Response to Public Comments
8-1-13

The Council received over 41,000 comments on the Draft Initial Comprehensive Plan (Draft Plan) and has reviewed, categorized, summarized, and responded to these comments below. In response to these comments, the Council revised portions of the Draft Plan. The majority of these revisions can be found in the "Next Steps" section of the final Initial Comprehensive Plan (Plan). In addition to many substantive comments, the Council received and evaluated comments suggesting minor edits to the Draft Plan's text and structure. Other comments focused on matters outside the purview of the RESTORE Act or the Council's jurisdiction, including a proposed ban on commercial fishing; selection of Natural Resource Damage Assessment (NRDA) Early Restoration Projects; activities related to the clean-up of oil following the *Deepwater Horizon* spill; offers for services unrelated to the RESTORE Act; and congressional term limits. As described in the "Next Steps" section of the Plan, the public will have the opportunity to review and comment on a series of important updates and addenda to this Plan, and the Council will use this rich body of public input to inform its future decisions.

1) **Advancing Specific Priorities: Multiple commenters suggested that the Council endorse specific priorities to the exclusion of others. Suggested additional priorities included: restoration specific to the Mississippi River; wetlands restoration; single species habitat restoration; and greenhouse gas reduction.**

The public identified many valuable priorities that could fulfill some element of the comprehensive ecosystem restoration goals set forth in the Draft Plan. As noted in the Plan, the Council will release a schedule for submittal of proposals from Council Members and develop a proposal solicitation process to effectively evaluate projects and programs for funding based on the Priority Criteria in the Act. Subsequently, the Council will publish for public review and comment a Draft Funded Priorities List (*i.e.*, a project and program priority list that the Council proposes to fund). Once finalized, this list will serve as the basis for allocating funds from the Council-Selected Restoration Component of the Gulf Coast Ecosystem Restoration Trust Fund (Trust Fund). As described in the Plan, the Council will coordinate, as appropriate, with other entities engaged in Gulf Coast restoration activities (*e.g.*, NRDA Trustees and the National Fish and Wildlife Foundation (NFWF)) to maximize benefits to the Gulf Coast ecosystem.

2) **Advancing Specific Projects and Programs: Multiple commenters asked the Council to fund particular projects or programs.**

The Plan sets out a process for the solicitation of projects and programs based on the requirements of the RESTORE Act and other applicable federal law. While many commenters suggested potentially valuable projects and programs to the Council, the Plan does not select particular projects and programs for funding in this version of the Plan. As described in the "Next Steps" section of the Plan, the Council will follow an open and transparent selection process to ensure proper evaluation of all projects and programs it considers for funding. Such a process will enable the Council to fulfill its obligation to conduct comprehensive ecosystem restoration across the Gulf Coast region. Prior to evaluating particular projects and programs, the Council will announce a more detailed proposal solicitation and evaluation process, which

will provide additional information about the types of projects or programs the Council intends to consider and the manner in which proponents of particular projects and programs may present ideas to the Council.

3) **Supplementing and/or Refining the Priority Criteria Provided in the Act: Multiple commenters recommended the Council utilize additional and/or refined selection criteria beyond those provided in the Draft Plan and the RESTORE Act.**

The Plan sets forth the Priority Criteria provided by Congress in the RESTORE Act to guide the evaluation and selection of restoration projects and programs. Prior to evaluating particular projects and programs for funding, the Council will develop a proposal solicitation and evaluation process that ensures proponents submit information sufficient to effectively evaluate projects and programs based on the Priority Criteria. While the Council is not adding criteria, the proposal solicitation and evaluation process will include additional detail regarding the manner in which the Council will apply the criteria. Furthermore, the Council expects this Plan to evolve over time to incorporate new science, information, and changing conditions.

4) **Utilizing Numeric Weighting in the Evaluation Process: Some commenters encouraged the Council to develop and use a numeric weighting system for Goals, Objectives, and/or Priority Criteria, then evaluate proposals based on their numeric score.**

The Council will develop a proposal solicitation and evaluation process to ensure proponents supply information sufficient to allow the Council to effectively evaluate projects and programs. As described in the Plan, the Council will use the Priority Criteria identified in the RESTORE Act to evaluate proposals and select the best projects and programs to achieve the overarching goal of comprehensive Gulf Coast ecosystem restoration. The Council is developing the proposal solicitation and evaluation process and will review the use of a numeric ranking system.

5) **Developing the Funded Priorities List: Multiple commenters voiced concerns about the future development of the Funded Priorities List.**

The Council will publish for public review and comment a Draft Funded Priorities List (Draft List), which will include projects and programs the Council intends to prioritize for funding. The Council will carefully review public comments on the Draft List, make any needed revisions, and then publish the final Funded Priorities List (List). Once finalized, the List will serve as the basis for allocating funds under the Council-Selected Restoration Component of the Trust Fund. The Council did not include a Draft List in this iteration of the Plan for several reasons. First, due to ongoing litigation, there is uncertainty related to the overall amount and availability of funds deposited in the Trust Fund. Second, the U.S. Department of the Treasury has not yet issued final procedures to guide Trust Fund expenditures. Third, the Council wanted to solicit public input on this Plan before generating a Draft List. For all of these reasons, the Council has purposely deferred developing a Draft List; however, once published for public review, the Council looks forward to receiving public comments on the Draft List.

6) **Minimizing Environmental Degradation: Multiple commenters expressed concern that the Council might choose projects that add to the environmental degradation of the Gulf Coast region and urged the Council not to do so.**

The Plan describes the overarching objective of the Council in implementing the Council-Selected Restoration Component as follows: "The Council will select and fund projects and programs that restore and protect the natural resources, ecosystems, water quality, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region. Projects and programs not within the scope of these Objectives for ecosystem restoration will not be funded under the Council-Selected Restoration Component." The Council recognizes, however, that implementation of projects and programs to restore and protect these natural resources may involve limited, adverse environmental impacts. In order to fully inform itself and the public of the potential environmental impacts of a proposed action (*i.e.* a project or program), the action will be evaluated in accordance with all applicable environmental laws, regulations and policies.

7) **Commitment to Science: Multiple commenters expressed support for the Council's commitment to science-based decision-making, but requested additional details as to how the Council intends to incorporate science into its decision-making. Similarly, multiple commenters suggested the Council establish and utilize a Science Advisory Committee to assist in fulfilling its commitment and include a Chief Scientist on the Council staff.**

Consistent with the RESTORE Act, the Plan reflects the Council's commitment to using the best available science to inform its decisions. In addition, the Council expects the Plan to evolve over time to incorporate new scientific information and changing conditions, as necessary. The Council is considering the most effective means of ensuring that its decisions are based on the best available science, including the formation of a scientific advisory committee or some other vehicle to inform its decisions and facilitate coordination across various Gulf restoration efforts. Given the current uncertainty surrounding the amount and timing of funding for Council activities, the Council has not yet settled on the specific advisory and coordination model. However, the Council is firmly committed to science-based decision-making as well as coordinating scientific efforts with its key partners, including the NOAA Science, Observation, Monitoring and Technology Program; the Centers of Excellence established in each State; NRDA; NFWF; and many other efforts throughout the region. Finally, the Council is in the process of determining its full staffing needs, including whether to employ a Chief Scientist or to fulfill this important function in some other manner.

8) **Continuing Public Engagement: Multiple commenters encouraged the Council to maintain a high level of Tribal and public engagement, including targeted outreach and translation services for constituencies, Environmental Justice communities, and the Vietnamese-American population. Similarly, multiple commenters suggested the Council establish a Citizens Advisory Committee and advisory committees in the areas of public policy and cultural heritage.**

The Council has prioritized engagement and has conducted outreach throughout the Gulf Coast region in developing the Plan. The Council will continue to engage with the Tribes on these

important issues throughout the implementation of the Plan. The Council also remains committed to continued active and meaningful public engagement and to that end, the Council will create a public engagement structure that reflects the richness and diversity of Gulf Coast communities. In response to public comments, the Council has modified the Plan to include its intent to establish a public advisory structure, though the precise nature and role of such a structure are still under consideration. However, the Council is committed to ensuring that it has a structure to facilitate ongoing public engagement in its restoration efforts. The Council anticipates making additional announcements regarding this important effort in the near future.

9) **Measuring Results: Multiple commenters suggested the Council establish an evaluation system to measure the results and impacts of Council-funded projects and programs.**

Consistent with the RESTORE Act, the Council included in the Plan its commitment to measuring outcomes and impacts to achieve tangible results. The Council is currently considering a variety of methods to measure and report on the results and impacts of Council-Selected Restoration Component activities. Decisions about particular methods, however, are not appropriate at this juncture because different methods may be appropriate for different projects and programs. Rather, the Council will include project- or program-specific measurement and reporting requirements in funding agreements with Council Members.

10) **Establishing Monitoring Systems: Multiple commenters emphasized a need for long-term monitoring of the Gulf Coast environment for the effects of the *Deepwater Hori*zon oil spill, effectiveness of cleanup, and to inform decision-making.**

The Plan describes the Council's commitment to using the best available science to inform its decision-making. It is important to emphasize, however, that oil spill cleanup efforts are not part of the Council's mandate under the RESTORE Act. That said, implicit in the Council's commitment to utilize the best available science is the intent to keep abreast of the most recent scientific information regarding the effects of the *Deepwater Horizon* oil spill and the cleanup associated with it, as well as other pertinent scientific information. The Plan currently does not include a specific monitoring program for these factors due to the vast nature and breadth of potential projects and programs that could be funded by the Council or other entities engaged in Gulf Coast ecosystem restoration, and the need for the Council to coordinate with the programs and systems in use by such entities. The Council intends to work with the NOAA Science Program and State Centers of Excellence established by the RESTORE Act, as well as its many partners in Gulf Coast ecosystem restoration, to evaluate needed monitoring systems.

11) **Using the Authorized but Not Yet Commenced List: Multiple commenters asked how the Council intends to use the "authorized but not yet commenced" list and, in particular, how they might add their projects and programs to the list.**

The RESTORE Act requires the Plan to include "a list of projects and programs authorized prior to the date of enactment of [the Act] but not yet commenced, the completion of which would further the purposes and goals of [the Act]." In accordance with the Act, Council Members developed a list of these projects and programs. In general, Council Members put forward

projects and programs that have either been federally authorized by Congress or approved under a State program, plan, or action. This information is intended to provide better awareness to the Council and the public about projects and programs that have already been authorized in the region.

The Council wishes to stress several important points regarding this list. First, this list does not represent a list of projects and programs that the Council will prioritize or necessarily fund. As outlined in Section IV of the Plan, the Council will use an open and transparent process to evaluate and select ecosystem restoration projects under the Council-Selected Restoration Component. Second, the Council has not made a determination as to whether the projects and programs on this list meet all applicable requirements of the RESTORE Act. Should a Council Member propose that the Council fund a project or program from the list with Council-Selected Restoration Component monies, like all such proposals, the Council will first verify the eligibility of the proposal prior to further consideration. Third, in putting forward projects and programs for this list, Council Members considered "not yet commenced" for planning projects to mean that planning has not yet commenced and, for construction projects, that construction has not yet commenced.

12) **Incorporating the Gulf of Mexico Regional Ecosystem Restoration Strategy (Task Force *Strategy*) Prepared by the Gulf Coast Ecosystem Restoration Task Force: Multiple commenters encouraged the Council to adopt the findings of the Task Force *Strategy* and/or the Science Assessment and Needs.**

Consistent with the RESTORE Act, the Council incorporated the recommendations and findings of the Task Force *Strategy* into the Plan. Indeed, there is a significant degree of overlap in membership between the Task Force and the Council. The Council carefully reviewed and considered the Task Force *Strategy* and based the Plan's Goals and Objectives on it.

13) **Time Length of Priority Criteria: Multiple commenters questioned the Council's statement in the Draft Plan regarding the RESTORE Act's Priority Criteria. The Draft Plan states: "The RESTORE Act directs the Council to use the best available science and give highest priority for at least the first three years to ecosystem projects and programs that meet one or more of the following four Priority Criteria." In particular, some commenters interpreted this statement to mean that the Council would not utilize the Priority Criteria in the Act to evaluate projects and programs after the first three years following publication of the Plan.**

The Council is committed to using the Priority Criteria, as outlined in the Act, to guide Council-Selected Restoration Component activities. The Council has modified the statement in the Plan to eliminate confusion.

14) **Geographic Scope: Multiple commenters encouraged the Council to further define the geographic scope of the Act and/or to provide a map of the geographic area in which the Council anticipates funding projects and programs.**

The Plan reflects the manner in which the term "Gulf Coast region" is defined in the RESTORE Act. Based on the language in the Act, the Council is in the process of outlining a more detailed description of the geographic scope and anticipates providing additional detail in the future.

15) **State Expenditure Plans: Multiple commenters recommended further refining the requirements outlined in the State Expenditure Plan Section of the Plan.**

In accordance with the RESTORE Act, the Plan includes eligibility requirements for projects and programs that State Members will propose for funding through their individual expenditure plans, including the requirements that the State Expenditure Plans take into account the Council's Comprehensive Plan and be consistent with the Plan's Goals and Objectives. The Plan also includes a description of the process for developing, submitting, reviewing, and approving State plans and the information each State plan must include. The Council crafted this section of the Plan to allow for the uniqueness of each State, such as their individual priorities and any planning the State has already completed, while incorporating the requirements of the RESTORE Act.

16) **Project Oversight: Multiple commenters asked the Council to include more detail about how it will manage and oversee projects and programs it chooses to fund.**

In the near term, the Council will release a schedule for the submittal of proposals from Council Members and develop a proposal solicitation and evaluation process to effectively evaluate projects and programs based on the Priority Criteria set forth in the Act. This process will include additional detail on management and oversight.

17) **Encouraging Coordination: Multiple commenters encouraged the Council to coordinate with the other entities involved in Gulf Coast ecosystem restoration, such as the NRDA Trustees, NFWF, and NAS.**

The Plan describes these related efforts. While the Council does not have direct involvement in these efforts, it appreciates the need to work with its partners to advance common goals, avoid duplication, and maximize the benefits to the Gulf Coast region. The Plan reflects the Council's strong commitment to coordinate with these partners in our collective efforts to restore the Gulf Coast region.

18) **Economic and Workforce Development Projects and Programs: Multiple commenters addressed economic and workforce development. Commenters either urged the Council not to fund such projects or programs or suggested ways in which the Council might act to improve local economies.**

The Plan reflects the Council's vision for an integrated and coordinated approach to Gulf Coast restoration. This approach strives to both restore the Gulf Coast region's environment and, at the same time, revitalize the region's economy because the Council recognizes that ecosystem restoration investments may also improve economic prosperity and quality of life. The Plan includes four Goals that focus exclusively on ecosystem restoration and a fifth Goal of restoring and revitalizing the Gulf economy. As the Council explains in the Plan, the fifth Goal recognizes

that projects and programs funded by the Spill Impact Component of the Trust Fund must be consistent with the Plan, but also may focus on economic and workforce development in a way that projects and programs funded under the Council-Selected Restoration Component cannot.

19) **Permitting and NEPA: Multiple commenters requested clarification of the NEPA and/or other environmental compliance requirements for individual projects.**

The Council has prepared a Programmatic Environmental Assessment (PEA) analyzing the potential environmental impacts of this Plan. In addition, the Council will require appropriate levels of environmental analysis and compliance prior to future actions, such as approval of individual projects and programs. The Council is currently developing NEPA procedures and, in accordance with the Council on Environmental Quality's (CEQ) guidance, will provide public notice and an opportunity for comment on those procedures prior to finalizing them.

20) **Extending the Time Horizon for Gulf Restoration: Multiple commenters addressed the Council's intended funding strategy and expressed the view that the Council should not spend all the money at once, but ensure it is used wisely over a long time horizon.**

The Council is committed to working toward comprehensive Gulf Coast ecosystem restoration and, at the appropriate time, will develop a 10-year Funding Strategy which will further outline the Council's vision for funds available in the Council-Selected Restoration Component. Due to ongoing litigation, however, there is uncertainty regarding the overall amount and availability of funds that will be deposited into the Trust Fund. At the appropriate time, the Council will publish a proposed 10-year Funding Strategy for public review and comment and will incorporate that Strategy into an addendum to the Plan.

21) **Clarifying Sponsorship: Multiple commenters requested additional detail regarding the process for project sponsorship.**

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

22) **Clarifying the Water Quality Objective: Multiple commenters requested clarification regarding the role that water quantity is expected to play within the second Objective identified in the Plan, *i.e.*, "Restore, Improve, and Protect Water Quality."**

Consistent with the findings of the Task Force *Strategy*, the Plan acknowledges that water quantity is critical to sustaining ecologically sound and healthy estuaries. The description of

Objective Two specifically targets improving the management of freshwater flow and includes water quantity projects in the types of projects that the Council may choose to fund under this Objective. In response to public comments, the Council modified the title of Objective Two to, "Restore, Improve, and Protect Water Resources" to eliminate confusion.