

RESTORE Council 2022 Comprehensive Plan Update
Responses to Comments
September, 2022

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Introduction

The Gulf Coast Ecosystem Restoration Council (RESTORE Council or Council) is responsible for developing a [Comprehensive Plan](#) to guide a coordinated, regionwide effort to restore, protect, and revitalize the Gulf Coast. From April 21, 2022 to June 6, 2022, the Council sought public comment on the draft [2022 Comprehensive Plan Update: Restoring the Gulf Coast's Ecosystem and Economy](#) (2022 Comprehensive Plan Update). This is the second update to the [2013 Initial Comprehensive Plan: Restoring the Gulf Coast's Ecosystem and Economy](#).

The 2022 Comprehensive Plan Update provides the public with updates to the strategic guidance that the Council established to effectively administer its roles and responsibilities. Additionally, it provides summary information regarding progress the Council has made to date on its goals, objectives, and commitments as outlined in the first update, [2016 Comprehensive Plan Update: Restoring the Gulf Coast's Ecosystem & Economy \(2016 Comprehensive Plan Update\)](#), including the effectiveness of its use of general planning funds in meeting those commitments. If approved by the Council, the 2022 Comprehensive Plan Update will supersede the 2016 Comprehensive Plan Update.

The Council provided an overview of the draft 2022 Comprehensive Plan Update via two live public webinars on the first day of the public comment period. These webinars were recorded and made available on the Council's website. The Council accepted written comments via email; mail; and through the Planning, Environment and Public Comment (PEPC) website. The Council has reviewed all comments received before the deadline.

The Council received a total of 134 unique comments from 2460 private citizens, businesses, governmental entities (such as state, parish/county, and local governments), non-governmental organizations (NGOs), and other Gulf stakeholders. The total number of comments included 2454 form letters. The number of stakeholders engaged during the public comment period demonstrates continued awareness of Gulf restoration and interest in the actions and decisions being made by the Council, more than twelve years after the *Deepwater Horizon* oil spill. The ongoing involvement of stakeholders who live, work, and play in the Gulf Coast region is critical to ensuring that oil spill penalty funds are used effectively. The Council appreciates those who participated in the public review and comment process, as well as those who have supported Gulf restoration activities for many years.

Following review and consideration of the public comments received, the Council has decided to proceed to vote to approve the 2022 Comprehensive Plan Update. The final version of the 2022 Comprehensive Plan Update, a record of all comments received, and this response to comments document will be posted to the Council's website. The public will be notified of both the Council vote and the availability of the final version of the 2022 Comprehensive Plan Update via emailed updates. If you are interested in receiving email updates from the Council, please visit the RESTORE website (www.restorethegulf.gov). Once there, you may subscribe to receive RESTORE Eblasts that are sent out periodically to update stakeholders on new and upcoming activities by the Council.

Comment Analysis Process

The Council has completed an important step in finalizing the 2022 Comprehensive Plan Update by analyzing and responding to all comments received during the public comment period. The Council used the U.S. Department of the Interior's PEPC database system to manage and respond to public comments. In order to respond to the observations and recommendations provided by Gulf stakeholders, the Council grouped comments and responses by theme. Within those themed groupings, individual comments were combined when the topic or recommendation was related. In other cases, the Council responded to individual comments as warranted by the nature of the comment. Comments received that were not directly related to the 2022 Comprehensive Plan Update have been noted, but are not addressed herein.

Changes to the 2022 Comprehensive Plan Update

As part of responding to comments, the Council considered necessary revisions to the 2022 Comprehensive Plan Update. Revisions to the document were primarily editorial in nature (e.g., revising sentences for clarity, updating numbers in the 'Investments to Date' sections). In all cases, the Council sought to ensure that revisions improved the document's accuracy and clarity.

General Comments on the 2022 Comprehensive Plan Update

Comment: The Council received many comments expressing general support for the 2022 Comprehensive Plan Update. Many who submitted these comments also indicated that they live and/or work in the Gulf Coast region, and highlighted the importance of the Council's efforts to continue momentum and build on progress toward Gulf of Mexico restoration.

One commenter expressed support for the Council's proactive updates to the Comprehensive Plan, as required by the RESTORE Act and as restoration of the Gulf ecosystem continues to move forward. Another commenter highlighted the broad programmatic thinking reflected in the 2022 Update, noting that this type of approach is required to continue progress toward Gulf of Mexico Restoration. This commenter also expressed support for the continued reliance on the [2019 Planning Framework](#) to add substance and direction to the Comprehensive Plan. In expressing general support for the 2022 Comprehensive Plan Update, another commenter indicated that the 2022 Comprehensive Plan Update rightly places a priority on protecting the natural resources of the Gulf Coast ecosystem. Others supported the reaffirmation of the Council's Comprehensive Plan commitments, the elevation of environmental compliance to a sixth commitment, and the use of the 2022 Comprehensive Plan Update to communicate the benefits and outcomes of past funding decisions and lessons learned.

Response: The Council appreciates the generally positive reception to the 2022 Comprehensive Plan Update and the acknowledgement of its efforts to set up sound mechanisms for science-based recovery and monitoring of the Gulf Coast ecosystem. Responses to specific comments on topics related to Council-Selected Restoration Component decision-making processes and investments to date may be found in the sections below. The Council encourages stakeholders to remain actively engaged in Council matters.

Comment: One commenter expressed appreciation for the detailed descriptions of the history of the RESTORE Council and its implementation of the RESTORE Act and the *Deepwater Horizon* BP Oil Spill Settlement, including the roles of the various programs and agencies involved in implementation of Gulf restoration, noting that this explanation allows a clear understanding of where restoration is today and the programmatic foundation enabling further forward movement.

Response: The Council appreciates this feedback about the level of detail provided in the 2022 Comprehensive Plan Update about the history of the Council and its implementation of the RESTORE Act and settlement. The Council will continue to look for opportunities to incorporate this level of detail when communicating its work.

Comment: One commenter noted the importance of riparian areas to the health and function of riverine ecosystems, and requested that this habitat be added to the list of

examples included in Comprehensive Plan Objective 1: *Restore, Enhance, and Protect Habitats*.

Response: The Council acknowledges the importance of this habitat in the overall health and function of riverine ecosystems. As noted in the comment, the list of habitats included in this objective are examples, and the list is not exhaustive or restrictive to the habitats the Council considers when making funding decisions.

While this habitat is not explicitly noted in Objective 1, the Council does value such habitat and has approved funds to support restoration and conservation efforts.

Examples of such investments in previous Funded Priorities Lists (FPLs) include:

- FPL 3a [River Reintroduction into Maurepas Swamp](#) project which seeks to reintroduce Mississippi River water into the swamp to improve long-term sustainability
- FPL 3a [Perdido River Land Conservation and Habitat Enhancements](#) project which has recently completed acquisition of 2,644 acres of habitat in the Perdido Watershed. By permanently protecting this land from future development for conservation purposes, it improves and protects both water quality and terrestrial habitat.
- FPL 3b [Enhancing Gulf Waters through Forested Watershed Restoration](#) project that seeks to protect forests and restore forested wetlands, floodplains, and riparian areas.

The Council appreciates this comment, and will continue to consider this important habitat when making future funding decisions.

Comments on Council-Selected Restoration Component Decision-making Processes

Overarching comments on decision-making processes

Comment: The Council received comments expressing continued support for its 2019 *Council-Selected Restoration Component Funded Priorities List (FPL) 3 Proposal Submission Guidelines and Review Process* ([2019 Submission Guidelines](#)), urging the Council to continue use of these standards for project and program proposals. Another commenter asked the Council to clarify that it will not fund member projects that have little or no relationship to coastal environmental management or restoration. This commenter also requested that the Council not fund local infrastructure needs that are not related to coastal environmental quality, with examples including hurricane protection levee repairs, drainage improvements, parks, boat ramps, restrooms, piers, beach nourishment strictly for tourism, etc.

Response: The Council appreciates this support for the [2019 Submission Guidelines](#). While the Council has not yet determined whether updates to these guidelines are warranted for future FPL processes, any such updates would only build upon the existing standards and criteria set forth in the 2019 document.

The Council administers two RESTORE Act funding allocations, which have different but to some extent overlapping and related selection criteria. The first allocation, the Council-Selected Restoration Component, funds Gulf ecosystem restoration and protection projects and programs. The 2019 Submission Guidelines referenced above summarize the statutory criteria for prioritizing investments under the Council-Selected Restoration Component, as well as the Council's ecosystem restoration and protection goals and objectives. Consistent with the applicable statutory criteria and related policy, the Council seeks to identify and approve Council-Selected Restoration Component funding for ecosystem restoration protection projects and programs that provide large scale, systemic benefits across the Gulf. The second allocation, the Spill Impact Component, funds a range of projects and programs, including ecosystem restoration and protection, tourism promotion, economic development, and limited infrastructure. Projects and programs in this allocation are selected by the RESTORE Act-designated state entity, subject to approval by the Council chair. The statutory eligibility criteria for the Spill Impact Component and related information can be found in the Council's 2016 [Oil Spill Impact Component: State Expenditure Plan \(SEP\) Guidelines](#).

Comment: Several commenters expressed support for the Council's continued commitment to best available science (BAS) and its use of an updated BAS review process that includes both external and internal BAS reviews.

Response: The Council appreciates the support expressed for its continued commitment to the use of best available science (BAS), including use of external and internal BAS reviews following proposal submission.

Comment: The Council received comments requesting that the Council share how its targets are developed and provide more details of how restoration success is being measured.

Response: Understanding that the scope and scale of stressors and restoration needs vary throughout the Gulf of Mexico, the Council sets targets at the level of approved activities, whether funded through the Council-Selected Restoration Component or the Spill Impact Component. The 2022 Comprehensive Plan Update supports the selection of restoration investments according to those varying needs across the Gulf. For the Council-Selected Restoration Component, the [2019 Planning Framework](#) and the [2019 Submission Guidelines](#) provide further support to the Council's decision-making process.

Each activity funded by the Council must identify targets and associated metrics for evaluating the project or program's success. The metrics identified should align with the Comprehensive Plan goal(s) and objectives that the proposed project or program has

identified, as well as any anticipated quantifiable environmental benefits. Observational Data Plans (ODPs) are submitted to the Council as part of receiving the federal award for each approved activity. ODPs describe the monitoring data collection and compilation that will be undertaken to evaluate if funded projects and programs are meeting their restoration targets. ODPs also contain information relevant to project or program data management and delivery, and help ensure that data will be compatible and comparable with data collection efforts for the Council throughout the Gulf Coast region.

In 2021, the Council updated its *2021 Observational Data Plan Guidelines* ([ODP Guidelines](#)) to include monitoring guidance for each of its priority restoration techniques (as set out in the [2019 Planning Framework](#)), linking recommended metrics and parameters to the Comprehensive Plan objectives that they could help track and support. The ODP Guidelines underscore the Council's recognition of the importance of comprehensive planning for the collection and compilation of data that can be compared across projects. Comparable data enables reporting at multiple scales, including project- and program-specific scales, as well as potential future larger-scale assessments across the Gulf Coast region. Understanding outcomes and impacts will further help to achieve tangible results and ensure that funds are invested in a meaningful way. The Council continues to improve its use of ecosystem science, monitoring, and data management to report on the overall success of restoration. More information can be found in the [Observational Data Plan Guidelines 2021 Release Fact Sheet](#).

Comment: Several commenters expressed support for the Council's continued commitment to the RESTORE Act Priority Criteria and particularly for the commitment to prioritizing large-scale projects.

Response: The Council greatly appreciates the commenters' support of the Council's continued use of the Priority Criteria in its funding decisions, including funding large-scale ecosystem restoration and conservation programs.

Comment: Several commenters expressed appreciation for the Council's Monitoring and Assessment Workgroup (CMAWG), and encouraged the Council to continue to strive to align data management and project tracking with the Natural Resource Damage Assessment (NRDA) process as much as possible for the sake of comprehensive tracking of restoration progress, to support effective adaptive management, and for the benefit of more cohesive storytelling of restoration successes.

Response: The Council recognizes the importance of comprehensive planning for the collection and compilation of data at both project-specific and regional scales. Ensuring comparability of these foundational data requires consistency in the collection and management of data among projects to enable reporting at both the project- and program-specific scale, as well as future assessment across the Gulf. The Council Monitoring and Assessment Workgroup (CMAWG) includes representation from all Council Member agencies, and supports the Council by making recommendations to the

Council regarding monitoring parameter guidelines, monitoring plan formats, reporting requirements, and more at the Council's request. This includes the recently updated [ODP Guidelines](#) that include monitoring guidance for each of its priority restoration techniques (as set out in the [2019 Planning Framework](#)), linking metrics and parameter recommendations to the Comprehensive Plan objectives that they could help track and support. The recommendations provided in this guidance build off of existing monitoring guidance documents and reports, including the NRDA Monitoring and Adaptive Management Manual, as well as the Council Monitoring and Assessment Program Reports. Monitoring recommendations were developed with the compatibility of metrics and supporting data across programs in mind, building off of previous work aligning the classification of different restoration approaches and techniques. With respect to the idea of telling the story of restoration success, the CMAWG is engaging in ongoing discussions about how best to approach assessments of restoration success beyond the scale of individual awards.

Comment: The Council received comments expressing support for the Council's continued coordination with other *Deepwater Horizon* oil spill funded restoration and science programs in the Gulf of Mexico. One commenter noted that the Council's continued use of the watershed approach to restoration planning could be an important vehicle for coordinating across the funding streams for lasting restoration at that scale. One commenter also noted that there are new (*non-Deepwater Horizon-related*) sources of funding in the Gulf, and would like to see the council find ways to enhance coordination with these new investments.

Response: The Council appreciates the support for continuing its coordination across funding streams. The Council recognizes that coordination and collaboration among members and its restoration partners is critical to the success of Gulf coast restoration, and continues to encourage partnerships, welcoming additional public and private financial and technical support to maximize outcomes and impacts. To maximize ecosystem benefits, the Council continues to pursue opportunities to align and leverage activities funded from the Council-Selected Restoration Component with investments made by other coastal restoration programs, as well as its own work using Spill Impact Component funds. As implementation of activities continues, the Council will continue to consider the synergistic benefits of its investments with those of other programs, including Natural Resource Damage Assessment (NRDA), National Fish and Wildlife Foundation (NFWF), and other restoration (including natural infrastructure), conservation, and science programs in the Gulf. The Council concurs that its watershed approach to planning could be a useful tool for these endeavors.

With respect to new funding coming into the Gulf, as stated in the 2022 Comprehensive Plan Update, the Council is committed to maximizing the effectiveness of funds within its purview while also continuing to identify and leverage new sources of funding to support current and future restoration work. Given its own limitations relative to the size and scope of the Gulf restoration challenge, the Council welcomes potential partners and is

interested in exploring ways such endeavors can potentially help the Council to advance its mission.

Comments on prioritization within the decision-making process

Comment: One commenter recommended that the U.S. Department of the Interior National Park Service (NPS) focus solely on protecting and preserving the environment, and recommended that economic activities cease on NPS lands, including removing all but historic facilities from NPS lands.

Response: The Council has no statutory authority to recommend or otherwise comment on how the NPS manages lands under its jurisdiction.

Comment: One commenter expressed support for the Council's acknowledgment that the economic future of the Gulf Coast region depends on a healthy Gulf ecosystem, and encouraged the Council to continue to engage in environmental restoration activities with the knowledge that a resilient Gulf Coast will sustain a robust Gulf economy.

Response: The Council values this comment for highlighting the relationship between Gulf ecosystems and the economies that are tied to them. The Council's strategy for achieving a healthy Gulf is founded on the five Comprehensive Plan goals that address habitat, water quality and quantity, coastal and marine resources, community resilience, and the Gulf economy. Council funding under the Council-Selected Restoration Component directly supports the first four goals, while indirectly supporting the Gulf economy through improved recreational and commercial fisheries, tourism, and other benefits accruing from ecosystem restoration and protection. Under the Spill Impact Component, the Council directly funds economic development, infrastructure, and tourism activities, as well as ecosystem restoration and protection projects and programs that provide indirect economic benefits.

Comment: One commenter recommended that the Council prioritize funding partly based on the proposed activity's congruence with actual impacts of the *Deepwater Horizon* oil spill, including prioritizing actions in habitats located closer to the Gulf such as barrier island habitats. The commenter specifically stated that priority should be given to protection and restoration of barrier island habitats in the "...Texas RESTORE program".

Response: The Council agrees with the need to invest directly in the restoration of coastal resources located in close proximity to the Gulf, while also recognizing that upstream restoration investments are sometimes warranted to address coastal, estuarine, and marine environmental problems. This is consistent with the Council's holistic approach to ecosystem restoration.

With respect to prioritizing funding based upon congruence with impacts of the *Deepwater Horizon* spill, the RESTORE Council's authority includes the flexibility to

address additional stressors to the Gulf ecosystem. In its [2019 Planning Framework](#), the Council considered these stressors as it described its priority restoration approaches and techniques that may be applied to meet the needs across the different geographic areas of the Gulf. The Council has not prioritized restoration and protection of barrier island habitats over other important habitats and living resources based on their proximity to the Gulf shoreline. Alternatively, the Council has embraced its Comprehensive Plan commitment to implement a regional ecosystem-based approach to Gulf restoration that recognizes that upland, estuarine, and marine habitats are intrinsically connected and function within an interconnected landscape.

With respect to the specific suggestion that barrier island habitats be prioritized by the Texas RESTORE program, priority investments have in fact been made to acquire significant barrier island habitat on Matagorda Peninsula. There will also be investment by the FPL 3b [Wind-Tidal Flat Restoration Pilot](#) project to test various restoration techniques to better understand how to implement successful restoration on Texas coastal tidal flats located on barrier island habitats at Padre Island National Seashore. Furthermore, while not explicitly prioritized, no habitat types are being excluded from potential acquisition under the approved [Texas Land Acquisition Program for Coastal Conservation](#) or from restoration under the [Texas Shoreline Protection Through Living Shorelines](#) program.

Comments on the Council Funding Strategy

Comment: The Council received comments supporting the approach to future Funded Priorities List (FPL) frequency to allow funds to accrue in support of funding large-scale restoration projects. Additionally, one commenter expressed appreciation for the Council's development of an effective environmental review process that respects the substance of associated laws while also moving restoration projects forward efficiently. One commenter expressed concerns that the process has taken too long.

Response: The Council appreciates support for its process and shares the public's sense of urgency with respect to Gulf coast restoration. The pace at which the Council can disburse funding is dictated largely by the terms of the legal settlement resolving civil claims against BP arising from the *Deepwater Horizon* oil spill. Under this settlement, BP makes annual deposits to the Gulf Coast Restoration Trust Fund (Trust Fund) over a 15-year period extending to 2031. The Council cannot obligate funds for an activity until those funds have been deposited into the Trust Fund.

Within these funding constraints, the Council endeavors to advance approved coastal restoration projects as quickly as possible. The Council must balance the interest in moving quickly with the equally important need to include the public in the process and ensure all funds are properly administered. Proper administration includes ensuring that all activities are in compliance with applicable federal funding requirements and environmental laws. The Council will continue working to move this funding into on-the-

ground restoration projects as efficiently as possible while not compromising on its commitment to public transparency and sound fiscal management.

Comment: Several commenters expressed continued support for the Council's watershed approach to restoration planning, many noting that this may be a useful tool to support planning and analysis of benefits of restoration investments both within the Council and more broadly between funding streams. Other commenters urged the Council to ensure that high-priority ecosystem stressors and needs drive the selection of priority watersheds and ultimately project selection.

Response: The Council appreciates these comments in support of its watershed approach to planning. In complying with the project selection criteria set forth in the RESTORE Act, the Council agrees that it may be a useful tool for other elements of the Council's work including coordinating efforts between funding streams.

Comment: Multiple commenters expressed their strong support for the Council's decision to elevate environmental compliance by adding it as a sixth overall commitment in the 2022 Comprehensive Plan Update and commended the Council for demonstrating leadership in environmental compliance by expediting the permitting process for Gulf restoration projects. One commenter expanded on this support by highlighting the Council's efforts toward efficient environmental reviews while respecting the substance and spirit of the National Environmental Policy Act (NEPA).

Response: The Council greatly appreciates this positive feedback in support of its prioritized commitment to efficient, effective, and transparent environmental compliance and looks forward to delivering collaborative and innovative results that advance Gulf restoration.

Comment: One commenter acknowledged the inclusion of resiliency as a component of the Council's commitment to *taking a regional ecosystem-based approach to restoration*. The commenter also noted the link between this commitment and the commitment to *applying science-based decision-making* is not distinctly drawn in the Comprehensive Plan. Further, the commenter acknowledged that restoring to past conditions may not be a valuable reference goal.

Response: The Council appreciates these comments and agrees that drawing linkages between the use of best available science (BAS) and desired goals of restoration actions, including resiliency, is important. While the 2022 Comprehensive Plan Update does not go into further detail regarding the linkages between these two Commitments, the Council's 2019 *Council-Selected Restoration Component FPL 3 Proposal Submission Guidelines and Review Process* ([2019 Submission Guidelines](#)) does outline how proposals being considered for Council-Selected Restoration Component funding should describe the use of BAS. This includes "consideration of all the risks and uncertainties associated with the proposal, including short and long-term sustainability and effects associated with implementation," as well as a discussion of monitoring and

adaptive management strategies. The inclusion of this information is explicitly considered during the external BAS review process. The 2019 Submission Guidelines encourage that all proposals include a description of the anticipated environmental benefits, with reference to one or more underlying environmental stressors as identified by BAS, including how proposed activities may increase resilience when relevant. As part of this description, proposals are also asked to discuss the rationale for the anticipated duration/sustainability of such benefits.

Comment: A number of commenters raised concerns pertaining to climate change as it relates to the Council's restoration investments. Commenters urged the Council to consider the potential impacts of climate change on the sustainability and resilience of its projects and programs, including factors such as increasing frequency and intensity of rainfall events and the associated changes in salinity regimes in Gulf estuaries. Other commenters noted that ecosystem restoration is critical for mitigating the impacts of climate change on Gulf wildlife and ecosystems.

Response: The Council agrees that ecosystem restoration and protection is essential for mitigating climate risks to Gulf wildlife and ecosystems. The Council addresses climate risks in guidance to its members on the content of Council-Selected Restoration Component funding proposals. Specifically, proposals for Council funding should discuss whether the project or program is vulnerable to climate risks such as sea level rise, changes in rainfall patterns, and/or potential increases in hurricane intensity. In particular, proposals should discuss how such risks might affect the benefits and duration of the project or program. Where applicable, proposals should also discuss how the project or program might mitigate future risks associated with sea level rise, subsidence, and/or storms. This guidance, titled "[Council-Selected Restoration Component FPL 3 Proposal Submission Guidelines and Review Process](#)," is available on the Council's website. At this point, the Council has not determined whether updates to this guidance would be warranted for future FPL proposals. Under any scenario, the Council will continue to carefully consider how changing environmental conditions could influence the effectiveness, sustainability, and resilience of future restoration investments.

Comment: One commenter raised concerns with ongoing impacts of oil on the ecosystem of South Padre Island. This person recommended increased regulation of ongoing energy production in the area. Another commenter raised concerns with proposed offshore oil infrastructure in the vicinity of Corpus Christi, and encouraged the Council to engage in the permitting process for this project.

Response: The Council acknowledges the concerns expressed regarding the potential impacts that oil can have on Gulf ecosystems. However, the Council has no regulatory authority to engage in the review process for proposed energy infrastructure, nor does the Council have a role in regulating or otherwise overseeing ongoing oil production facilities. Some of the Council's member agencies have independent regulatory

authorities that are relevant to these concerns. These concerns are more appropriately addressed as part of the permitting process established by each relevant regulatory agency. The Council's authority is to provide funding for ecosystem restoration, and the RESTORE Act authorizes the Council to use a portion of the civil penalties from the *Deepwater Horizon* oil spill to restore and protect Gulf ecosystems in the wake of that spill. The Council also acknowledges that acute events (e.g., hurricanes, major river floods, or oil spills) may occur throughout the lifetime of this program, and it intends to be adaptive to addressing those events to the extent that they impact the Council's mission of ecosystem restoration.

Comment: The Council received many comments related to public engagement. One commenter expressed appreciation for the Council's recent work to highlight specific restoration projects and encourages the Council to continue such updates on a more regular basis. Other commenters encouraged the Council to further increase its efforts to increase transparency and engage with stakeholders. Specifically, several commenters referenced a letter from many non-governmental organizations dated November 5th, 2019, within which the signers recommended best practices for ensuring transparency and accountability in the implementation of programs that were approved without specific projects detailed.

Response: The Council appreciates recognition of its recent efforts to increase communication with the public on its restoration progress and successes. With respect to restoration programs that have been approved prior to selection of specific projects, these programs are being implemented in different Gulf Coast States, across large geographic areas, and are tailored to circumstances and conditions associated with the ecosystem challenge at issue. For these reasons, administration of the programs varies by location. However, the implementation of the programs is consistent with the Council's commitments, including those pertaining to public engagement. The sponsor of each program has described the decision process for selecting projects within the activity descriptions of each program. Within this decision process, the sponsor indicates how best available science (BAS) is incorporated and how the public will be engaged in the selection of projects. The majority of these programs, as described in Funded Priorities Lists (FPLs), are currently only approved for planning. In order for these programs to receive the implementation funds, the activity sponsor is required to submit additional documentation (e.g., federal permits, detailed scopes of work) before the Council will consider formal approval of the additional funds. This approval occurs via a Council vote to amend the FPL after the required documentation is submitted, the public has commented on the proposed action, and the Council has complied with all applicable environmental laws. The Council appreciates the public's ongoing interest in its work, and will continue to find ways to communicate and coordinate with the public about its work on a more regular basis.

Comment: Many commenters emphasized the importance not only of broad community outreach, but specifically of increasing efforts to fully engage underserved communities

in the Council's work. Several commenters suggested that the Council should use a portion of its Commitment and Planning Support (CPS) FPL funds to enhance coordination with the public and other key stakeholders, particularly underserved communities. Others emphasized the importance of environmental education, and that careful consideration needs to be made of the equity of education and restoration projects due to the important role that diverse communities play in their local and regional environments.

Response: The Council agrees that continued transparency and engagement with all stakeholders, including the underserved/under-represented Gulf Coast communities, is an important element of its work. The Council recognizes the value of increasing the accessibility of its materials and programs, both through expanded opportunities to participate in public meetings and increased accessibility of information about the Council's work. At the level of the Council, formal engagement occurs largely during the times of development of its major documents, including the Comprehensive Plan updates and Funded Priorities Lists. The Council will continue to work to address varied challenges, including those associated with language barriers and barriers to stakeholder participation in public meetings and comment periods. This includes providing American Sign Language interpreters at its meetings and meeting 508 Compliance requirements for stakeholders who use assistive technology to read documents.

In the 2022 Comprehensive Plan Update, the Council described ways it is expanding its work to enhance its commitment to public engagement and transparency. For example, from the beginning of its work, the Council has translated its major documents into Vietnamese. As of 2021, the Council also translates these documents into Spanish. It also now translates its recorded public webinars into these two languages and posts them to its website (www.restorethegulf.gov) with an aim to reach a broader audience and be more accessible to stakeholders who cannot travel to in-person meetings. On an ongoing basis, the Council has expanded its use of press releases, eBlasts, and periodic project updates to increase public awareness. It is also updating its list of publications and media outlets that reach underserved communities in order to broaden the reach of these efforts.

At the level of development and implementation of specific projects and programs, public engagement and outreach is conducted by the activity sponsor, and is tailored to the local communities as needed to ensure the successful implementation of that activity. The Council has supported individual members' engagement with their public through the availability of CPS FPL funds. Since these funds are managed through individual federal awards, the decision on how to use these funds within the parameters of the CPS FPL allowable activities is made by each member in support of its priority needs.

Comments on Investments

Overarching comments on investments to date

Comment: The Council received many comments expressing appreciation for the inclusion of a section summarizing its achievements to date in the 2022 Comprehensive Plan Update. Another commenter expressed support for the Council's commitment to communicating the benefits and outcomes of past funding decisions and lessons learned, noting that this is a vital component of adaptive management.

Response: The Council greatly appreciates this positive feedback in support of commitment to and conveyance of its investments and benefits thus far. As it continues to make progress, the Council looks forward to continuing to communicate both benefits and lessons learned.

Comment: Several comments were received regarding the Council's Commitment and Planning Support (CPS) FPL investments, its use of those funds, and consideration of extending those activities beyond the initial 5-year period of the awards. Commenters appreciate the Council's evaluation of the effectiveness of this investment in meeting the Council's Comprehensive Plan commitments. Commenters also expressed support for the continued use of funds for ongoing and effective coordination. However, they request that the Council use only a small amount of available Council-Selected Restoration Component funds for these purposes, allowing the bulk of the funds to support restoration projects and monitoring. They further elaborated that they would like the Council to consider ways the CPS funds could be used to enhance coordination with the public and other stakeholders, particularly underserved communities and those that may be directly affected by projects under consideration.

Response: The Council appreciates the positive feedback on the evaluation of the effectiveness of the [2017 CPS FPL](#) funds that was included in the 2022 Comprehensive Plan Update. As described in the 2022 Comprehensive Plan Update, some of the benefits derived from the CPS funds include: engaging the public throughout the FPL 3 development process; establishing collaborative relationships; working with state and federal agencies to determine the area's coastal priorities; ensuring assistance by technical workgroups to determine programs/projects to consider for FPL 3 funding; and developing language for inclusion in the FPL document. It also appreciates the comments provided for the Council to consider as it determines whether to extend funding beyond the initial 5-year period of the awards, including the request that the Council use only a small portion of funds for activities allowed under the CPS FPL. In fact, the initial investment approved in the 2017 CPS FPL amounts to only 1.44 percent of the Council-Selected Restoration Component funds (excluding interest) that will be available over the 15-year payout period. The Council will continue to evaluate its expenditures and potential future needs prior to determining whether to increase the amount of money it invests in these important activities. The Council also appreciates the request to consider ways to use the CPS FPL funds for enhancing coordination with

the public and other stakeholders. Since these funds are managed through individual federal awards, the decision on how to use these funds within the parameters of the CPS FPL allowable activities is made by each member in support of its priority needs. This could include outreach activities, as well as a host of other activities designed to increase the overall effectiveness of the Council's work.

Comment: Many comments expressed support for the 2022 Comprehensive Plan Update and the benefits it would provide for Gulf wildlife and wildlife habitat. In particular, many comments emphasized the need for continued conservation in light of declining populations of avian species along the Gulf Coast and how conservation efforts would benefit not only wildlife, but also people.

Response: The Council thanks these commenters for their support and shares the public's interest in the continued conservation of the Gulf Coast as a vital and unique habitat for a variety of wildlife that rely on it. The Council acknowledges that the lasting impacts from the *Deepwater Horizon* oil spill and other forms of habitat degradation will continue to affect avian species across the Gulf. While other funding partners have a specific goal of restoring bird populations in the Gulf (e.g., the Natural Resources Damage Assessment (NRDA) Trustees), the goals and objectives in the Comprehensive Plan underscore the Council's commitment to restoring, supporting, and conserving coastal habitat. Examples of several Council-funded projects that would benefit avian species through habitat conservation and restoration actions can be found in the 'Investments to Date' section of the 2022 Comprehensive Plan Update.

Comments related to previously approved activities

Comment: One commenter has recommended a careful review of the [Chenier Plain Ecosystem Restoration Program](#) sponsored by Texas and its supporting documents to ensure consistency with RESTORE requirements. The commenter expressed concern that this FPL 3b program may fund maintenance of existing semi-impoundments, creation of new impoundments, marsh restoration using contaminated dredge material, or further investment in projects such as the creation of clay levees behind the beach utilizing onsite material that results in the collateral creation of linear borrow pits. The commenter also does not support using funding to assist industry in meeting mitigation requirements.

Response: The 2022 Comprehensive Plan Update does not approve funding for projects or programs. However, the Council did approve \$1.7M for planning activities for FPL 3b for the Chenier Plain Ecosystem Restoration Program. During the planning phase, the Texas Commission on Environmental Quality (TCEQ) will select specific projects under this program and complete engineering and design and environmental compliance requirements for selected projects. TCEQ will engage state and federal resource agencies during the planning process, including required regulatory environmental compliance reviews. These efforts will be part of the evaluation of

potential environmental impacts of the selected projects, as well as the determination of needed permits and other environmental compliance requirements. While the Council has budgeted \$18.3M for potential implementation of projects under this program, the Council must approve implementation funding before it is available for use on specific projects. This approval requires a Council vote as set forth in the RESTORE Act, and all projects must have documentation demonstrating that all applicable environmental laws have been addressed.

With respect to the commenter's specific concern regarding impoundment of marshes, the Council acknowledges that the creation of impoundments and levees can adversely affect coastal hydrology and wetland health. The specific projects selected under this program will consider best practices and solutions to making enhancements to the natural environment while minimizing alterations of natural processes.

With respect to the commenter's specific concerns regarding use of funding to assist industry in meeting compensatory mitigation requirements, the Council will not fund implementation of compensatory mitigation under Council-Selected Restoration Component unless that mitigation is required as a component of a restoration project that is otherwise eligible to receive funding. For example, if a Council-funded marsh restoration project would result in unavoidable impacts to an oyster reef, RESTORE funding could be utilized to perform that mitigation.

Comments related to specific restoration approaches and techniques

Comment: One commenter recommends that the Council acknowledge that the large emphasis on oyster restoration is not based on much scientific information. This commenter recommends first investing in robust monitoring and research on oyster reefs to generate information that could form the foundation of a future effort to actually restore oyster habitats. Another commenter emphasized that wild oyster populations are continuing to decline across the Gulf and recommends a more concerted effort by the Council and the NRDA Trustees to address this problem.

Response: The Council acknowledges that additional robust monitoring and research on oyster reefs could inform restoration efforts and believes that such monitoring and research would be consistent with Comprehensive Plan *Objective 7: Improve Science-based Decision-making Processes* and with the Comprehensive Plan commitments to both applying science-based decision-making and delivering results and measuring impacts. However, the Council feels that in many instances, there is in fact sufficient scientific information to act now to prioritize and implement oyster restoration utilizing proven techniques to make progress on Gulf restoration goals while simultaneously remaining committed to monitoring and adaptive management. The Council also greatly appreciates the suggestion to pursue a more concerted effort by the Council and the NRDA Trustees to address oyster restoration. In fact, the Council identified restoration of oyster habitat as a priority approach in the [2019 Planning Framework](#), because this important environmental and economic resource has experienced steep declines in

some Gulf estuaries. As the Council considers funding for specific oyster restoration projects, it will review the scientific basis for the proposed investment. The Council looks forward to exploring future opportunities to leverage resources consistent with its Comprehensive Plan goals and commitments.

Comment: One commenter questioned why the Council supports reclamation of orphaned oil and gas wells, and recommended that the Council's support for this restoration technique be reviewed by scientists.

Response: The 2022 Comprehensive Plan Update does not approve funding for projects or programs, including any reclamation of orphaned energy facilities. Such funding decisions are made through Council approval of Funded Priorities Lists (FPLs) and State Expenditure Plans (SEPs). The Council's [2019 Planning Framework](#) includes decommissioning unused, orphaned energy facilities as a potential technique for protecting and conserving coastal, estuarine, and riparian habitats. In its [2015 Initial FPL](#), the Council approved funding to plug and reclaim eleven oil and gas wells at Padre Island National Seashore in Texas. To date, no additional activities have been approved that employ this technique. Any future proposals for Council-Selected Restoration Component funds using this technique would be subject to best available science (BAS) review, which includes external restoration expertise.

As described in the 2019 Planning Framework, orphaned energy facilities may affect offshore and coastal habitats through hydrocarbon pollution that can impact groundwater, springs and seeps, and surface water. While well and pipeline sites in need of proper plugging, removal, or reclamation do not encompass large areas, the unaddressed orphaned oil and gas facilities pose safety risks to humans and environmental risks to surface and subsurface natural resources and habitats through release of contaminants. These risks increase with time due to continued deterioration, as does the cost to address them. Above ground infrastructure may also pose threats to bird and mammal species that are drawn to sources of water that are contaminated from products or practices used during energy exploration or production. Storage tanks and other abandoned equipment can be (and have been) toppled by high winds and tidal surge associated with hurricanes. Released hydrocarbon products can be transported by flood waters or currents, resulting in the oiling of coastal habitats (e.g., wetlands, barrier islands) and die-off of vegetation covered by hydrocarbons. Barrier islands, shorelines and other coastal areas provide storm defense for inland areas. When denuded of native vegetation due to oiling, they are less effective in blocking tidal surge and dissipating wave energy, thus compromising the defense they provide for inland areas. Future potential proposals to conduct this type of work would be considered from the perspective of whether structures pose a threat to the environment or are impeding access to resources needed to conduct restoration (e.g., pipelines that cross sediment resources needed for habitat restoration).

Comment: One commenter requests clarification that the Council will not fund coastal wetland impoundment or semi-impoundment, because these are traditional coastal

wetland management approaches that are largely not based on science and are intended to engineer the marsh to support a particular coastal resource (e.g., waterfowl) at the expense of other resources.

Response: The 2022 Comprehensive Plan Update does not approve funding for projects or programs, including impoundments. Projects are funded through Council-approved Funded Priorities Lists (FPLs) and State Expenditure Plans (SEPs). The Council acknowledges that the creation of impoundments can adversely affect coastal hydrology and wetland health for the benefit of other resources such as waterfowl. The specific projects selected for funding will consider best practices to make enhancements to the natural environment while minimizing alterations of natural processes. Furthermore, potential adverse effects of proposed projects located in waters of the U.S. will be analyzed during the U.S. Army Corps of Engineers' (USACE) permitting process (or the associated civil works project review process), and the proposed restoration designs will be subject to interagency coordination and review. Prior to the Council approving funding, activities are also reviewed for the use of best available science (BAS).

Comment: One commenter requests clarification that the Council will not fund opening naturally-ephemeral tidal passes, simply because people want more fish or easier boat access to the Gulf. The commenter does not feel that these projects constitute ecosystem restoration and are instead artificial efforts.

Response: The 2022 Comprehensive Plan Update does not approve funding for projects or programs, including dredging of ephemeral tidal passes. Projects are funded through Council-approved Funded Priorities Lists (FPLs) and State Expenditure Plans (SEPs). As the Council considers funding for specific projects, it reviews the scientific basis for the proposed investment. The Council has not funded the dredging of any ephemeral tidal passes to date. If such a project were proposed for potential funding consideration by the Council, it would also be subject to best available science (BAS) review, public review, and interagency review by state and federal natural resource agencies through both the standard U.S. Army Corps of Engineers (USACE) permitting process and Council public notice requirements. The Council believes these reviews would provide ample opportunities to raise any concerns regarding the proposed investment.

Comment: One commenter requests clarification that the Council will only fund acquisition of coastal habitats that are a demonstrated priority for coastal environmental management or restoration. The commenter added that benefits to coastal ecosystems should either be obvious or they should be demonstrated, and that only habitats that are under demonstrable risk of degradation should be acquired due to limited available funding.

Response: The Council appreciates the suggestions regarding further refinement of priorities for land acquisition. All acquisitions pursued by the Council will be located within the Gulf Coast Region as defined by the U.S. Department of the Treasury Regulations for the Gulf Coast Restoration Trust Fund ([31 CFR Part 34.2](#)). With respect to prioritization, some members, such as Texas, will use the [Strategic Conservation Assessment \(SCA\) Tool Suite](#) funded by the Council along with other natural and human environmental data and analyses to identify available high priority locations that will provide the greatest value to the coastal environment and are the most vulnerable to ongoing and future degradation. In Florida, prioritization will be accomplished using the existing Florida Forever (FF) Program priority list to identify and rank parcels for acquisition using a thorough scientific review and a comprehensive natural resource analysis. Florida will target lands draining into the Gulf of Mexico that are in the FF Critical Natural Lands and Climate Change Lands categories or other FF parcels with similar attributes.

Comment: One commenter believes that the Council should justify its strong support for living shorelines. While this commenter supports living shorelines as an alternative to traditional hard shoreline protection, the commenter does not believe living shorelines are a panacea for all coastal problems.

Response: The Council agrees that living shorelines are not an all-encompassing remedy for all stressors impacting the Gulf ecosystem. The Council does believe use of living shorelines is a very viable, important, and proven restoration technique to protect shorelines from erosion by helping to stabilize sediment and reduce the wave energy reaching the shoreline. Certain designs and locations of living shorelines may also help restore oyster habitat while providing valuable fish and wildlife habitat and providing water quality benefits. The Council will continue to employ multiple restoration techniques and priority approaches, including living shorelines, as described in its [2019 Planning Framework](#) to meet its Comprehensive Plan goals and objectives.

Comment: One commenter recommended that the Council clarify that it will only fund watershed management efforts that are explicitly focused on protecting and restoring coastal water quality.

Response: The Council concurs that improving coastal water quality is a priority. The Council is limited by law and associated regulation to implementing projects and programs within the Gulf Coast Region, including the state coastal zones and federal lands within the coastal zones that border the Gulf of Mexico; any adjacent land, water, and watersheds within 25 miles of the coastal zones; and all federal waters in the Gulf of Mexico. The U.S. Department of the Treasury regulations covering the RESTORE Act provide that an “activity selected by the Council is carried out in the Gulf Coast Region when, in the reasonable judgment of the Council, each severable part of the activity is primarily designed to restore or protect that geographic area” (31 CFR 34.202(a)). Accordingly, the Council can consider and fund water quality and quantity projects that

are consistent with this definition. In the 2022 Comprehensive Plan Update, the Council retains its commitment to the watershed/estuary-based approach. Consistent with this approach, the Council will continue to carefully consider the downstream and coastal effects of all proposed projects and programs, including water quality and quantity proposals.

Other Comments

Comment: A total of 2,450 members of the Audubon Society submitted a form letter. In some instances, individual members edited the form letter with their own unique comments.

Response: The Council appreciates the broad interest demonstrated by these form letters, as well as the organizing required for such campaigns. The content of the duplicate correspondence, including the unique comments added by individuals, has been addressed in other comment summaries and associated responses.