

The logo of the Mississippi Department of Environmental Quality is a circular emblem. It is divided into three sections by three interlocking rings. The top section contains a stylized sun or wave. The bottom-left section contains a stylized plant with three leaves. The bottom-right section contains stylized waves. The text "Mississippi" is centered over the top section, and "Planning State Expenditure Plan" is centered over the bottom sections.

Mississippi Planning State Expenditure Plan

Submitted to:

The Gulf Coast Ecosystem Restoration Council

Mississippi Department of Environmental Quality

On Behalf of the State of Mississippi

September 21, 2015

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I – Executive Summary

Introduction

This proposal represents the Planning State Expenditure Plan (PSEP) for the State of Mississippi and has been prepared to meet or exceed the requirements for PSEP as set forth in the *Oil Spill Impact Component: State Expenditure Plan Guidelines prepared by the Gulf Coast Ecosystem Restoration Council* (December, 2014), as well as the *Announcement for Spill Impact Component Planning Grants*, Funding Opportunity #GCC-GRANT-SEP-15-001 (December, 2014). Pursuant to direction provided in these documents, the application process for planning grants is organized into two parts. Part 1 constitutes the submission of a Planning State Expenditure Plan by the State of Mississippi to the Gulf Coast Ecosystem Restoration Council (RESTORE Council) which will be approved by the Chairperson of the RESTORE Council. After approval, Part 2 will represent the administrative application process for the planning grant, which includes the submission of all administrative grant application materials by the state for the respective components of the PSEP. This submittal addresses the requirements for Part 1.

Designated State Entity

The State of Mississippi, Office of the Governor, is the entity designated under the Spill Impact Component of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) to develop the required Planning State Expenditure Plan and subsequent State Expenditure Plan. The Office of the Governor appointed Gary Rikard, the Executive Director of the Mississippi Department of Environmental Quality, as his appointee. See Attachment A for letter of appointment.

Points of Contact

Gary Rikard, Executive Director
Mississippi Department of Environmental
Quality
515 East Amite Street
Jackson, MS
T: (601) 961-5001
F: (601) 961-5275
Email: gary_rikard@deq.state.ms.us

Marc Wyatt, Office of Restoration, Director
Mississippi Department of Environmental
Quality
515 East Amite Street
Jackson, MS
T: (601) 961-5367
F: (601) 961-5275
Email: marc_wyatt@deq.state.ms.us

II – Planning State Expenditure Plan Narrative

Proposed Planning Scope of Work

The proposed scope of work for the Planning State Expenditure Plan (PSEP) involves a series of activities that create an iterative process in developing a Mississippi State Expenditure Plan (MSEP) while maintaining transparency to stakeholders. This process is divided into five phases with distinct tasks occurring in each phase. The activities occurring within each phase are designed to achieve the following criteria:

- Identify eligible projects, programs, and activities for inclusion on the MSEP;
- Ensure that eligible projects, programs, and activities included on the MSEP contribute to overall ecological and economic recovery of the Gulf Coast;
- Ensure the MSEP takes into consideration and is consistent with the goals, objectives and commitments of the RESTORE Council’s Comprehensive Plan; and
- Promote funded projects to be as successful and sustainable as possible.



Figure 1: Planning approach to MSEP development

Phase 1: Establishing a Foundation

The RESTORE Act states that each program, project, and activity included on a MSEP and funded under the Spill Impact Component must contribute to both the ecological and economic recovery of the Gulf Coast and must be consistent with the goals and objectives of the Comprehensive Plan developed by the RESTORE Council. To meet these requirements, the State of Mississippi will work with stakeholders and the public to develop aims and targets for the MSEP. These aims and targets become the foundation on which programs, projects, and activities will be developed for the MSEP. They inform a path forward in identifying criteria against which programs, projects, and activities will be reviewed.

Tasks:

- 1.1. Develop aims and targets of the MSEP

Phase 2: Project Contribution, Benefit, and Coordination

In this phase, criteria of respective project contribution(s) and benefit(s) are developed based on the aims and targets established in Phase 1. Contributions and benefits will be informed by the respective governance of the RESTORE Act, the RESTORE Council, and input from the public. Additionally, priorities, outcomes, and benefits of current restoration activities and funding sources will be utilized in forming criteria. This coordination and synergy gives the state a comprehensive landscape view of coastal restoration so that future restoration activities may be developed to achieve maximum benefit and, where possible, leverage additional resources. Coordination will occur with stakeholder and public priorities, RESTORE Council priorities, and neighboring state's Spill Impact Component priorities.

Tasks:

- 2.1. Establish criteria for project contribution
- 2.2. Establish economic and environmental benefits of projects
- 2.3. Coordinate priorities
- 2.4. Comprehensive evaluation of adjacent states Spill Impact Component priorities

Phase 3: Project Filtering

In this phase, programs, projects, and activities submitted by the public in the Restoration Project Idea Portal (Portal) are evaluated. The Portal is the mechanism used by the State of Mississippi to garner restoration project ideas from the public. Every submittal in the Portal will be reviewed for eligibility under the Spill Impact Component. Eligible projects are those that meet the activities defined in the RESTORE Act, and align with the aims and targets, as well as the contribution and benefits established in earlier phases.

Tasks:

- 3.1. Evaluate projects against criteria established in Phase 1 and Phase 2
- 3.2. Prepare a list of potential projects for inclusion in the MSEP

Phase 4: Project Vetting

Each potential project will undergo several vetting reviews, which may include a review for conflicts of interest, risk assessments of projects for viability, risk assessments of potential project sponsors' financial controls and monitoring, and identify requirements for environmental compliance. Any additional contribution criteria will be vetted at this stage. Additionally, MDEQ will coordinate with applicable permitting and regulatory agencies.

Tasks:

- 4.1. Review of projects for conflicts of interest
- 4.2. Perform Risk assessments of projects and potential project sponsors
- 4.3. Identify environmental compliance requirements of projects
- 4.4. Coordinate permitting needs and requirements

Phase 5: Development of MSEP(s)

After projects have been vetted, a MSEP will be created and released for public comment. After consideration of any public comments received, appropriate revisions may be made to the MSEP and submitted to the RESTORE Council for approval.

Tasks:

- 5.1. Develop initial MSEP
- 5.2. Publish initial MSEP for public comments
- 5.3. Submit initial MSEP to the RESTORE Council

Expediting Projects Through Phases

In Figure 1, there is an *Opportunity Project Prioritization* track. This track provides the opportunity for a project(s) to move into the project development phase rapidly if it meets the RESTORE Act goals and objectives, meets the contribution criteria and economic and ecological benefits, and requires expediting to achieve maximum benefit.

Transparency

MDEQ and the State of Mississippi have made a commitment to the public for transparency associated with all aspects of coastal restoration associated with Deepwater Horizon Oil Spill funding. There will be continuous updates to the restore.ms website with regards to activities described in the PSEP.

Planning Schedule

To fully incorporate and design the applicable project vetting criteria, allow stakeholders time to consider the eligibility framework, submit and update ideas through the Portal, as well as develop projects to be placed on the MSEP, a multi-year planning effort is anticipated. The timeline for the PSEP may be up to 24 months. Timing for Phase 1 to Phase 5 will be variable, depending on the number of projects deemed eligible, as well as project complexity.

Planning Budget

The State of Mississippi is requesting a planning grant of \$1,400,000 to cover all costs associated with this process.

Phase	Year 1	Year 2	Total
Phase 1: Establishing a Foundation	\$210,000		\$210,000
Phase 2: Project Contribution, Benefit, and Coordination	\$350,000		\$350,000
Phase 3: Project Filtering	\$175,000	\$175,000	\$350,000

Phase 4: Project Vetting		\$350,000	\$350,000
Phase 5: Development of MSEP(s)		\$140,000	\$140,000
Total	\$735,000	\$665,000	\$1,400,000

Required Planning State Expenditure Plan Components

Certification of Planning Activities

This PSEP deals exclusively with the development of the Mississippi State Expenditure Plan. The sole purpose of this submittal is to inform the RESTORE Council of the state's intent to develop the Mississippi State Expenditure Plan, and its proposed approach and methodologies for doing so. The Mississippi Department of Environmental Quality hereby certifies that funds received under the Planning State Expenditure Plan are eligible for funding under the RESTORE Act 33 U.S.C. § 1321 (t)(1)(B)(i)(VIII), will be used exclusively for the development of the Mississippi State Expenditure Plan, and may include conceptual design and feasibility studies related to specific projects.

The Mississippi Department of Environmental hereby certifies that this Planning State Expenditure Plan meets the requirements listed in Section 4.1 of the *Oil Spill Impact Component: State Expenditure Plan Guidelines*.

Contribution to Overall Economic and Ecological Recovery

The RESTORE Act establishes the RESTORE Council's primary responsibility under the Spill Impact Component as approving projects that would measurably improve the economy and ecology of the Gulf Coast Region. Therefore, the PSEP in its Scope of Work will ensure ecological and economic recovery as the overarching standard for all projects that will be included in the Mississippi State Expenditure Plan. Furthermore, the Mississippi State Expenditure Plan will be prepared in such a manner that it is fully consistent with the criteria set out in the RESTORE Act.

Consistency with the Goals and Objectives of the Comprehensive Plan

The Mississippi Department of Environmental Quality is very knowledgeable of the various aspects of the RESTORE Act, especially the Spill Impact Component and related rulemaking. It is fully understood that the Mississippi State Expenditure Plan must and will be developed in a manner that is consistent with the criteria set out in the RESTORE Act, which includes consistency with the goals and objectives of the RESTORE Council's Comprehensive Plan.

The MSEP will clearly describe how all eligible projects, programs, and activities align with the following RESTORE Council Comprehensive Plan Goals:

- a) **Restore and Conserve Habitat** – Restore and conserve the health, diversity, and resilience of key coastal, estuarine, and marine habitats
- b) **Restore Water Quality** – Restore and protect water quality of the Gulf Coast Region’s fresh, estuarine, and marine waters
- c) **Replenish and Protect Living Coastal and Marine Resources** – Restore and protect healthy, diverse, and sustainable living coastal and marine resources
- d) **Enhance Community Resilience** – Build upon and sustain communities with capacity to adapt to short and long term changes
- e) **Restore and Revitalize the Gulf Economy** – Enhance the sustainability and resiliency of the Gulf economy

The MSEP will include the appropriate level of public participation, thereby promoting transparency in the project, program, and activity selection process, including how proposed and selected projects will contribute to the overall economic and ecological recovery for the Gulf Coast. The plan will also succinctly outline Mississippi’s co-commitment to those of the RESTORE Council in the following areas:

- a) *Science-Based Decision Making*
- b) *A Regional Ecosystem-based Approach to Restoration*
- c) *Engagement, Inclusion and Transparency*
- d) *Leveraging Resources and Partnerships*
- e) *Delivering Results and Measuring Impacts*

Certification of Excluded Costs

The Mississippi Department of Environmental Quality hereby certifies that activities described in the Planning State Expenditure Plan and the associated costs do not include costs for infrastructure or engineering and environmental studies related to specific projects.

III – Financial Management

The State of Mississippi understands its fiduciary responsibilities under the RESTORE Act and is committed to maintaining the highest level of fiscal accountability and transparency. These responsibilities include RESTORE project administration functions, such as maintaining financial records and ensuring complete and accurate reporting. Mississippi understands the importance of establishing safeguards to ensure financial accountability and have in place an effective internal control system over financial processes to accomplish this task. Mississippi’s financial system was developed around the basic principles of sound financial management. These principles are internationally accepted accounting and financial management practices recognized worldwide by leading public and private sector organizations. The basic principles of sound financial management include, among others, principles of transparency, internal checks and balances, and independent external auditing.

Transparency – Mississippi is committed to maintaining transparency with the public and to reporting on RESTORE Act projects, programs, and activities.

Internal checks and balances – To maintain effective controls, MDEQ properly segregates duties among state personnel performing financial functions for RESTORE Act projects, programs, and activities.

Independent external auditing – All state agencies are subject to annual audits to be conducted by the Office of the State Auditor or its contracted designee as prescribed by state law. Agency audits are performed at the fund level in conjunction with the State Auditor's annual audit of the State's Comprehensive Annual Financial Report (CAFR).

These principles of sound financial management are designed to:

- Prevent corruption and reduce or eliminate financial risk and loss
- Ensure that funds are spent in accordance with the respective grant awards, state law and federal law, as applicable
- Ensure that personnel responsible for implementing the activities in the project work plans have the resources they need to do their jobs
- Assist state personnel in spending funds efficiently and effectively and report expenditures accurately

The State of Mississippi is responsible for:

- Physically managing and safeguarding RESTORE Act project funds
- Disbursing funds to sub-recipients in a timely manner for spending on project activities
- Keeping accurate and up-to-date records of all financial transactions related to project activities
- Providing accurate financial reports as requested or required
- Assisting state personnel with financial planning, budgeting, monitoring, and evaluation
- Assisting state personnel in understanding and complying with financial policies and procedures needed to ensure efficient and effective financial operations of RESTORE Act funds

Effective financial operations depend on clear policies and procedures for different areas of activity such as:

- Cash management (e.g., project budgets, requests for funds, and disbursement of funds)
- Personnel policies
- Delegation of authority for signing approvals on spending at set levels
- Purchasing and procurement laws and regulations
- Reimbursement of administrative expenses
- Requirements for supporting documentation
- Financial reporting requirements and schedules, including a documented review process by appropriate supervisory personnel

Financial Controls

Financial controls are designed to enable us to accomplish our fiduciary responsibilities. These controls also reduce the risk of asset loss and ensure that RESTORE project information is

complete and accurate, that financial reports are reliable, and ensures compliance with laws and regulations. The financial control system includes both preventative controls (designed to discourage errors or fraud) and detective controls (designed to identify an error or fraud after it has occurred).

Section 7-7-3(6)(d), Mississippi Code Ann. as amended states that each agency, through its governing board or executive head, is required to maintain continuous internal audit covering the activities of such agency affecting its revenue and expenditures, and an adequate internal system of preauditing claims, demands and accounts to ensure that only valid claims, demands and accounts will be paid.

Consistent with the RESTORE Act and this Planning State Expenditure Plan, sub-recipient must operate and use resources, with minimal potential for waste, fraud, and mismanagement. The financial control system provides assurance that significant weaknesses that could affect the state's ability to meet its objectives would be prevented or detected in a timely manner.

Project management, other personnel, and those charged with governance will apply internal control processes that are designed to provide reasonable assurance in the reliability of project financial reporting. The system includes characteristics such as:

- Policies and procedures that provide for appropriate segregation of duties to reduce the likelihood of deliberate fraud and training personnel so they are qualified to perform their assigned responsibilities
- Sound practices to be followed by personnel in performing their duties and functions
- Proper authorization and recording procedures for financial transactions

Mississippi's internal control system has been modeled after the Committee of Sponsoring Organizations (COSO) internal control framework and the following five inter-related components. Annually, each state agency is required to certify it has performed an internal control risk assessment, identify weaknesses, and describe a corrective action plan, if applicable.

Control Environment – In Mississippi, responsibility for implementing internal controls at each state agency begins with the chief executive officer and extends to everyone in the agency. Each agency director personally holds those in leadership positions responsible for helping to design, implement, maintain, and champion an internal control program that encompasses all agency fiscal programs and related activities. Each agency's chief financial officer shares this leadership role, yet ultimate accountability remains with the agency head.

Only qualified, competent individuals are employed. These personnel are adequately trained to carry out their responsibilities and are required to explicitly and implicitly understand their responsibilities. State management provides its employees with the authority to perform the tasks assigned to them.

Risk Assessment – As part of establishing proper controls and procedures, an assessment is performed to identify, analyze, and manage risks relevant to achieving the state's goals and objectives for RESTORE projects. This assessment identified internal and external events or circumstances that could adversely affect our ability to carry out our fiduciary responsibilities. Identified risks according to potential impact on the RESTORE projects and the likelihood of

occurrence will be considered. The SEP is considered in performing the risk assessment, incorporating the goals and objectives for the RESTORE activities while assessing the control environment, the overall financial management process, the role of the accounting system, and other financial management activities.

Identification of component systems comprising the complete accounting system is also included in the risk assessment process. Transaction cycles were identified and considered along with inherent risks. These will be continuously reviewed and strategies will be updated as needed to manage the risks.

Control Activities – Mississippi’s internal control activities include written policies, procedures, techniques, and mechanisms that help ensure management’s directives are carried out in compliance with the RESTORE Act criteria. Control activities help identify, prevent, or reduce the risks that can impede accomplishment of state objectives. Control activities occur throughout the financial department, at all levels and in all functions; they include activities such as approvals, authorizations, verifications, reconciliations, documentation, separation of duties, and safeguarding of assets.

For each transaction cycle identified in the risk assessment, the flow of information through the process and the internal control activities taken will be documented and analyzed. Documentation will include organizational charts, standard operation procedures, manuals, flowcharts, decision tables, questionnaires, and review checklists.

Communication and Information – The state’s financial system provides adequate processes and procedures to ensure that each agency or department has relevant, valid, reliable, and timely communications related to internal and external events to effectively run and control its operations. Agency directors are able to obtain reliable information to make informed business decisions, determine their risks, and communicate policies and other important information to those who need it.

Communication is vital to effective project management, and Mississippi’s financial information system has mechanisms in place to properly capture and communicate RESTORE project financial data at the level appropriate for sound financial management. Policy manuals, accounting and financial reporting manuals, internal memoranda, verbal directives, and management actions are a few of the means of communicating across state agencies.

Monitoring – Monitoring of the internal control system will be performed to assess whether controls are effective and operating as intended. Monitoring is built into our normal, recurring operations, is performed on a real-time basis, reacts dynamically to changing conditions, and is ingrained in each state agency. Ongoing monitoring occurs through routine managerial activities such as supervision, reconciliations, checklists, comparisons, performance evaluations, and status reports. Monitoring may also occur through separate internal evaluations (e.g., internal audits/reviews) or from external evaluations (e.g., independent audits, comparison to industry standards, surveys). Any deficiencies found during monitoring will be reported to those responsible.

Mississippi requires prompt evaluation of any findings and recommendations. Formal procedures are documented for responding to findings and recommendations. Those that generate action items are properly outlined for timely response and resolution. Responsible parties are required

to complete action items to correct or otherwise resolve the deficiencies within an established timeframe. The monitoring process also includes analysis of whether exceptions are reported and resolved quickly.

Accountability

While each state employee has personal internal control responsibility, the state director holds ultimate responsibility and assumes ownership for internal control over financial reporting of RESTORE Act funds. Other directors and managers support the state's internal control philosophy, promote compliance, and maintain control within their areas of responsibility. Chief financial officers have key oversight and policy enforcement roles over fiscal matters. Other state personnel hold lead responsibility for compliance with nonfinancial aspects of laws, directives, policies, procedures, and codes of ethics.

The state director has designated a senior manager as the RESTORE project manager specialist who is responsible for coordinating the overall state-wide effort of evaluating, improving, and reporting on internal controls over RESTORE project management. A risk assessment of project internal control systems will be performed annually. If the risk assessment indicates a high level of risk associated with the financial control system, internal controls will be evaluated. Any serious deficiencies will be reported to the appropriate authority.

Key Controls

Mississippi applies key controls for financial operating functions that serve as strategic risk mitigation tools within each area. These key controls are developed around financial management policies of segregation of duties, systematic reviews and reconciliations, and documented approval processes. These key controls serve as the framework for financial processes used in the flow of information for capturing and reporting financial data.

Other Financial Integrity Mechanisms

The State of Mississippi has developed detailed written policies and procedures as part of its financial control systems and financial control system plan. The plan, policies, and procedures provide assurance that RESTORE Act funds are being safeguarded and that applicable statutes, rules, and regulations are being followed. They also ensure that the goals and objectives of the RESTORE Act are being met.

The financial control system plan is more than just a list of procedures or flowcharts of how activities operate. Rather, the plan is a comprehensive document that encompasses all components of our internal controls. Likewise, the plan documents the financial control structure as it relates to those functions. Key financial integrity mechanisms of internal control over financial reporting are described in the following paragraphs.

Risk assessments of sub-recipient – Pursuant to current proposals under consideration by the U.S. Office of Management and Budget, Mississippi will emphasize components of sub-recipient' financial system internal checks and balances that address fraud, waste, and performance. Mississippi's financial management system is designed for the prevention of fraud, waste, and abuse. As such, risk assessments of all sub-recipient financial management systems will be conducted before awarding RESTORE funding to ensure they are capable of complying with RESTORE Act requirements.

Project budgets – The budgets represent the financial plans for the project throughout their lifespans. The budgets match planned expenditures with revenues that the state expects to receive, which is essential for effective cash flow planning and management. Budgets also help us prevent the misuse of project funds and control spending.

Segregation of duties – Mississippi employs several levels of control to achieve proper segregation of duties in financial processes. Departmental controls allow for proper segregation among functions related to the recording and reporting of project transactions. Supervisory approval is required for all expenditures by personnel independent of the recording process. Stewardship over project funds is essential for proper fiduciary accountability, and the State has established the framework to achieve this component of internal control.

Safeguarding of assets – Access to financial project information is restricted to essential personnel. Passwords and other physical safeguards are employed by the State to restrict access to financial data. By restricting access, risk of misappropriation and fraud is reduced because only the personnel who will be working on the financial data for the projects have access to those functions. Regular backups of financial information are done and stored off-site to minimize loss of data due to an unforeseen occurrence.

Sub-recipient monitoring – Mississippi developed a process for sub-recipient monitoring using an effective risk assessment model. On-site assistance and reviews for sub-recipient based on appropriate risk levels will be provided. Mississippi will require and review financial and progress reports for accuracy, completeness, and alignment with RESTORE goals. Budget reports may also be required for comparison to actual expenditures, in detail if necessary.

Mississippi may also employ other financial integrity mechanisms if necessary or for specific RESTORE project types. Modifications will be based on updated risk assessments for the RESTORE financial control system.

IV – Conflict of Interest

The processes that MDEQ used to prevent conflicts of interest in the development and implementation of this PSEP are guided by Mississippi law. Under Mississippi Code § 24-4-1 et seq., it is the policy of the state that public officials and employees be independent and impartial, that governmental decisions and public policy be made on the proper channels of the government structure; that public office not be used for private gain other than the remuneration provided by law; that there be public confidence in the integrity of government; and that public officials be assisted in determinations of conflicts of interest.

Further, MDEQ requires, where applicable, the completion of a non-collusion and conflict of interest affidavit certifying that there are no present or currently planned interests (financial, contractual, organizational, or otherwise) relating to the work to be performed under any contract or task order resulting from the proposed work that would create any actual or potential conflict of interest (or apparent conflicts of interest) (including conflicts of interest for immediate family members: spouses, parents, children) that would impinge on its ability to render impartial, technically sound, and objective assistance or advice or result in it being given an unfair competitive advantage.



PHIL BRYANT
GOVERNOR

September 24, 2014

Justin R. Ehrenwerth Executive Director
Gulf Coast Ecosystem Restoration Council c/o Keala Hughes
Building 1100 Room 212E
Mail Code: EPA/GMPO
Stennis Space Center, MS 39529

**Re: Notice of Designated Alternate to the Gulf Coast Ecosystem Restoration Council,
State of Mississippi**

Dear Mr. Ehrenworth,

As the member representing the State of Mississippi for the Gulf Coast Ecosystem Restoration Council ("Council") under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revised Economies ("RESTORE") of the Gulf Coast States Act of 2012 (title I, subtitle F of Public Law 112-141), I am required to notify the Council of any designated alternates authorized to act on my behalf. Consistent with this duty and pursuant to (t)(2)(C)(iii) of the RESTORE Act, I am hereby notifying you that effective September 1, 2014, Gary C. Rikard, Executive Director for the Mississippi Department of Environmental Quality, will serve as my designated alternate to the Council and is authorized to vote on my behalf.

Sincerely,

A handwritten signature in blue ink that reads "Phil Bryant".

Phil Bryant
Governor

cc: Gary C. Rikard