

**Draft 2017 Funded Priorities List:
Comprehensive Plan Commitment and Planning Support
Response to Public Comments**

Introduction

On July 13, 2017, the Gulf Coast Ecosystem Restoration Council (Council) released its draft 2017 Funded Priorities List: Comprehensive Plan Commitment and Planning Support (CPS FPL) for a 30-day public comment period. The Council accepted written comments via mail, email, and the Department of Interior's Planning, Environment and Public Comment (PEPC) database system. The Council also held public webinars on the CPS FPL on July 13 and July 25, 2017. Written comments were accepted during these two public webinars.

All comments received including attachments and other supporting materials are part of the public record and are available on the Council website, www.restorethegulf.gov. These comments are subject to public disclosure pursuant to protocols established by the Council in accordance with the Freedom of Information Act.

Over 75 stakeholders participated in the two public webinars. The Council received 16 comments on the CPS FPL, including those offered during the webinars. Comments were provided by both individuals and organizations. The number of stakeholders engaged during the public comment period, occurring more than seven years after the *Deepwater Horizon* oil spill, indicates stakeholders remain focused on Gulf restoration and the actions and decisions of the Council. The Council not only appreciates those who provided public comment during this process, but also those who have continued to support Gulf restoration activities for many years.

Comment Analysis Process

The Council has reviewed all comments received during the 30-day public comment period. The Department of Interior's PEPC database system was used to help the Council manage and respond to public comments. Below, the Council has provided responses to all comments to the draft CPS FPL. To efficiently and effectively respond to the observations and recommendations provided by the public, the Council grouped comments and responses into general topics or themes, where possible. In other cases, the Council provided responses regarding issues on which only one comment was received.

In addition to comments on the CPS FPL, the Council also received comments regarding the *Deepwater Horizon* Natural Resource Damage Assessment (NRDA) process, particularly associated with the Trustee Implementation Groups (TIGs). The *Deepwater Horizon* NRDA program is a separate but related restoration funding source. The Council does not have a role in setting the policies and procedures of the NRDA program. Therefore, the Council cannot address comments regarding the NRDA process and the TIGs. There are, however, general issues raised in these comments that are applicable to all Gulf restoration funding programs, including the Council's activities. In particular, a number of commenters stressed the need for transparent and inclusive public engagement processes. The Council provides responses to these general issues below.

The Council also received comments supporting specific restoration types and locations. One commenter also asked whether CPS FPL funds could be used to support a specific type of place-based restoration program. The Council is not at this time in the process of selecting any particular projects or programs for inclusion in a future list of funded activities. The purpose of the CPS FPL funds is to facilitate planning processes that will ultimately lead to identification and selection of the the most effective restoration projects and programs. The Council greatly appreciates the public support for certain restoration opportunities, and encourages all members of the public to engage in the Council's future planning activities to bring such ideas and concepts to the table.

Changes in Response to Public Input

The Council has modified the CPS FPL in response to public comments. The CPS FPL has been edited to strengthen transparency and accountability provisions; clarify that Council-Selected Restoration Component funds can only go directly to members; reinforce that CPS FPL funds must directly support Council-Selected Restoration Component activities; and clarify that the savings provision will not be used as a project selection criterion. More information on these changes can be found below in the Council responses to the comments that raised these issues.

Comments/Responses on Draft CPS FPL

Comprehensive Plan Commitments and Collaboration

Comment: A number of commenters expressed support for meeting the commitments made in the Comprehensive Plan with respect to collaboration, science, environmental

compliance, partnerships and leveraging. Some of these commenters emphasized that the ultimate purpose of such work is to develop the most effective ecosystem restoration projects and programs for potential funding in future FPLs. One organization also emphasized that this work should support the development of large-scale ecosystem restoration projects and programs.

Response: The Council appreciates these commenters for supporting the CPS FPL as a mechanism to assist the Council members in meeting the commitments set forth in the Comprehensive Plan. The Council agrees that the ultimate goal of the work funded under the CPS FPL is to identify and develop effective ecosystem restoration projects and programs for potential future funding. To that end, the Council will use the CPS FPL funds to support collaboration, science review, environmental compliance coordination, partnerships, leveraging and related efforts, consistent with the Council's 2016 Comprehensive Plan Update (Comprehensive Plan).

Comment: One commenter noted the approval of CPS FPL funds will not automatically result in the collaboration and partnerships needed to prevent the development of disjointed or poorly coordinated restoration projects and programs. This commenter urged the Council to pursue a holistic, science-based approach to restoration planning that seeks to identify and address ecosystem stressors at the watershed/estuary or regional scale. For resources that cross jurisdictions, the commenter encouraged the Council to coordinate activities among relevant agencies and with other funding streams. The commenter also encouraged members to develop partnerships to collectively address the most pressing ecosystem challenges in a given watershed or region.

Response: The Council concurs with the recommendations and perspectives offered by this commenter and agrees that efficient planning is inextricably linked to effective restoration projects/programs. As also noted in the comment, each Council member and other potential partner brings different expertise and authorities to the task of restoring the Gulf. Moreover, the watersheds, estuaries and regions across the Gulf also vary with respect to the ecological conditions, stressors and existing policies and plans relevant to that particular locale. The way in which collaboration and coordinated planning proceeds will vary, to some extent, from watershed to watershed and region to region. However, the call for enhanced collaboration set forth in the Comprehensive Plan remains valid across the Gulf. The Council remains committed to pursuing a collaborative and science-based process that uses partnerships and leveraging to address the Gulf's most pressing ecosystem needs.

Public Engagement

Comment: A number of commenters emphasized the importance of public engagement with the respect to the use of the CPS FPL funds and the associated planning activities.

Response: The Council appreciates these commenters for their interest in public engagement. Those stakeholders who live, work and play in the Gulf have a right to be engaged in the decisions about how to use these funds. The Council has endeavored in the past to have open and inclusive public processes. As with most Council activities, there is always room for improvement. One purpose of the CPS FPL funds is to support Council members in effectively engaging the public in the process of developing ecosystem restoration projects and programs for potential future funding.

Comment: One commenter encouraged the Council to continue to work towards making sure meetings are accessible to all Gulf citizens, regardless of geographic or language barriers. Another commenter expressed appreciation to the Council for indicating that CPS FPL funds can be used for activities such as translation services.

Response: The Gulf is home to a rich and diverse array of communities and cultures. The Council recognizes that translation services are often essential to providing broad public access to Gulf restoration planning, thereby increasing the knowledge and perspectives brought to this important work. The Council will continue its efforts to overcome language barriers (e.g., the Council provided both Vietnamese and Spanish translations of the CPS FPL) that could create a challenge for public involvement in its Gulf restoration efforts.

Comment: A number of commenters stressed the importance of engaging underrepresented communities, including those most affected by the *Deepwater Horizon* oil spill. One commenter requested that the Council take specific actions to ensure all members have open and inclusive planning processes. Such recommended actions include establishing specific reporting requirements relating to public engagement, language access goals, and procedures for ensuring compliance with Executive Orders pertaining to environmental justice and related matters.

Response: In the Comprehensive Plan, the Council commits to setting and maintaining the highest standard for public engagement and transparency. In particular, the Council committed to support engagement with all stakeholders, including underrepresented communities and federally-recognized Tribes. The Council also committed to efficient, effective and transparent compliance with applicable laws and Executive Orders. The

collaboration and public engagement actions supported by the CPS FPL offer important opportunities to continue the Council's efforts to meet these commitments. To that end, the Council is considering how to improve its engagement with underrepresented communities, including ways to more effectively address language, technological, geographic and other potential barriers to broaden and be more inclusive of the public. As a Federal entity, the Council must comply with all applicable Executive Orders, including those pertaining to environmental justice. By seeking broad and inclusive public engagement in the ecosystem restoration planning process, the Council is seeking to ensure that the interests and concerns of all communities are heard.

Comment: In addition to participation in the planning process, one commenter also emphasized the importance of public engagement in the review, monitoring and adaptive management of Gulf restoration projects and programs.

Response: The process of planning future restoration projects and programs must incorporate the scientific and policy lessons from past and ongoing restoration efforts. The Council is committed to bringing such lessons into the planning and collaboration processes supported by CPS FPL funds. The Council recognizes that the public can be a source of valuable information and expertise in that regard. The public engagement commitments discussed above are intended to facilitate such public input and participation at key points in the planning process. In addition, as with the Initial FPL, the Council will continue to publish on its website project and program proposals evaluated by the Council for inclusion in future FPLs, along with other information necessary to facilitate effective public engagement in the review, monitoring and adaptive management of restoration projects and programs.

Comment: One commenter emphasized the extensive knowledge and perspectives that the fishing community can bring to the ecosystem restoration planning process. This commenter also discussed the constraints that could inhibit full and effective participation from members of this important sector. This commenter recommended that CPS FPL funds be made available to reimburse members of the fishing sector for their involvement in the Council's planning processes. Among other benefits, this commenter emphasized that engagement with the fishing community can ensure the interests of the fishing community are identified early in the process of developing Gulf restoration projects and programs.

Response: The Council fully agrees that members of the fishing communities and others whose livelihoods depend upon the Gulf's natural resources have critical perspectives and expertise to bring to the ecosystem restoration planning process. The Council's

commitments to effective public engagement are intended to facilitate input from these stakeholders. Per the RESTORE Act, only Council members can apply for funding from the Council-Selected Restoration Component, and the Council is unable to directly reimburse public participation in its meetings. However, the Council fully recognizes the need to overcome barriers that could preclude broad public participation. To that end, the Council is committed to working with not only the fishing communities, but also underserved underrepresented communities to finding the times, locations and venues to facilitate broad engagement in its public meetings.

Transparency and Accountability

Comment: A number of commenters stressed the importance of transparency and accountability with respect to the CPS FPL funds. A number of commenters focused on the need for robust reporting requirements. One commenter recommended a rigorous and publicly available reporting process that demonstrates how CPS FPL funds are being used to advance Gulf restoration goals and objectives, including effective project evaluation and adaptive management.

Response: In the 2016 Comprehensive Plan update, the Council acknowledged that transparency is essential for ensuring that Gulf restoration funds are used in the most effective and efficient way possible. The Comprehensive Plan contains a number of commitments with respect to improving transparency, particularly with respect to the process of developing and reviewing projects and programs for potential future funding. The Council agrees that such transparency is essential for maintaining public trust and facilitating effective public engagement. Accordingly, the CPS FPL has been revised to include public reporting requirements. Given that it may be challenging to quantify the outcomes of planning processes, key measures of success for CPS FPL funds will most likely be presented in a qualitative and narrative format. Nevertheless, the Council is committed to ensuring that such reporting is done in a way that supports effective and transparent evaluation of the use of CPS FPL funds.

Other Issues

Comment: One commenter recommended that future projects and programs be evaluated based on criteria set forth in the RESTORE Act and the Comprehensive Plan goals and objectives. This commenter is concerned that the CPS FPL language intended to incentivize savings might imply that such savings would be a key consideration for selecting future projects and programs for funding. Another commenter requested clarification in the CPS FPL on how such savings might be applied to future projects.

Response: The Council agrees that proposed projects and programs must be evaluated with the criteria set forth in the RESTORE Act and the Comprehensive Plan goals and objectives. While the Council does seek to incentivize efficiency and saving in all activities - including the CPS FPL funds - such savings would not be a deciding criterion in the approval of funding for any project or program. The Council has edited the final CPS FPL to clarify that savings in planning funds will not be a criterion in the selection of future projects and programs. The Council has not developed procedures for potentially applying such savings in CPS FPL funds to future projects and programs of the member that realizes the savings. The intent in including this language in the CPS FPL is to allow for the possibility for establishing such an incentive. Similar language was included in the Initial FPL, and has led to instances where savings in planning funds have indeed been reallocated to implementation, thereby potentially increasing ecosystem benefits. The Council acknowledges that applying this same policy to CPS FPL funds could prove to be more challenging than with the Initial FPL. If the Council is unable to develop clear and effective policy on how to incentivize savings of CPS FPL funds, any such savings would remain available for the Council to use on any and all future projects and programs, regardless of the sponsoring member.

Comment: One commenter urged the Council to develop a 10-Year Funding Strategy that will outline anticipated future expenditures from the Council-Selected Restoration Component with as much specificity as possible.

Response: The Council is currently considering ways to provide greater specificity in the 10-Year Funding Strategy regarding potential uses of future funding allotments, while at the same time preserving the flexibility needed to incorporate and adapt to new science and information relevant to Gulf restoration. In its Initial FPL, the Council approved funding for specific projects and programs, while also designating other projects and programs as priorities for potential future funding. The Council anticipates using these same two categories in its next FPL. In addition, the Council is beginning to consider an additional category that might identify specific regions and/or restoration types (e.g., wetland restoration via beneficial use of dredged material, oyster restoration, etc.) as priorities for potential future funding. In this way, the Council could signal that in addition to investments in specific projects and programs, it recognizes that future investments would also likely be needed to more fully address the ecological challenges facing a given area or resource. The Council will continue to consider such approaches as it engages with its partners and the public in the collaboration process called for in the Comprehensive Plan.

Comment: One commenter strongly supports the use of CPS FPL funds to coordinate pre-submission environmental compliance review, particularly in the case of complex projects involving multiple agencies and permitting requirements. This commenter also recommends that this funding be used to evaluate regulatory barriers to implementation across projects types and watersheds, and develop collective solutions that will help advance all Gulf restoration projects.

Response: The Council concurs with the call for increased coordination among regulatory agencies with the goal of more efficient, effective and transparent environmental compliance for Gulf restoration projects. Consistent with the CPS FPL and the Comprehensive Plan, the Council will promote early coordination among regulatory agencies during the collaboration process. The Council will also seek to promote strategic partnerships wherein, for example, agencies with regulatory expertise might partner with project sponsors to assist in expeditiously addressing the environmental compliance needs for Gulf restoration activities. The Council will also continue to consider programmatic tools and approaches that could help in that regard.

Comment: One commenter urged the Council members to view the CPS FPL as a one-time opportunity to do long-term planning and visioning for future Council-Selected Restoration Component funding. This commenter cautioned against assuming that these planning funds would be made available after the five-year term of the current CPS FPL funds expires.

Response: A primary purpose of the CPS FPL funds is to support the planning and collaboration needed to identify restoration projects and programs that most effectively contribute to comprehensive Gulf restoration. It is to support the type of large-scale and big-picture thinking endorsed by this commenter. At the same time, the Council also recognizes there could be planning and adaptive management needs that extend beyond the five-year CPS FPL term. As discussed in the CPS FPL, the Council will evaluate the program at year four to determine whether additional planning funds would be important to ensure that the collaborative pursuit of comprehensive Gulf restoration continues into the future. CPS FPL funding would only be extended beyond the current five-year term if it has been demonstrated that doing so would result in greater ecological benefits for the Gulf.

Comment: One commenter supports Gulfwide investments in science review, project evaluation and tracking and adaptive management. This commenter also stressed the importance of project evaluation and adaptive management, as well as protocols for project tracking that are consistent across Council members and compatible with those of

other restoration programs. To that end, the commenter recommended using some portion of the CPS FPL funds to support the Council Monitoring and Assessment Program, as well as for helping fulfill the Comprehensive Plan commitment to update the science review process.

Response: The CPS FPL indicates that planning funds can be used for evaluation activities to determine the impact of the Council's projects/programs and inform adaptive management for future funding decisions. Additionally, funds may be used for technical meetings, including workgroup activities such as the Council Monitoring and Assessment Workgroup (CMAWG) which is part of the Council Monitoring and Assessment Program. The Council will consider using some of its CPS FPL funds for such activities, to conduct such tasks as updating the science review processes, developing any other necessary evaluation tools, and creating an Adaptive Management Plan (commitments made in the 2016 Comprehensive Plan update).

Comment: One commenter strongly supports allocating the entire allotment of CPS FPL funds directly to local community-based organizations.

Response: The Council fully recognizes the importance of community-based organizations as a voice for some of the communities most impacted by the spill, and which are often able to bring important perspectives and knowledge to the restoration planning processes. As discussed above, the Council is committed to effectively engaging all interested stakeholders in the planning and collaboration outlined in the Comprehensive Plan; this includes community-based organizations. The RESTORE Act does not, however, allow for distributing Council-Selected Restoration Component funds directly to such organizations or any other entity that is not a member of the Council. Moreover, as with the CPS FPL funds, all uses of Council-Selected Restoration Component funds must directly support efforts to address the priority criteria set forth in the Act, as well as the Comprehensive Plan goals and objectives.

Comment: One commenter recommended that an additional amount of money - above and beyond the amount for the CPS FPL - be allocated for the development and implementation of a Regional Citizen Advisory Council.

Response: While a citizens advisory council can be effective in some scenarios, it is not clear that such a tool is appropriate in light of the Gulf-wide nature of the Council's work. An effective citizens' council must represent a broad and diverse range of stakeholders, yet should not be so large as to hamper logistics, dialogue and internal consensus-building. The Council's work is relevant to a wide array of stakeholders not

just in the five Gulf States, but also to people and organizations across the country who recognize the value of our work to the nation. These stakeholders represent businesses, fishing communities, environmental organizations, advocates of good government, scientists, members of academia, and most of all a diverse group of citizens. It is unclear how one council could effectively represent such a broad array of stakeholders while not being so large as to be unwieldy. The selection of the members of such a council could well result in the exclusion of others, possibly working at cross purposes with the intent of increased transparency and inclusiveness. Given these challenges, the Council has sought other ways to broadly and inclusively engage the public, including using the tools the Council has employed to date. The Council remains open to considering other ways to improve transparency in all that it does.

Comment: One commenter asked how the Council members would be sourcing their project ideas.

Response: The collaborative planning called for in the Comprehensive Plan and to be supported by the CPS FPL funds can serve as a venue for introducing and developing project and program ideas for potential future funding. In addition to new ideas that could be generated during this process, Council members will consider existing project and program ideas that might help advance comprehensive Gulf restoration and meet the priority criteria set forth in the RESTORE Act. Such existing ideas can come from an array of existing coastal restoration plans, public portals and other venues.

Comment: One commenter asked whether the slides presented in the Council's CPS FPL webinars would be made available to the public.

Response: Recordings of both webinars, including the slides presented, are available on the Council's website, along with a CPS FPL fact sheet and frequently asked questions. These materials can be found [here](#).

Comment: One commenter asked why the Council doesn't form a member workgroup to conduct its planning and project development processes, thereby saving the funds proposed for use pursuant to the CPS FPL.

Response: For the reasons discussed in the Comprehensive Plan and above, the Council views collaborative planning processes as essential for making the most effective use of RESTORE Act funds. It is essential that the Council engage its funding partners, outside experts and the general public in this effort.

Comment: One commenter asked whether future grant cycles will be delayed until all members have completed their planning process.

Response: The Council is continuing to award grants and interagency agreements for projects and programs on the Initial FPL. While the CPS FPL planning funds will assist Council members in developing project and programs for the next FPL, development of the next FPL is not contingent on all members completing planning processes supported by CPS FPL activities.

Comment: One commenter asked whether multiple Council members can jointly request CPS FPL funds for large-scale planning efforts.

Response: Council members can combine CPS FPL funds to support unified planning efforts. In such cases, the Council will consider the most efficient way do that from an administrative perspective.

Comment: One commenter asked whether the Mississippi Department of Environmental Quality (MDEQ) or the Governor's office will apply for CPS FPL funds available to the State of Mississippi.

Response: The MDEQ will apply for CPS FPL funds on behalf of the Governor of Mississippi.

Comment: One commenter noted that the draft CPS FPL does not have a provision for making the CPS FPL grant applications proposed by Council members available for public review and comment before a decision is made to award a grant. This commenter stated that since the purpose of the CPS FPL program is to enhance the effectiveness of collaborations to restore the Gulf, it is especially useful for the public to be aware of these applications and to have an opportunity for input at the beginning of the process.

Response: The CPS FPL outlines the allowable activities for these awards, and serves as the early stage of public input on the grants process. The Council does not intend to seek public comment on award applications; however, the public will be notified once awards are made. Additionally, the CPS FPL has been updated to include public reporting requirements that commit to maintaining transparency of all CPS-related activities over the award period.