and implementing appropriate restoration projects. The Trustees will comply with all applicable OPA and NEPA requirements throughout the NRDA and restoration planning process while also maintaining a critical balance between transparency and confidentiality given pending and anticipated future litigation related to the Oil Spill.

The Trustees have already begun to establish a means to provide information to the public and to encourage input from the public into the NRDA and restoration planning process. The Trustees have published finalized work plans and quality-controlled raw data for public access online at www.gulfspillrestoration.noaa.gov. Public meetings were also held in Galveston on October 12, 2010 and on March 31, 2011 and in Port Arthur, Texas on March 30th to facilitate public involvement in the NRDA and restoration planning process. Additionally, in order to compile all public input regarding restoration types and specific restoration projects, the Trustees have also established an online repository for submitting and viewing public comments and suggestions, which can be

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

Commissioners

Peter M. Holt
Chairman
San Antonio

T. Dan Friedkin
Vice-Chairman
Houston

Ralph H. Duggins
Fort Worth

Antonio Falcon, M.D.
Rio Grande City

Karen J. Hixon
San Antonio

Dan Allen Hughes, Jr.
Beeville

Margaret Martin
Boerne

S. Reed Morian
Houston

Dick Scott
Wimberley

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

Ms. Cynthia Sarthou
Ms. Jill Mastrototaro
Page 2 of 2
June 23, 2011

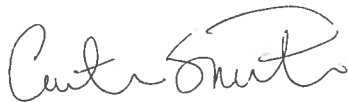
accessed also by visiting www.gulfspillrestoration.noaa.gov/give-us-your-ideas. Written comments can be submitted by mail to: NOAA Restoration Center, 263 13th Ave South, St. Petersburg, FL 33701.

The Texas Natural Resource Trustees have also established a group of conservation stakeholders active in Texas and invite The Gulf Restoration Network and the Sierra Club to participate in this group. This group serves as a means for the Texas Natural Resource Trustees to communicate updates and routinely solicit comment throughout the NRDA and restoration planning process. Other avenues for keeping the public involved in this process will include future public meetings and establishing outreach kiosks at various coastal events in Texas to provide an opportunity for the public to submit specific restoration projects. In accordance with OPA, the Trustees will also notify the public of proposed draft damage assessment and restoration plans for formal review and comment.

The Texas Natural Resource Trustees sincerely appreciate the interest of the Gulf Restoration Network and the Sierra Club in the NRDA and restoration planning process for the Oil Spill and look forward to your participation in the group of conservation stakeholders and to receiving your comments and input submitted as part of the Programmatic Environmental Impact Statement (PEIS) and restoration planning process.

For additional information on getting engaged in the NRDA process related to the Deepwater Horizon oil spill, please contact Mr. Don Pitts, TPWD, at (512) 389-8754. Mr. Pitts serves as the technical lead administrative trustee contact for the Texas Natural Resource Trustees. Thank you for your interest in this critically important coastal matter.

Sincerely,



Carter Smith
Executive Director



Larry L. Laine
Deputy Land Commissioner and Chief Clerk
Texas General Land Office



Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

CS:LLL:MRV:dh

cc: Ms. Marianne Engelman Lado, Earthjustice
Mr. Jerry Patterson, Commissioner, Texas General Land Office
Mr. Mark Vickery, Executive Director, Texas Commission on Environmental Quality

Early Restoration NRDA Projects Evaluation Form

Proposed Project Information	Evaluated by
Project name:	Name: Title: Organization: Name Title: Organization: Date:
Proposed by:	
Submitted to:	
Location of project:	
Cost of project:	
Duration of project:	
Purpose of the project:	

Early restoration NRDA projects must meet all of the following five criteria in order to be funded pursuant to the Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill (the “Framework Agreement”).

Yes No

1. Does the proposed project contribute to making the environment and public whole by restoring, rehabilitating, replacing, or acquiring the equivalent of natural resources or services injured as a result of the Deepwater Horizon Oil Spill or response (collectively, “incident”), or compensation for interim losses resulting from the incident?
2. Does the proposed project address one or more specific injuries to natural resources or services associated with the incident?
3. Does the proposed project seek to restore natural resources, habitats or natural resource services of the same type, quality, and of comparable ecological and/or human use value to compensate for identified resource and service losses resulting from the incident?
4. Is the proposed project not inconsistent with the anticipated long-term restoration needs and anticipated final restoration plan?
5. Is the proposed project feasible and cost effective?

*If you answered “no” to any of the five questions above, **STOP**; the proposed project is not eligible for funds pursuant to the Framework Agreement.*

Yes No

6. Can implementation of the proposed project begin in 2011 or 2012?

Proposed early restoration projects for which you can answer “yes” should be given high priority over projects with later implementation dates.¹

¹ The Parties to the Framework Agreement are obligated to work together to identify and begin implementation of early restoration projects “as quickly as practicable, with the goal of beginning projects in 2011 and 2012.” Framework Agreement, p. 1.

Ecosystem Benefit of the Proposed Project						
1. Does the project remedy an injury to a natural resource or habitat that was caused by the BP oil drilling disaster or response?	2. Does the project support the resiliency of marine, avian or terrestrial species?	3. Does the project reduce coastal erosion?	4. Does the project increase the proportion of native plant species?	5. Does the project dampen storm surge, wind, or tidal energies?	6. Does the project reduce nutrients contributing to the Gulf Dead Zone or Harmful Algal Blooms?	7. Does the project sequester carbon, self-elevate (as salt marshes or oyster reefs grow in response to water level change), or otherwise protect against sea level rise?
<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>
8. Does the project improve water filtration?	9. Does the project restore natural hydrology and/or drainage?	10. Does the project restore or enhance marine system connectivity and processes?				
<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>				

Public Health Benefit of the Proposed Project			
1. Does the project improve public health and safety?	2. Does the project remove source(s) of toxic exposure from the BP oil drilling disaster or response?	3. Does the project improve the food safety of Gulf seafood?	4. Does the project reduce the discharge of toxic chemicals into the coastal environment?
<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>

Local Economic Benefit of the Proposed Project			
1. Does the project train local residents for ecosystem restoration work?	2. Does the project include plans for hiring local residents?	3. Does the project include plans for contracting with local businesses?	4. Does the project restore livelihoods in any of the following economic sectors: tourism, fisheries, maritime, recreation?
<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>
1a. If yes, what are the type of restoration work and the number of local residents to be trained?	2a. If yes, what is the number of local hires?	3a. If yes, what are the type and number of local businesses?	4a. If yes, what sector(s)?
1b. If yes, does the training include bilingual instruction for non-English proficient local residents?			
<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>			

Community Participation in the Proposed Project		
1. Does the project proposal include a plan for involving local residents and nongovernmental organizations in the restoration effort?	2. Does the project proposal include a plan for public outreach and education?	3. Is the project included in an existing coastal restoration or watershed management plan?
<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>
1a. If yes, summarize the plan.	2a. If yes, summarize the plan.	3a. If yes, identify the plan.

Evaluation of the Proposed Project	
1. Does the project proposal include an evaluation plan?	2. Does the project proposal include a plan for public input to evaluate the progress of the project implementation and the success of the project in achieving short-term and long-term goals?
<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>	<u>Yes</u> <u>No</u> <input type="checkbox"/> <input type="checkbox"/>

Comments



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Special thanks to the organizations and individuals
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