



# COMPREHENSIVE PLAN

Update 2016

Restoring the Gulf Coast's  
Ecosystem and Economy



**GULF COAST ECOSYSTEM RESTORATION COUNCIL**

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# Overview

The Gulf Coast ecosystem is vital to our Nation and our economy, providing valuable energy resources, abundant seafood, extraordinary beaches and recreational activities, and a rich cultural heritage. Its waters and coasts are home to one of the most diverse environments in the world—including over 15,000 species of sea life. More than 22 million Americans live in Gulf coastal counties and parishes, working in crucial U.S. industries like commercial seafood, recreational fishing, tourism, and oil and gas production. The region also boasts of a significant shipping industry including 10 of America’s 15 largest ports accounting for nearly a trillion dollars in trade each year. Much of this value is built upon the Gulf Coast environment and the many benefits it provides.

The environment of the Gulf Coast region was significantly injured by the Deepwater Horizon oil spill, as well as from chronic and acute harm caused by other past and on-going human actions. Restoring an area as large and complex as the Gulf Coast region is a challenging and costly undertaking. Gulf habitats are continually degraded and lost due to development, infrastructure, sea-level rise, altered riverine processes, ocean acidification, salinity changes, and other human-caused factors. Water quality in the coastal and marine environments is degraded by upstream land uses (including both point and non-point discharges of pollutants) and hydrologic alterations spanning multiple states and involving the watersheds of large and small river systems alike. Stocks of marine and estuarine species are depleted by over-utilization, as by-catch and through conflicting resource use. Some of the region’s environmental problems such as wetland loss and hypoxia span areas the size of some U.S. states. This degradation represents a serious risk to the cultural, social, and economic benefits derived from the Gulf ecosystem.

To add to these challenges, Gulf restoration funding is distributed among a number of entities and programs, each with its own set of guidelines and decision processes. Inter-governmental coordination, engagement, and transparency are essential for ensuring that the available funding is used in the most effective and efficient way possible.

The task of restoring the Gulf environment is a multi-generational undertaking. A comprehensive approach to Gulf restoration must include the engagement of a wide and diverse array of stakeholders, including federal, state, and local governments, Tribes, private businesses, non-governmental organizations (NGOs), and the general public. By working closely with our restoration partners, the Council believes it can make significant progress towards comprehensive Gulf restoration and provide substantial environmental and economic benefits to current and future generations. This update of the Initial Comprehensive Plan (Initial Plan) is intended to provide strategic guidance that will help the Council more effectively address these complex and critical challenges and supersedes the Initial Plan approved by the Council in August 2013.

This update does not identify specific restoration activities, as that is the purpose of future Funded Priorities Lists (FPLs) and State Expenditure Plans (SEPs), described in more detail below. However, the Council does anticipate that future FPLs will include significantly larger projects and project lists that reflect the amount available to be spent for restoration activities. Accordingly, this update is intended to improve Council decisions by:



- Ensuring consistency with the Priority Criteria referenced in the Act;
- Reinforcing the Council’s goals, objectives and commitments;
- Setting forth a Ten-Year Funding Strategy, including a Council vision for ecosystem restoration;
- Increasing collaboration among Council members and partner restoration programs;
- Refining the process for ensuring that the Council’s decisions are informed by the best available science; and
- Improving the efficiency, effectiveness and transparency of Council actions.

## The RESTORE Act

Spurred by the *Deepwater Horizon* oil spill, the RESTORE Act was signed into law by President Obama on July 6, 2012. The Act calls for a regional approach to restoring the long-term health of the valuable natural ecosystems and economy of the Gulf Coast region. The RESTORE Act dedicates 80 percent of civil and administrative penalties paid under the Clean Water Act, after the date of enactment, by responsible parties in connection with the *Deepwater Horizon* oil spill to the Gulf Coast Restoration Trust Fund (Trust Fund) for ecosystem restoration, economic recovery, and tourism promotion in the Gulf Coast region. This effort is in addition to the restoration of natural resources injured by the spill that is being accomplished through a separate Natural Resource Damage Assessment (NRDA) under the Oil Pollution Act. A third and related Gulf restoration effort is being administered by the National Fish and Wildlife Foundation (NFWF) using funds from the settlement of criminal charges against BP and Transocean Deepwater, Inc.

In addition to creating the Trust Fund, the RESTORE Act established the Council. The Council is currently chaired by the Secretary of the U.S. Department of Agriculture (USDA) and includes the Governors of the States of Alabama, Florida, Louisiana, Mississippi and Texas, and the Secretaries of the U.S. Departments of Army, Commerce, Homeland Security, and the Interior, and the Administrator of the U.S. Environmental Protection Agency.

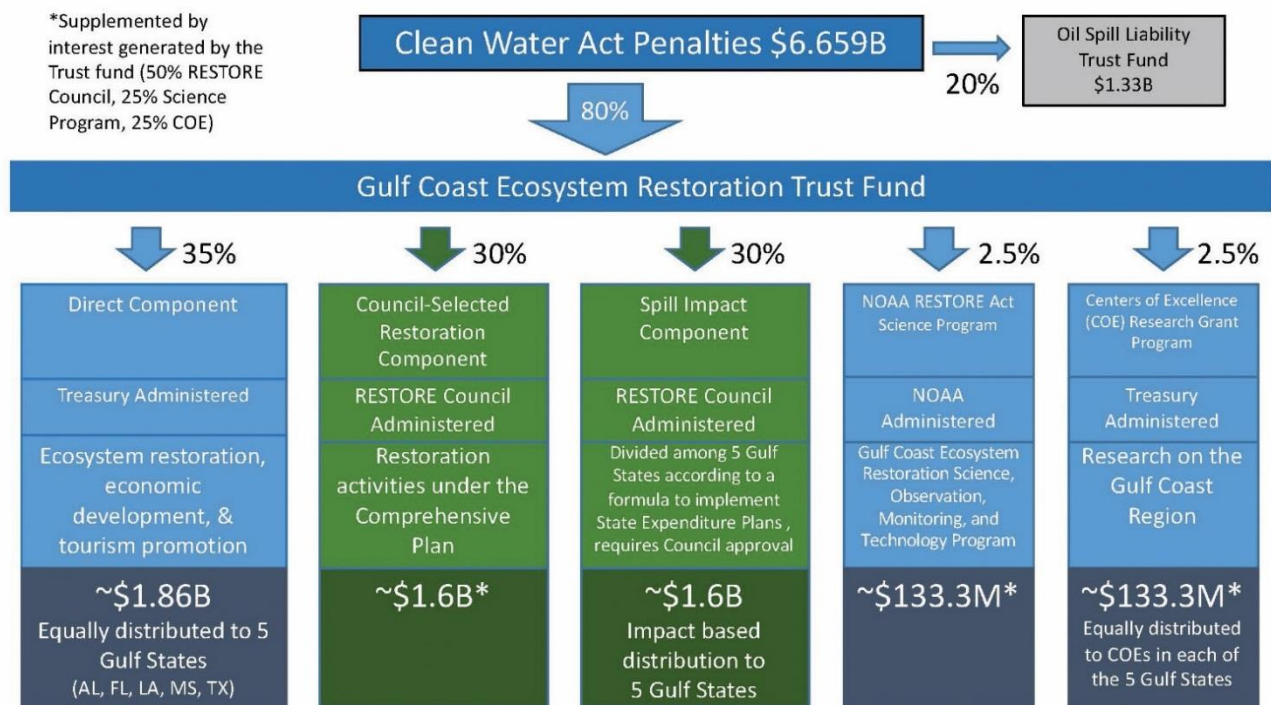


Figure 1. Allocation of the Gulf Coast Restoration Trust Fund based on settlements with BP, Transocean, and Anadarko.

The Council has oversight of the expenditure of 60 percent of the funds made available from the Trust Fund (Figure 1). Under the Council-Selected Restoration Component, 30 percent of available funding is administered for Gulf-wide ecosystem restoration and protection according to the Initial Plan developed by the Council. The remaining 30 percent is allocated to the states under the Spill Impact Component, according to a formula and regulation approved by the Council in December 2015 and spent according to individual SEPs which contribute to the overall economic and ecological recovery of the Gulf. The SEPs must adhere to four basic criteria set forth in the RESTORE Act and are subject to approval by the Council chair in accordance with those criteria. The remaining funds are allocated as follows (see Figure 1): 35 percent to a *Direct Component* which is divided equally among the five Gulf states for ecological and economic restoration; 2.5 percent to a *NOAA Science Component* (plus 25 percent of interest earned) dedicated to the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program; and 2.5 percent to a *Centers of Excellence Component* (plus 25 percent of interest earned) dedicated to the Centers of Excellence Research Grants Program.

## Geographic Scope of the Gulf Coast Region under the RESTORE Act

The RESTORE Act defines where and how funds may be spent. The Act defines “Gulf Coast State” to mean any of the states of Alabama, Florida, Louisiana, Mississippi, and Texas, and includes the following areas within the “Gulf Coast region:”



- In the Gulf Coast States, the coastal zones (including 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 Department of Treasury Regulations for the Gulf Coast Restoration Trust Fund state that an “activity selected by the Council is carried out in the Gulf Coast Region when, in the reasonable judgement of the Council, each severable part of the activity is primarily designed to restore or protect that geographic area.”

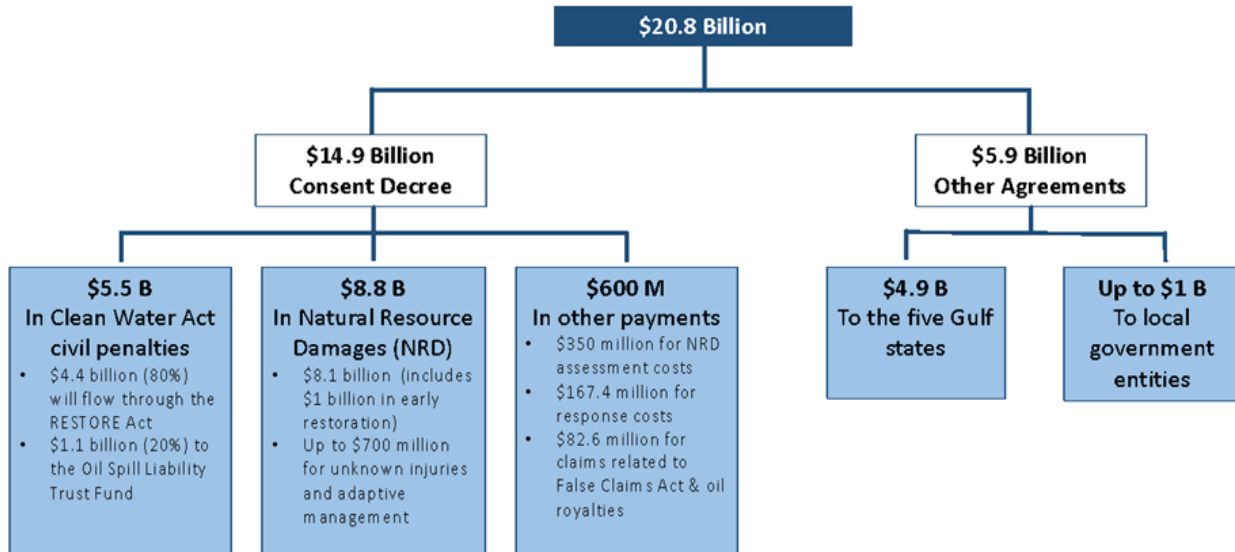
## RESTORE Funds

On January 3, 2013, the United States announced that Transocean Deepwater Inc. and related entities had agreed to pay \$1 billion (plus interest) in civil penalties for violating the Clean Water Act in relation to their conduct in the *Deepwater Horizon* oil spill. In accordance with the consent decree, Transocean has paid all three of its installments of civil penalties plus interest to the U.S. Department of Justice. The U.S. Department of Justice has transferred 80 percent of these funds to Treasury for deposit into the Gulf Coast Restoration Trust Fund, totaling \$816 million. On November 20, 2015 a federal court in New Orleans ordered Anadarko Petroleum Corporation to pay a \$159.5 million civil fine; of this amount, \$128 million, including interest, has been deposited in the Trust Fund.

In July 2015, BP announced that it had reached Agreements in Principle with the United States and the five Gulf States for settlement of civil claims arising from the *Deepwater Horizon* oil spill. Subsequently, on April 4, 2016, a federal court in New Orleans entered a consent decree resolving civil claims against BP arising from the *Deepwater Horizon* oil spill. This historic settlement resolves, among other things, the U.S. government’s civil and administrative claims under the Clean Water Act, the governments’ claims for natural resources damage claims under the Oil Pollution Act, and also involves a related settlement of economic damage claims of the Gulf States and local governments. Taken together this resolution of civil claims totals more than \$20 billion (see Figure 2) and is the largest civil penalty ever paid by any defendant under any environmental statute, and the largest recovery of damages for injuries to natural resources.



Under the consent decree, over a fifteen-year period, BP will pay a Clean Water Act civil penalty of \$5.5 billion (plus interest), \$8.1 billion in natural resource damages (this includes \$1 billion BP already paid for early restoration), up to an additional \$700 million (some of which is in the form of accrued interest) for adaptive management (including planning activities or to adapt, enhance, supplement, or replace existing restoration projects selected by the Trustees) or to address injuries to natural resources that were unknown to the Trustees as of July 2, 2015, and \$600 million for other claims, including claims under the False Claims Act, royalties, and reimbursement of NRDA costs and other expenses due to this incident



**Figure 2.** Allocation of settlement payments under the final BP consent decree entered on April 4, 2016.

**Table 1.** Annual funds (\$ millions) available under the Council-Selected Restoration and Spill Impact Components.

| YEAR      | Council-Selected Restoration Component (\$M) | Spill Impact Component (\$M) |
|-----------|--|------------------------------|
| 2011-2015 | \$244.824                                    | \$244.824                    |
| 2016      | \$38.329                                     | \$38.329                     |
| 2017      | \$91.034                                     | \$91.034                     |
| 2018      | \$45.517                                     | \$45.517                     |
| 2019      | \$91.034                                     | \$91.034                     |
| 2020      | \$91.034                                     | \$91.034                     |
| 2021      | \$91.034                                     | \$91.034                     |
| 2022      | \$91.034                                     | \$91.034                     |
| 2023      | \$91.034                                     | \$91.034                     |
| 2024      | \$91.034                                     | \$91.034                     |
| 2025      | \$91.034                                     | \$91.034                     |
| 2026      | \$91.034                                     | \$91.034                     |
| 2027      | \$91.034                                     | \$91.034                     |
| 2028      | \$91.034                                     | \$91.034                     |
| 2029      | \$91.034                                     | \$91.034                     |
| 2030      | \$91.034                                     | \$91.034                     |
| 2031      | \$91.034                                     | \$91.034                     |
|           | \$1,603.146*                                 | \$1,603.146                  |

**\*Note:** Amounts do not include future interest to be paid into / generated by the Trust Fund.

# Council Goals and Objectives

In developing the Initial Plan, the Council built on the strong foundation established in the *Gulf Coast Ecosystem Restoration Task Force Strategy* (*Task Force Strategy*; <https://archive.epa.gov/gulfcoasttaskforce/>) and other local, regional, state, and federal plans. Consistent with the RESTORE Act, the Council's Initial Plan adopted and expanded upon goals set forth in the *Task Force Strategy*. The Council believes that these goals continue to represent the proper, science-based approach to direct future restoration funding decisions.

The Council recommits to these goals, with one important clarifying amendment. Specifically, the Council proposes to include "water quantity" in the existing Goal 2 on water quality (see below). Restoring water quality and habitat can at times require efforts to address water quantity issues. For example, restoring freshwater inflows to bays and estuaries is essential for restoring coastal waters and habitats by re-establishing natural salinity levels and sediment regimes. By referencing water quantity in the water quality goal, the Council is making this connection more explicit.

## Council Goals

To provide the overarching framework for an integrated and coordinated approach for region-wide Gulf Coast restoration and to help guide the collective actions at the local, state, Tribal and federal levels, the Council established the following five goals in the Initial Plan:

### **Goal 1: Restore and Conserve Habitat**

Restore and conserve the health, diversity, and resilience of key coastal, estuarine, and marine habitats;

### **Goal 2: Restore Water Quality and Quantity**

Restore and protect the water quality and quantity of the Gulf Coast region's fresh, estuarine, and marine waters;

### **Goal 3: Replenish and Protect Living Coastal and Marine Resources**

Restore and protect healthy, diverse, and sustainable living coastal and marine resources;

### **Goal 4: Enhance Community Resilience**

Build upon and sustain communities with capacity to adapt to short- and long-term changes; and

### **Goal 5: Restore and Revitalize the Gulf Economy**

Enhance the sustainability and resiliency of the Gulf economy.

The fifth goal focuses on reviving and supporting a sustainable Gulf economy to ensure that those expenditures by the Gulf Coast States authorized in the RESTORE Act under the Direct Component (administered by the Department of the Treasury) and the Spill Impact Component can be considered in the context of comprehensive restoration. The fifth goal also reflects the understanding that a strong economy is based on a healthy environment. By investing in ecosystem restoration projects in the

Council-Selected Restoration Component, the Council is helping maintain the environmental and economic foundation for Gulf coastal communities. In addition to the many economic benefits that are derived from the coastal environment, the implementation of restoration projects and programs also creates jobs locally and across the Gulf, both directly in the form of restoration-related jobs and indirectly as a result of a healthier and more productive ecosystem.

To achieve all five goals, the Council supports ecosystem restoration that can enhance local communities by giving people desirable places to live, work, and play, while creating opportunities for new and existing businesses of all sizes, especially those dependent on natural resources. In addition, the Council will support ecosystem restoration that builds local workforce capacity.

The Council's Initial FPL purposefully focused restoration and conservation activities on habitat (Goal 1) and water quality (Goal 2); subsequent FPLs will more fully consider all five goals.



## Council Objectives

The Initial Plan included seven objectives (outlined below) under the Council-Selected Restoration Component. The Council has also applied these objectives to the Spill Impact Component (see <https://www.restorethegulf.gov/spill-impact-component>). As with the Initial Plan goals, the Council believes these objectives continue to represent the proper way to focus future Council funding decisions. The Council recommits to the following objectives:

### **Objective 1: Restore, Enhance, and Protect Habitats**

Restore, enhance, and protect the extent, functionality, resiliency, and sustainability of coastal, freshwater, estuarine, wildlife, and marine habitats. These include barrier islands, beaches, dunes, coastal wetlands, coastal forests, pine savannahs, coastal prairies, submerged aquatic vegetation, oyster reefs, and shallow and deepwater corals.

### **Objective 2: Restore, Improve, and Protect Water Resources**

Restore, improve, and protect the Gulf Coast region's fresh, estuarine, and marine water resources by reducing or treating nutrient and pollutant loading; and improving the management of freshwater flows, discharges to, and withdrawals from critical systems.

### **Objective 3: Protect and Restore Living Coastal and Marine Resources**

Restore and protect healthy, diverse, and sustainable living coastal and marine resources including finfish, shellfish, birds, mammals, reptiles, coral, and deep benthic communities.

### **Objective 4: Restore and Enhance Natural Processes and Shorelines**

Restore and enhance ecosystem resilience, sustainability, and natural defenses through the restoration of natural coastal, estuarine, and riverine processes, and/or the restoration of natural shorelines.

### **Objective 5: Promote Community Resilience**

Build and sustain Gulf Coast communities' capacity to adapt to short- and long-term natural and man-made hazards, particularly increased flood risks associated with sea-level rise and environmental stressors. Promote ecosystem restoration that enhances community resilience through the re-establishment of non-structural, natural buffers against storms and flooding.

### **Objective 6: Promote Natural Resource Stewardship and Environmental Education**

Promote and enhance natural resource stewardship efforts that include formal and informal educational opportunities, professional development and training, communication, and other actions for all ages.

### **Objective 7: Improve Science-Based Decision-Making Processes**

Improve science-based decision-making processes used by the Council.

# Council-Selected Restoration Component

The Council-Selected Restoration Component is focused on ecosystem restoration in the Gulf Coast region. The Council defines ecosystem restoration as:



*All activities, projects, methods, and procedures appropriate to enhance the health and resilience of the Gulf Coast ecosystem, as measured in terms of the physical, biological, or chemical properties of the ecosystem, or the services it provides, and to strengthen its ability to support the diverse economies, communities, and cultures of the region. It includes activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity, and sustainability. It also includes protecting and conserving ecosystems so they can continue to reduce impacts from tropical storms and other disasters, support robust economies, and assist in mitigating and adapting to the impacts of climate change (per Executive Order 13554).*

## Initial Funded Priorities List

Following publication of the Initial Plan in 2013, Council members collaborated to develop an Initial FPL using a process that emphasized public input, transparency, and coordination with other restoration programs. Each proposal underwent a rigorous science review by three external experts from both inside and outside the Gulf region to assess whether the project utilized best available science, a term that is defined in the RESTORE Act as science that “maximizes the quality, objectivity, and integrity of information, including statistical information; uses peer-reviewed and publicly available data; and clearly documents and communicates risks and uncertainties in the scientific basis for such projects.”

The process for developing the draft FPL was initiated with an invitation to each Council member in August 2014 to submit up to five proposals focusing on the first two goals of the Comprehensive Plan, restoring habitat and water quality. In addition to their five proposals, Council members could also submit proposals on behalf of federally-recognized Tribes. The Council received 50 submissions (including five proposed on behalf of Tribes) from its members which were built upon experience from past ecosystem restoration plans and projects, and reflected public input provided to the Council during development of the Initial Plan and as part of the FPL development process.

The Council sought to identify activities for the draft FPL that would either complement each other or have synergistic effects with other restoration projects. In addition, the Council sought conservation activities that would complement other ongoing or existing conservation actions. Taking a holistic approach to restoration recognizes the interconnected nature of coastal and marine ecosystems, a fundamental organizational principle of watersheds/estuaries, and the importance of addressing system-wide stressors that reduce ecosystem integrity. The Council’s selections for the draft FPL were therefore based on a variety of factors, including the need to respond to widely-recognized ecological stressors,

foundational investment needs, substantial public input, support for certain high-value areas, and socioeconomic and cultural considerations. Moving forward, the Council will work to use this holistic approach before, during, and after the proposal development, review, and selection processes in order to maximize project benefits and track outcomes.

On December 9, 2015, the Council voted to approve the Initial FPL. The FPL is organized around ten key watersheds/estuaries across the Gulf to concentrate and leverage available funds to address critical ecosystem needs in high priority locations. Throughout the entire FPL development process, the members of the Council collaborated to build an FPL that responded to ecosystem needs regardless of jurisdictional boundaries and provided near-term “on-the-ground” ecological results, while also building a planning and science foundation for future success. The Initial FPL can be found at: <https://www.restorethegulf.gov/council-selected-restoration-component/funded-priorities-list>.

The Initial FPL Comprehensive Map Viewer ([http://restorethegulf.us/comp\\_map/](http://restorethegulf.us/comp_map/)) and Story Map ([https://restorethegulf.gov/story\\_map/](https://restorethegulf.gov/story_map/)) were designed to enable the public to interactively query the elements of the Initial FPL.

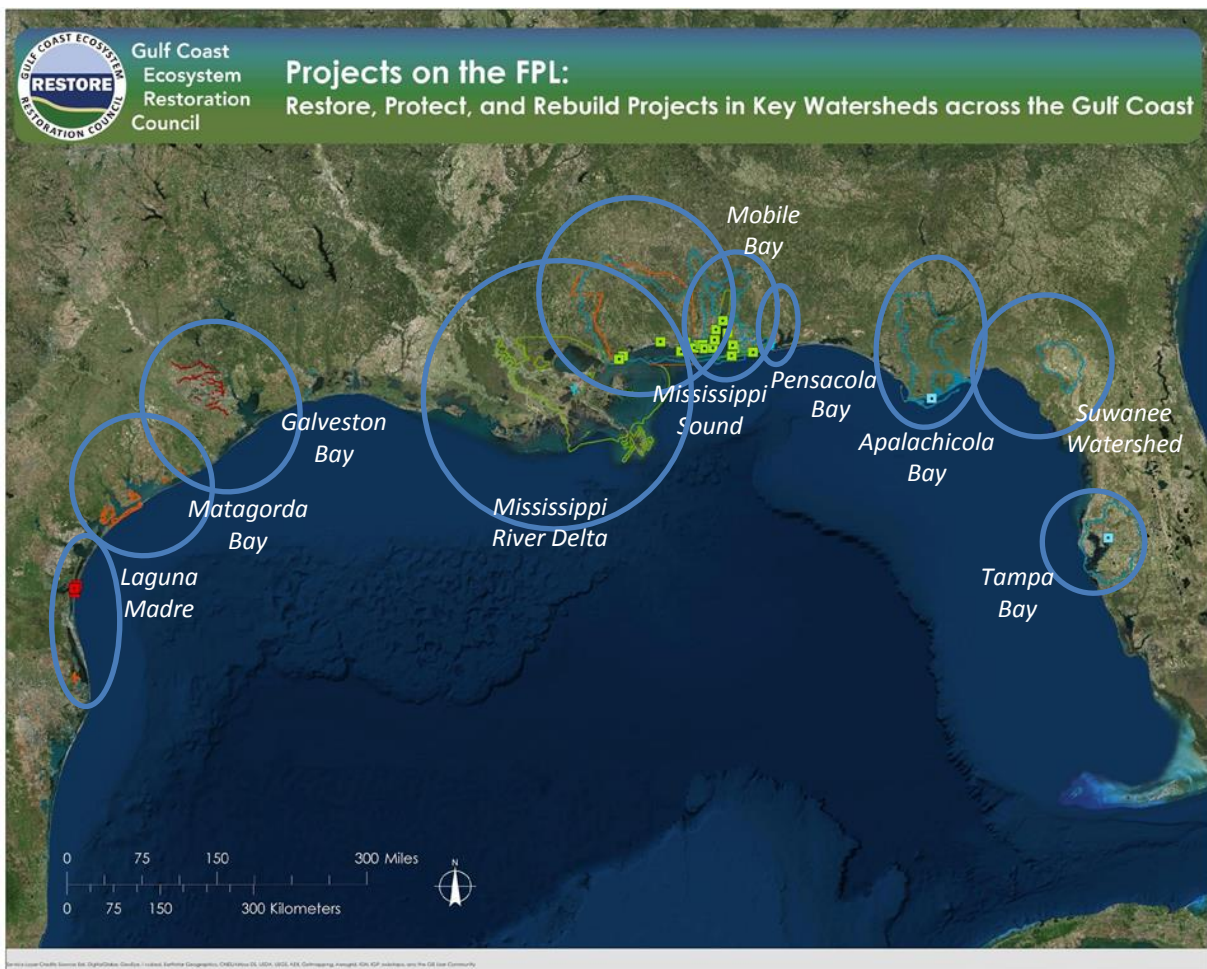


Figure 3. Ten key watershed/estuaries identified in the Initial Funded Priorities List.

## Decision-Making Processes for the Council-Selected Component

The Council's Initial Plan outlined a process to guide the development, evaluation, and selection of Council-Selected Restoration Component activities to ensure consistency with the Priority Criteria set forth in the RESTORE Act as well as the Council's goals and objectives. The Council reaffirms and retains key elements of this process while supplementing it with guidance based on lessons learned over its first three years of operation.

### Priority Criteria

The Initial Plan outlined how the Council would follow the RESTORE Act directives to use the best available science and give highest priority to ecosystem projects and programs that meet one or more of the Act's four Priority Criteria listed below. In this Comprehensive Plan update, the Council reaffirms these commitments to ensure consistency with the Act's Priority Criteria as drafted by Congress:

- Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region, without regard to geographic location within the Gulf Coast region.
- Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.
- Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
- Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill.

The Council will continue to use the Goals, Objectives, and Priority Criteria to guide its ecosystem restoration funding decisions.

### Activity, Project and Program Definitions

In reviewing the Initial FPL process, the Council identified a need for clearer definitions of the terms "project" and "program." Refining these terms will help ensure consistency among member submissions, simplify the planning and evaluation process, and facilitate compliance with applicable environmental laws. In addition, the Initial Plan did not provide a definition for "activity"—a term that was used extensively in the Initial FPL. These refined and additional definitions are provided below.

**Activity:** A general term that includes both projects and programs, and may also be used to describe components of a project or program. For example, on the Initial FPL, all the funded projects and programs on the list could be referred to as restoration "activities."

**Project:** A single ecosystem restoration and/or conservation activity that cannot be separated into stand-alone sub-activities. A project may be "scalable," meaning that its scope, size, and/or cost can be expanded or reduced as needed and appropriate. A project can be separated into a "planning" or "implementation" phase or can include both. One or more members can conduct a project. For example, a single project might restore marsh in a specific geographic location. Another example of a project might be the planning, engineering, and design required to advance a marsh restoration proposal to a construction-ready status.

**Program:** A suite of intrinsically-linked restoration and/or conservation activities that must be implemented together in order to achieve the desired outcome. A program should generally be covered by one unified Council environmental compliance review and should have a common set of performance measures to effectively assess and measure outcomes. A program’s sub-activities may be related in terms of geography, environmental stressors, resources, restoration and/or protection activities, and more. A program can be separated into a “planning” or “implementation” phase or can include both. One or more members can conduct a program. For example, a single program might be a Gulf-wide environmental monitoring effort.

## Planning and Implementation Phases

The Council will consider proposals from members that address the planning phase and/or the implementation phase of a project or program. If a project or program is approved for planning funding only, subsequent implementation funding is not necessarily guaranteed. The definitions of these phases include examples of the types of activities the Council might fund under that phase. The list is meant to be descriptive rather than limiting.

- **Planning** – Proposals may include: planning and development of ecosystem restoration projects and programs; cost estimates; feasibility analysis; engineering and design; environmental compliance and permitting; scientific elements including evaluation and establishment of monitoring requirements and methods to report outcomes and impacts; and public engagement.
- **Implementation** – Proposals may include: construction; public outreach and education; and measurement, evaluation, and reporting of outcomes and impacts of restoration activities.

While focused on the long-term recovery of the Gulf Coast, this approach will allow the Council to invest in specific activities that can be carried out in the near-term to help ensure on-the-ground results to restore the overall health of the ecosystem.

## Effective Proposal Development

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. Council members can also submit proposals on behalf of federally-recognized Tribes. Individual Council members may solicit and then choose to “sponsor”—submit to the Council for consideration—projects and/or programs from any entity and the general public. The Council 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.

Proposals submitted to the Council from its members will be evaluated according to a three-step process.

- **Eligibility Verification** – The Council will verify the eligibility of each proposal (*e.g.*, determine whether the proposal is complete and meets the minimum set of requirements under applicable law).
- **Coordination Review** – In order to avoid duplication and maximize benefits from collaboration, the Council will review eligible proposals for potential coordination opportunities, both within other RESTORE Act components and across the other Gulf Coast restoration efforts.
- **Evaluation** – The Council will cooperatively evaluate proposals against the Evaluation Criteria and will draw on scientific experts as needed. Following this evaluation, recommended proposals will be forwarded to the full Council for further consideration.



The Council followed the process described above as it developed the Initial FPL. In several instances while finalizing the Initial FPL, only a portion of a project/program submitted by a member was selected for funding to maximize the effectiveness of the overall funds. Council members and the public suggested a number of improvements during the Council's 2016 review of the development of the Initial FPL. In particular, many recommended improving collaboration among Council members in the development of proposed restoration activities. The RESTORE Act inherently promotes such collaboration by joining the five Gulf States and six federal agencies together in a shared effort to advance comprehensive Gulf restoration. Consistent with the RESTORE Act provision encouraging integrated project implementation and funding, Council members may develop joint- or multi-member project or program proposals.

The Council recognizes that a key component of effective collaboration is facilitating meaningful engagement with local, state, regional and federal governments, Tribes, private businesses, academics and technical/science communities, NGOs, and the public. In particular, there is a clear need to coordinate closely with other Gulf restoration and conservation funding efforts including NRDA, NFWF, and other federal programs. As demonstrated in the Initial FPL, such coordination can help leverage resources and integrate complementary restoration efforts.

The Council believes that further promoting collaboration and coordination will help it leverage the broad range of expertise and resources among its members and partners. This will ultimately improve both the development and implementation of restoration activities under the Council-Selected Restoration Component. The Council will take the following actions beginning in 2017 and continuing into 2018 to improve collaboration and coordination:

- Sponsor and participate in meetings and workshops to foster coordination and collaboration among members and our restoration partners (*e.g.*, NRDA and NFWF).
  - By serving as the connector between funding sources, the Council believes it may more effectively meet its own goals and objectives.
  - Inherent in this effort is a commitment to investigate how project funding across these various funding streams, without duplicating efforts, can maximize restoration outcomes. Early coordination of regulatory efforts across Council membership will also be a focus of this work.
  - The purpose of this effort is to ensure that Gulf restoration has the greatest impact possible due to the collaboration of *Deepwater Horizon*-related funding and other relevant programs in developing, funding, and implementing restoration strategies.
  - The Council anticipates that the results of this work will inform the identification of priority issues and outcomes in key watersheds/regions and future funding decisions, as well as the development of specific projects, programs, and partnerships to achieve those outcomes.
- Provide opportunities for input from interested stakeholders and the general public in this collaboration and coordination process.
- Evaluate the efficacy of concepts, lessons learned and best practices for potential inclusion in the next FPL development process, as appropriate.
- Continue to improve Submission Guidelines for proposal submissions in order to facilitate the development of effective and coordinated proposals that contain the appropriate information staff and other reviewers need to determine: (1) how a proposal meets basic eligibility criteria; (2) how the proposal utilizes best available science, engineering, and processes; and (3) the likelihood that a proposal will lead to measurable and lasting ecosystem benefits, including, for example, a determination of whether a project restores critical natural processes and/or enhances ecosystem function. The Submission Guidelines are a critical element of the Council's evaluation and review process, and will be periodically updated to clearly specify the type and level of detail needed to perform a robust and objective review and assist the Council in developing future FPLs.

The actions described above will lead to better projects and programs and ultimately a more resilient and sustainable environment. The Council will continuously work to strengthen partnerships, identify leveraging opportunities, and help ensure the most effective use of the resources entrusted to it.

## Ten-Year Funding Strategy

The RESTORE Act requires the Council to provide a description of the manner in which amounts projected to be made available to the Council from the Trust Fund will be allocated for the succeeding ten years. As a result of the litigation with BP and other responsible parties in 2013, the Council did not include a Ten-Year Funding strategy in the Initial Plan due to the uncertainty over of the amounts and timing of funds that might be made available. With the final amount and timing of these funds now settled, the Council is in a position to provide an initial Ten-Year Funding Strategy in this Comprehensive Plan update.

In developing its Ten-Year Funding Strategy, the Council seeks to accomplish the following:

- Ensure compliance with the RESTORE Act;
- Provide finer granularity regarding how the Council will address the goals and objectives over the next ten years;
- Provide increased certainty, predictability, and guidance for project and program planning;
- Maintain flexibility to adapt to new information such as environmental changes, scientific advances, and feedback on the effectiveness of past and ongoing on-the-ground restoration actions; and
- Build on lessons learned in the development of the Initial FPL.

To accomplish these objectives, the Council's Ten-Year Funding Strategy is comprised of a vision statement, a discussion of the frequency of future FPLs, and enhancements to the Council's commitments from the Initial Plan.

The Ten-Year Funding Strategy will not identify specific projects or programs, as that will be done through subsequent FPLs. The Council recognizes the urgent need to move forward with comprehensive restoration and is dedicated to achieving results in an effective and efficient fashion. However, identifying specific activities at this point could limit the Council's ability to adapt to new science and otherwise improve the way in which it develops, funds and implements projects over the next ten years and beyond.

## Ten-Year Funding Strategy Vision Statement

The Council recognizes that a clear and concise vision statement can help direct and shape future funding decisions. The Council believes that its vision statement for the Ten-Year Funding Strategy should include reference to both the desired environmental outcome and the processes used to get there. Furthermore, the Council will build upon the tremendous restoration experience, scientific expertise, and other capabilities of its diverse membership of state and federal agencies. The Council's collective wisdom is greater than the sum of its individual parts.

The Council sought to capture this sentiment as well as other key elements as it developed the following vision statement:

***A healthy and productive Gulf ecosystem achieved through collaboration on strategic restoration projects and programs.***

## Funded Priorities List Frequency

As set forth in the BP settlement, the Council will receive annual installments of approximately \$90 million over a period of fifteen years (with the exception of the second year which is approximately \$45 million) for use in the Council-Selected Restoration Component (Table 1). The FPL is the vehicle through which these funds are approved for specific ecosystem restoration activities. The Council approved an Initial FPL in December 2015, which may be amended to include additional funding approvals. Such amendments would typically involve funding decisions pertaining to activities that were listed in the FPL as priorities for potential future funding.

For the next FPL, the Council envisions an approximately three-year development process, beginning with the approval of the Initial FPL and including the update of the Comprehensive Plan, the aforementioned collaboration and coordination workshops, and a proposal submission and review process. In addition to guiding the creation of the next FPL, moving forward, the Council will consider developing future FPLs approximately every three years; however, the Council will evaluate this notional schedule in the coming years to determine whether it should be modified to more effectively advance comprehensive Gulf restoration.

The ability to support large-scale projects and maximize use of available resources, as well as the Council's anticipation that future FPLs will include significantly larger projects and project lists that reflect the amount available to be spent for restoration activities, were key considerations in developing this path forward. The Council is also cautious of setting a firm and irreversible schedule for the frequency and number of FPLs over the life of the Council-Selected Restoration Component. Here again, the Council wishes to maintain flexibility to adapt and modify the FPL process in order to continuously improve and optimize ecosystem restoration outcomes.

## Supporting Large-Scale Projects and Programs

One of the four RESTORE Act Priority Criteria calls on the Council to fund:

*“Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.”*

The Council will seek to optimize ecosystem restoration benefits by advancing large-scale solutions that take into account the environmental conditions of a given region of the Gulf. This could be achieved through the synergy of multiple connected projects or a single large project or program. Large-scale projects and programs could be facilitated by collaboration with NRDA, NFWF, and/or other federal funding programs.

Limiting the number of FPLs also allows the Council to pool BP's annual settlement payments over the course of several years before disbursing them for restoration activities. Such an approach also provides the Council with time to explore alternative financing approaches and leveraging opportunities that could be used to support large-scale activities.

FPL frequency is also relevant to the Council's ability to coordinate and collaborate effectively with potential restoration funding partners, particularly NRDA and NFWF. Knowing what these and other restoration partners are doing is essential to effectively leverage resources, coordinate restoration activities, and avoid duplication of effort.

Tables 2 and 3 provide annual funding levels for the Council and its major restoration partners.

**Table 2.** Funding allocations from three major funding streams (RESTORE, NRDA, NFWF) by year—showing funding per year from 2011-2031.

| YEAR      | TRUST FUND-80%   | NRDA               | NFWF            | Annual Total     |
|-----------|------------------|--------------------|-----------------|------------------|
| 2011-2015 | \$816,078,466    | \$1,000,000,000**  | \$850,000,000   | \$2,666,078,466  |
| 2016      | \$127,763,485    |                    | \$300,000,000   | \$427,763,485    |
| 2017      | \$303,448,276    | \$489,655,172      | \$500,000,000   | \$1,293,103,448  |
| 2018      | \$151,724,138    | \$244,827,586      | \$894,000,000   | \$1,290,551,724  |
| 2019      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2020      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2021      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2022      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2023      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2024      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2025      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2026      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2027      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2028      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2029      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2030      | \$303,448,276    | \$489,655,172      |                 | \$793,103,448    |
| 2031      | \$303,448,274    | \$489,655,178      |                 | \$793,103,452    |
|           | \$5,343,841,951* | \$8,100,000,000*** | \$2,544,000,000 | \$15,987,841,951 |

NOTES:

\*Does not include future interest payments; see Table 1 for breakdown of RESTORE components.

\*\* On April 20, 2011, the NRDA Trustees and BP agreed that BP would provide up to \$1 billion toward Early Restoration projects, under the terms of a Framework Agreement, as a preliminary step toward the restoration of injured natural resources and services resulting from the spill. As of the time of finalization of the Programmatic Damage Assessment and Restoration Plan, 65 projects with a total cost of approximately \$877 million have been selected through the five phases of Early Restoration planning. The balance of these funds will be paid out per the terms of the Consent Decree.

\*\*\* Does not include up to \$700,000,000 for Adaptive Management or Unknown Conditions. Under the Consent Decree, the Trustees may begin seeking payment from BP for Adaptive Management and Unknown Conditions no earlier than January 1, 2026.

**Table 3.** Based on the final Consent Decree (<https://www.justice.gov/enrd/deepwater-horizon>), NRDA allocations from the finalized Programmatic Damage Assessment and Restoration Plan (<http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>), which include funding restoration types (rows) and restoration areas (columns).

\*The total restoration funding allocation for the Early Restoration work; each Restoration Type; and monitoring, adaptive management, and administrative oversight is \$8.1 billion (plus up to an additional \$700 million for adaptive management and unknown conditions).

| Louisiana, Mississippi, and Texas                         |  |  |  |  |  |  |  |  |  |  | Louisiana     | Mississippi  | Texas         | Total Restoration Funding* |               |               |
|---|--|--|--|--|--|--|--|--|--|--|---------------|--------------|---------------|----------------------------|---------------|---------------|
| Monitoring and Adaptive Management                        |  |  |  |  |  |  |  |  |  |  | 65,000,000    | 200,000,000  |               |                            |               |               |
| Adaptive Management NRD Payment for Unknown Conditions    |  |  |  |  |  |  |  |  |  |  | 40,000,000    | 150,000,000  |               |                            |               |               |
|   |  |  |  |  |  |  |  |  |  |  | 40,000,000    | 150,000,000  |               |                            |               |               |
|   |  |  |  |  |  |  |  |  |  |  | \$295,589,305 | \$680,157,64 |               |                            |               |               |
| Wetlands, Coastal, and Near-shore Habitats                |  |  |  |  |  |  |  |  |  |  | 65,000,000    | 5,000,000    | 4,009,062,700 | 55,500,000                 | 100,000,000   | 4,234,562,700 |
| Habitat Projects on Federally Managed Lands               |  |  |  |  |  |  |  |  |  |  | 3,000,000     | 17,500,000   | 50,000,000    | 5,000,000                  |               | 75,500,000    |
| Early Restoration (through Phase IV)                      |  |  |  |  |  |  |  |  |  |  | 28,110,000    | 15,629,367   | 259,625,700   | 80,000,000                 |               | 383,365,067   |
| Nutrient Reduction (Nonpoint Source)                      |  |  |  |  |  |  |  |  |  |  | 5,000,000     | 35,000,000   | 20,000,000    | 27,500,000                 | 22,500,000    | 110,000,000   |
| Master Plan for Stormwater Treatment                      |  |  |  |  |  |  |  |  |  |  |               |              | 300,000,000   |                            |               | 300,000,000   |
| Hydrologic Restoration, Reduction of Sedimentation, etc.) |  |  |  |  |  |  |  |  |  |  |               |              |               |                            |               |               |
| Fish and Water Column Invertebrates                       |  |  |  |  |  |  |  |  |  |  | 380,000,000   |              |               |                            |               | 380,000,000   |
| Early Restoration Fish and Water Column Invertebrates     |  |  |  |  |  |  |  |  |  |  | 20,000,000    |              |               |                            |               | 20,000,000    |
| Sturgeon  |  |  |  |  |  |  |  |  |  |  | 15,000,000    |              |               |                            |               | 15,000,000    |
| Sea Turtles   |  |  |  |  |  |  |  |  |  |  | 50,000,000    | 55,000,000   | 10,000,000    | 5,000,000                  | 7,500,000     | 163,000,000   |
| Early Restoration Turtles                                 |  |  |  |  |  |  |  |  |  |  | 29,256,165    |              |               |                            | 19,965,000    | 49,221,165    |
| Submerged Aquatic Vegetation                              |  |  |  |  |  |  |  |  |  |  |               |              | 22,000,000    |                            |               | 22,000,000    |
| Marine Mammals  |  |  |  |  |  |  |  |  |  |  | 19,000,000    | 55,000,000   | 5,000,000     | 5,000,000                  | 10,000,000    | 144,000,000   |
| Birds   |  |  |  |  |  |  |  |  |  |  | 70,400,000    | 70,000,000   | 30,000,000    | 40,000,000                 | 20,000,000    | 403,900,000   |
| Early Restoration Birds                                   |  |  |  |  |  |  |  |  |  |  | 1,823,100     |              | 145,000       | 2,835,000                  | 20,603,770    | 97,344,170    |
| Mesophotic and Deepwater Corals/Riparian                  |  |  |  |  |  |  |  |  |  |  |               | 273,300,000  |               |                            |               | 273,300,000   |
| Oysters   |  |  |  |  |  |  |  |  |  |  | 54,372,413    |              | 10,000,000    | 20,000,000                 | 22,500,000    | 162,872,413   |
| Early Restoration Oysters                                 |  |  |  |  |  |  |  |  |  |  |               | 3,329,000    | 5,370,596     |                            |               | 37,173,896    |
| Provide and Enhance Recreational Opportunities            |  |  |  |  |  |  |  |  |  |  | 25,000,000    | 63,274,513   | 38,000,000    | 5,000,000                  |               | 131,274,513   |
| Early Restoration Recreational Opportunities              |  |  |  |  |  |  |  |  |  |  | 22,397,916    | 85,505,305   | 120,543,167   | 22,000,000                 | 18,957,000    | 287,986,076   |
| Monitoring and Adaptive Management                        |  |  |  |  |  |  |  |  |  |  | 65,000,000    | 200,000,000  | 10,000,000    | 10,000,000                 | 2,500,000     | 520,000,000   |
| Administrative Oversight and Comprehensive Planning       |  |  |  |  |  |  |  |  |  |  | 40,000,000    | 150,000,000  | 20,000,000    | 20,000,000                 | 4,000,000     | 289,500,000   |
| Adaptive Management NRD Payment for Unknown Conditions    |  |  |  |  |  |  |  |  |  |  | 700,000,000   |              |               |                            |               | 700,000,000   |
|   |  |  |  |  |  |  |  |  |  |  |               |              | 3             | \$5,000,000,000            | \$295,557,000 | \$238,151,458 |

## **Building on Council Commitments**

A foundational element of the Initial Plan was the inclusion of five Council commitments to provide overarching guidance for the Council's path forward. These commitments are just as relevant today and provide a valuable framework from which to build the Ten-Year Funding Strategy. In January 2016, the Council began a retrospective review of the FPL development process. This review, which included feedback from Council members, the public and Tribes, helped identify and reinforce important lessons applicable to future Council activities. In its review of the FPL process, some members and stakeholders recommended developing strategic principles/commitments that could help guide Council actions over the next ten years. The following discussion provides greater refinement and amplification of the Council's foundational commitments.

### ***Commitment to a Regional Ecosystem-based Approach to Restoration***

The Council recognizes that upland, estuarine, and marine habitats are intrinsically connected. Therefore, the Council will promote an ecosystem-based and landscape-scale restoration approach without regard to geographic location within the Gulf Coast region. A regional approach to restoration will more effectively leverage the resources of the Gulf Coast and promote holistic Gulf Coast recovery. The Council recognizes that regional ecosystem restoration activities can also have multiple human (e.g., social, economic, and cultural) and environmental benefits, such as restoring habitats that sustainably support diverse fish and wildlife populations, while also providing an array of commercial, recreational, and other human uses of the ecosystem.

### **Watershed/Estuary-Based Approach**

A watershed/estuary-based approach is a way to address regional environmental challenges by considering environmental stressors, involving stakeholders, and strategically addressing priority goals. The Council determined that a watershed/estuary-based approach would be an effective tool for guiding the selection of projects and programs in support of habitat restoration and water quality (Goals 1 and 2 which were the focus of the Initial FPL). By identifying and focusing on watersheds (see Figure 3), the Council was able to make difficult funding decisions in a way that leveraged limited restoration resources for maximum effectiveness, while also supporting planning, science, and other activities that set the stage for future success.

Many stakeholders cautioned the Council against distributing the available funds in a way that supports disconnected (although potentially beneficial) restoration projects; the Council was asked not to engage in "random acts of restoration." The Council shares this perspective and believes that focusing on watersheds in concert with foundational Gulf-wide activities funded by the Initial FPL is one approach to ensure that future funds are spent in a way that contributes to comprehensive Gulf restoration.

The Council is adopting the watershed/estuary-based approach as a strategic planning principle for future FPL development. It is important to note that the watershed/estuary-based approach may not always be applicable to some activities that are otherwise good candidates for potential funding under the Council-Selected Restoration Component (e.g., certain Gulf-wide or offshore activities). The Council may also consider other planning approaches that complement the watershed/estuary-based approach and that might be appropriate with respect to the scale and complexity of Gulf restoration.

During the course of the collaboration meetings and workshops that the Council will host beginning in 2017 and continuing into 2018, the Council will consider the possible use of regional planning frameworks. Such planning frameworks could complement the watershed-estuary approach and improve Council decision-making by simplifying the planning processes; creating opportunities for sharing lessons learned and synergies across watersheds with similar stressors; ensuring consistency with the RESTORE Act by facilitating cross-boundary collaboration; and providing an all-inclusive way to facilitate coordination and cooperation among Council members and our partners.

## **Addressing Risk, Sustainability, and Resilience**

Healthy and sustainable ecosystems are essential for thriving and resilient coastal communities. Across the Gulf coast, cultures, economies, and societies are built upon and sustained by natural ecosystem services that provide clean water, abundant fisheries, storm protection, and more. Further loss and degradation of the Gulf environment can reduce these social, cultural, and economic benefits. By restoring and protecting the Gulf environment, the Council can help communities enhance their ability to recover from natural and man-made disasters and thrive in the face of changing environmental conditions.

As the Council seeks to improve its overall planning process to achieve Gulf-wide restoration, the Council also acknowledges the importance of reestablishing the natural structure and function across the Gulf so the ecosystem can provide long-term, sustainable benefits. The relative importance of a watershed can be evaluated in terms of ecological value, ecosystem stressors, socio-economics, and community and cultural values, among other factors. The Council recognizes many ecosystems have challenges that originate with harmful alteration of structural characteristics, leading to complications such as habitat degradation and changes in flow regimes. Restoring site morphology and other physical attributes is often an essential step to the success of restoration. The restoration of habitat to support keystone species further returns higher-level ecosystem structure and re-establishes food webs to support biological diversity. Structure and function are closely linked in wetlands, estuaries, and other ecosystems. Re-establishing the appropriate natural structure can bring back many beneficial ecosystem functions and services. Reintroducing natural ecological processes, such as natural fire regimes, freshwater inflows, and sediment diversions, is also essential to restore and maintain ecosystem function and sustain ecosystem integrity.

The Council's goals and objectives are designed to encompass the many types of actions needed to restore ecosystem health and sustainability across the Gulf Coast region. To meet its goals and objectives, the Council must consider a wide range of past, ongoing, and emerging environmental threats. For example, sea-level rise combined in some areas with ongoing subsidence can pose a significant risk to coastal ecosystems and communities, and to the Council's own coastal restoration investments. Water quality degradation is another environmental issue impacting resilience and sustainability leading to, among many other impacts, one of the world's largest hypoxic regions ("Dead Zone") which forms each year off the Louisiana coast and can reach the size of the State of New Jersey. The Council is committed to using the best available science to consider relative sea-level rise, water quality, and other risks as it makes coastal restoration funding decisions. The Council is also committed to working with a broad range of stakeholders interested in coastal resilience.

There are also inherent risks the Council will consider regarding the efficacy of individual projects and/or programs themselves ranging from impacts to performance (due to unforeseen events like impacts from a hurricane) to changes in cost beyond projected contingency plan levels, which could potentially impact the ability to complete a project or program.

### ***Commitment to Leveraging Resources and Partnerships***

The Council will continue to encourage partnerships and welcomes additional public and private financial and technical support to maximize outcomes and impacts. Such partnerships will add value through integration of public and private sector skills, knowledge, and expertise.

If all activities are fully implemented, the Initial FPL leverages approximately \$1.27 billion in Gulf investments by other entities. This includes co-funding projects with entities such as the Knobloch Family Foundation, building on the Gulf restoration activities of our many partners including NRDA, NFWF, and the existing capacities of the members and others around the Gulf of Mexico.

## Coordinating, Collaborating, and Connecting Gulf Restoration Activities

As discussed in the section regarding effective FPL development, the Council recognizes that coordination and collaboration among members and our restoration partners is critical to the success of Gulf restoration. The Council hereby reaffirms its commitment to such coordination and collaboration. The Council also recognizes that it has an important opportunity to help facilitate dialogue among Gulf restoration partners by identifying potential gaps that limit our collective ability to achieve large-scale restoration and by serving as the connector between funding sources.

To achieve this commitment, the Council will focus on the following four areas:



***Partnerships and Leveraging:*** The Council will seek to foster and leverage public, private, and intergovernmental partnerships to maximize the impact of projects and to create innovative efficiencies to streamline implementation while building regional capacity for long-term, integrated resource management and stewardship.

***Coordination/Collaboration with other ongoing Restoration Efforts:*** The Council will seek to ensure full and effective coordination with other ongoing and planned Gulf restoration efforts to maximize ecological and socio-economic benefits, and avoid duplication. The Council can, for example, advance comprehensive restoration by identifying and addressing critical ecosystem needs with the goal of achieving comprehensive ecosystem benefits.

***“Upstream” Collaboration:*** The Council members will collaborate in the *development of proposals* for potential funding under the Council-Selected Restoration Component. Consistent with the RESTORE Act provision encouraging integrated project implementation and funding, Council members may develop joint-or multi-member project or program proposals to generate more effective use of each member's strengths and expertise.

***“Downstream” Collaboration:*** The Council will continue to host collaborative regional meetings during FPL project/program *implementation and monitoring phases*. This will help to maximize ecosystem restoration results and efficiencies and to share knowledge and lessons learned to inform future FPL implementation, monitoring, and adaptive management efforts.

In furtherance of this commitment, the Council will sponsor and participate in meetings and workshops as discussed previously in the “Effective Proposal Development” section.



In addition to ongoing collaboration with NFWF, the Council will consider the most effective means of collaborating with NRDA Trustee Implementation Groups (TIGs), and will work with individual TIGs to ensure this coordination is beneficial for the missions of both programs. The Council will also consider assigning staff to serve as liaisons to other major watershed and regional restoration partnerships to enhance the effectiveness of its ecosystem restoration efforts.

### **Explore Opportunities for Creative Conservation Funding**

Successfully combating all of the ecological stressors in the Gulf is a complex challenge that greatly exceeds existing and expected restoration funding. The Council is committed to maximizing the effectiveness of funds within its purview, while also trying to help identify and leverage new sources of funding to support current and future restoration work. In addition to our existing restoration partners discussed in this Comprehensive Plan update, there are other parties that have a growing interest in participating in ecosystem restoration. For example, private-sector and non-profit entities are actively exploring new and innovative ways to bring capital to restoration activities. Given its own limitations relative to the size and scope of the Gulf restoration challenge, the Council welcomes these potential partners and is interested in exploring ways in which such endeavors can potentially help the Council advance its mission. The Council is committed to open dialogue and future collaboration with such partners in this emerging arena.

### ***Commitment to Engagement, Inclusion, and Transparency***

It is the Council's intent to seek broad participation and input from the diverse stakeholders who live, work, and play in the Gulf Coast region in both the continued development of this Plan and the ultimate selection and funding of ecosystem restoration activities. The Council will continue to provide opportunities to facilitate the formation of strategic partnerships and collaboration on innovative ecosystem restoration projects, programs, and approaches. The Council intends to continue offering public engagement opportunities that reflect the richness and diversity of Gulf Coast communities to ensure ongoing public participation in the Council's restoration efforts.

In developing the Initial FPL, the Council honored this commitment by holding numerous public meetings across the Gulf and making all proposals, environmental compliance documentation, and related materials available on its website. The Council has also established a virtual library on its website in which a wide range of Council documents are available to the public; the public can also sign up for email updates on the Council website ([www.RestoreTheGulf.gov](http://www.RestoreTheGulf.gov)). The Council is building on its commitment to the stakeholders of the Gulf Coast by developing a Tribal policy to ensure effective coordination and consultation with federally-recognized Tribes.

### **Maintain and Enhance Public Engagement and Transparency**

The Council fully appreciates the importance of strong, productive, and predictable public engagement and maintaining transparency throughout its operations and decision-making. The Council is committed to setting and maintaining the highest standard for public engagement and transparency. To that end, the Council reaffirms its commitment to the following:

- Project evaluation and selection will be conducted in the most open manner feasible.
- The Council will support engagement with all stakeholders, including under-represented communities and federally-recognized Tribes.
- The Council will refine its processes for considering public input on draft FPLs before finalizing changes to the final FPL.
- The Council will continue to explore the use of webinars and other creative tools to increase transparency and opportunities for public participation.

### **Efficient, Effective, and Transparent Environmental Compliance**

As with all federal agencies, the Council must comply with applicable federal environmental laws, regulations, and Executive Orders. Compliance with these laws and other requirements is critical for avoiding unintended adverse impacts, informing funding decisions, and providing important public engagement opportunities. It is vital that the Council look for ways to improve the efficiency and timeliness of permitting and regulatory reviews while also meeting statutory requirements and providing sound analyses of Gulf restoration projects. The Council is committed to meeting the highest standard for efficient, effective, and transparent environmental compliance.

The *Task Force Strategy* called for more efficient permitting and regulatory review of Gulf restoration activities. Interagency coordination and communication among Council members helps address that goal. For example, in some cases the Council is able to use the existing NEPA documents of its members to address its environmental compliance responsibilities. This helps the Council expedite project implementation while decreasing planning costs, which can lead to greater restoration investments and ecological benefits.

Accordingly, the Council will participate in the Gulf Coast Interagency Environmental Restoration Working Group to facilitate early, consistent, and effective interagency coordination; concurrent environmental compliance reviews of proposed restoration projects; sharing of scientific and other information critical to project review and permitting; resolution of issues and barriers to efficient implementation of restoration projects across Gulf ecosystem restoration funding streams; and development of efficiency tools and processes.

The Council believes that it can increase both efficiency and transparency through a commitment to succinct and readable environmental compliance documentation. Consistent with Council on Environmental Quality NEPA regulations, the Council will seek to make environmental compliance documentation concise, clear, and without unnecessary information. This will improve transparency for the public and speed the delivery of restoration to the Gulf.

### ***Commitment to Science-Based Decision-Making***

The decisions made pursuant to this Plan will be based on the best available science, and the Plan will evolve over time to incorporate new science, information, and changing conditions. The Council will coordinate with the scientific community to improve decision-making and facilitate scientific coordination across various Gulf restoration efforts.

Consistent with this commitment, the Council conducted science reviews of all Initial FPL proposals and approved funding for a number of initiatives to help ensure that the Council's future decisions are based on the best available science. These include, for example, development of science tools to support freshwater inflow restoration and the prioritization of future conservation actions. In addition, the Council is funding a Council Monitoring and Assessment Program as well as a study of the Lower Mississippi River to support more holistic river management. The results of these science-based efforts and other studies will continue to inform future Comprehensive Plans Updates and FPLs.

## Best Available Science in Selecting Projects and Programs

The RESTORE Act requires the Council to “undertake projects and programs, using the best available science that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.”

The RESTORE Act defines “best available science” as science that:



- Maximizes the quality, objectivity, and integrity of information, including statistical information;
- Uses peer-reviewed and publicly available data; and
- Clearly documents and communicates risks and uncertainties in the scientific basis for such projects.

The Council remains committed to ensuring that its decisions are informed by the best scientific information available.

To evaluate projects and programs submitted during the Initial FPL development process, the Council utilized expert reviewers from within the Gulf region and across the country to evaluate each proposal—three separate reviews per proposal. While these reviewers provided excellent information, the process can be improved and expanded upon to incorporate a panel charged with reconciling disparate reviews and assessing project interactions. Moving forward, the Council will continue to seek and utilize external ecosystem restoration-based science support, including external expert reviews to ensure its decisions are based on the best available science and support holistic ecosystem restoration. To that end, the Council will update and improve the process for applying best available science to FPL proposals. Such measures will include updating the review process questions, continuing the use of external science reviewers, and exploring the use of one or more science review panels. These efforts will assist the Council staff in reconciling disparate reviews, assessing the potential interactions among projects and programs, identifying opportunities for synergies and maximizing benefits, and using a systematic approach to convey the results of science reviews to the Council and the public.

### ***Commitment to Delivering Results and Measuring Impacts***

The Council recognizes the importance of measuring outcomes and impacts in order to achieve tangible results and ensure that funds are invested in a meaningful way. The Council will consider a variety of methods to measure and report on the results and impacts of Council- Selected Restoration Component activities and will include project- or program-specific measurement and reporting requirements in funding agreements with Council members.

### **Measuring and Ensuring Success**

As noted in the Council’s Programmatic Environmental Assessment for the Initial Comprehensive Plan, “...the Council is planning to utilize science-based restoration targets for the Gulf ecosystem that will: (1) apply natural systems and socio-economic modeling tools to analyze and prioritize restoration options; (2) consider opportunities for leveraging benefits of projects implemented by others carrying out complementary projects; and (3) utilize adaptive management to build upon opportunities that arise as a

result of the monitoring and new science to enhance the benefits to the nation.” The Council will continue to work towards fulfilling that commitment, as well as seek to improve delivery of ecosystem science, monitoring, and data management across disciplines to report on the overall success of restoration. For example, all funded Council projects and programs will have data management and monitoring plans to help assess long-term success of projects and ensure data is managed and publicly available.

The Council is also funding a Council Monitoring and Assessment Work Group (CMAWG) and coordinating with our restoration partners including academic, non-profit, and other Gulf stakeholders interested in science-based restoration. Support for the CMAWG and coordination activities is occurring through two FPL projects: the Council Monitoring and Assessment Program (CMAP) and the Gulf of Mexico Alliance (GOMA) Monitoring Community of Practice (CoP). Overall, these activities will fund the development of basic foundational components for Gulf region-wide monitoring in order to measure the beneficial impacts of investments in restoration, ensure projects and programs are evaluated and reported to the Council, advance coordination with the scientific community to improve decision-making, and improve science-based adaptive management and project-level and regional ecosystem monitoring.

The Council will utilize its staff, CMAWG, CoP, and coordination with other entities as a means to develop common standards and monitoring protocols for Council projects and programs; indicators and metrics of restoration and conservation success (including ecological function, benefits, and services) by project, region and/or watershed; identify data gaps in the assessment of the success of Gulf-wide restoration; and evaluate tools to measure Gulf-wide benefits. The Council will also explore the development of new tools, where applicable, to support the Council’s work and address critical uncertainties in restoration actions. The CMAWG will also aid in the development of a Council adaptive management plan and work with Council staff to draft a Council data management plan to ensure data is available for the long-term, utilized to assess project success, and support future project selection. In addition, the Council will explore opportunities to create consistency and collaborate with NRDA efforts where appropriate. For example, the intersection between the CMAWG efforts with the NRDA Cross-TIG Monitoring and Adaptive Management Workgroup may yield important programmatic and science efficiencies.

These and other actions will improve ecosystem restoration outcome and impact measurement and reporting, and assist in the development of local and regional ecosystem models. This work will address the critical uncertainties related to restoration to adaptively manage and inform Council decision-making processes related to ecosystem investments.

# State Expenditure Plans - Spill Impact Component

## Introduction

While the Council will select and fund projects and programs to restore the ecosystem with Council-Selected Restoration Component funds, the Spill Impact Component funds will be invested in projects, programs, and activities developed by the Gulf Coast States and identified in approved State Expenditure Plans (SEPs). The RESTORE Act allocates 30 percent of the Trust Fund to the states under a formula established by the Council through a regulation, and spent according to individual SEPs. Each state will develop an SEP describing how it will disburse the amounts allocated to it under the Spill Impact Component. These projects and programs will be implemented through grants to the States in a manner that is consistent with the requirements of the RESTORE Act as well as the goals and objectives of the Comprehensive Plan.

## Planning Assistance for Developing SEPs

In August 2014, the Council published an Interim Final Rule in the *Federal Register* for Gulf Coast States and the Florida Gulf Consortium to receive funding for development of SEPs. The Final Rule was published on January 13, 2015 and provides access to up to five percent of the funds available to each state under the Spill Impact Component for SEP development.

## Funding Allocations

On September 29, 2015, the Council published a draft Spill Impact Component regulation in the *Federal Register* for a 30-day public comment period. The draft regulation was published pursuant to the RESTORE Act's requirement that the Council establish by regulation a formula, implementing the criteria set forth in 33 U.S.C. § 1321(t)(3)(A)(ii) for allocation of Spill Impact Component funds and disbursed to each state, that is based on a weighted average of the following three criteria:

- 40 percent based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling on or before April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the *Deepwater Horizon* oil spill.
- 40 percent based on the inverse proportion of the average distance from the mobile offshore drilling unit *Deepwater Horizon* at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State.
- 20 percent based on the average population in the 2010 decennial census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

On December 9, 2015, the RESTORE Council voted to approve the final rule ([https://www.restorethegulf.gov/sites/default/files/SICR\\_FINAL\\_Approved\\_Dec\\_9.pdf](https://www.restorethegulf.gov/sites/default/files/SICR_FINAL_Approved_Dec_9.pdf)) and published the final rule in the Federal Register on December 15, 2015 ([https://www.federalregister.gov/agencies/gulf-coast-ecosystem-restoration-council#recent\\_articles](https://www.federalregister.gov/agencies/gulf-coast-ecosystem-restoration-council#recent_articles)). The Rule became effective April 4, 2016 when the Federal court in Louisiana approved and entered the consent decree.

Using the formula and information set forth in the Rule, the allocation of Spill Impact Component funds among the five States is:

- Alabama – 20.40 percent
- Florida – 18.36 percent;
- Louisiana – 34.59 percent;
- Mississippi – 19.07 percent; and
- Texas – 7.58 percent.

## Updated SEP Guidelines

On March 17, 2016, the Council updated Guidelines that describe the required elements of a SEP, the process for submitting a SEP, and the standards by which the Council Chair will evaluate the SEP. The Guidelines also describe the requirements for a Planning SEP authorized by the RESTORE Act Spill Impact Component Planning Allocation Final Rule (80 FR 1584) ([https://www.restorethegulf.gov/sites/default/files/SEP-Guidelines\\_Approved-20160317.pdf](https://www.restorethegulf.gov/sites/default/files/SEP-Guidelines_Approved-20160317.pdf)). Planning State Expenditure Plans and SEPs (once approved) can be found at: <https://www.restorethegulf.gov/spill-impact-component>.



## Conclusion – Path Forward

The Council intends to keep playing a key role in helping to ensure that the Gulf’s natural resources are sustainable and available for future generations. The Gulf restoration funds available now and in the future represent an incredible opportunity and responsibility for the Council and all the stakeholders in the Gulf Coast region.

In the coming months and years, the Council will focus its efforts on collaboration—among and between members and with other restoration partners—to fully leverage all available funds. Through such focused collaboration, the Council can facilitate holistic, large-scale, and coordinated restoration. Indeed, as a federal agency comprised of the five Gulf Coast States and six federal agencies, the Council is uniquely situated to move forward with comprehensive ecosystem restoration across the Gulf of Mexico.

The ongoing involvement of the people who live, work, and play in the Gulf region is critical to ensuring that these monies are used wisely and effectively. The Council thanks all who supported and participated in the Council’s work to date. Your input has been essential throughout the past four years and will continue to be critical as the Council moves forward with its mission to restore the Gulf.

Photographs are courtesy of Council Member Agencies and RESTORE Council Staff.

