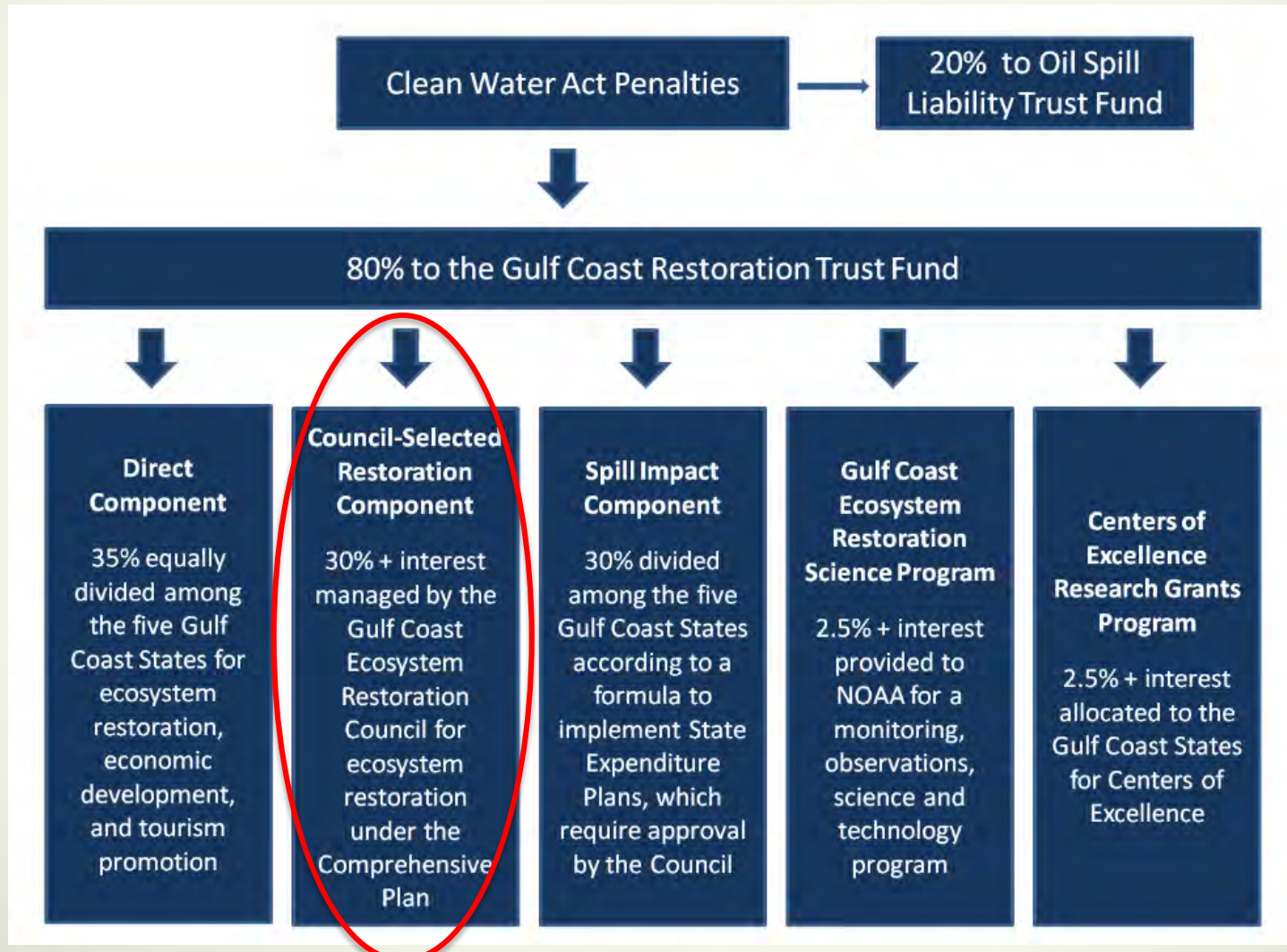


# RESTORE Act Implementation: NGO Recommendations for Restoration Project and Program Selection

November 4, 2014



# RESTORE Allocations – “Pots”



# Pot 2 – Comprehensive Plan

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(iii) RESTORATION PRIORITIES.—Except for projects and programs described in clause (ii)(IV)(bb), in selecting projects and programs to include on the 3-year list described in clause (ii)(IV)(dd), based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:

- I. 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.
- II. 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.
- III. 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.
- IV. 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.

# Gulf Coast Restoration Task Force



## III. Goals

This restoration Strategy builds upon existing research, planning and program efforts throughout the Gulf that have generated wide interest and participation by Gulf-based citizens, businesses, scientists, industries and governments. Beginning with its first meeting on November 8, 2010, the Task Force solicited individual input from the general public and engaged key stakeholder groups throughout the region. Additionally, the Task Force reviewed numerous publications that address Gulf of Mexico restoration and engaged the broad expertise of the member agencies. This input led the Task Force to identify the following four goals as priorities for Gulf of Mexico ecosystem restoration:

- **Restore and conserve habitat.** The Gulf Coast has endured extensive damage to key coastal habitats such as wetlands, coastal prairies and forests, estuaries, seagrass beds, natural beaches and dunes, and barrier islands. Within this goal, a major focus is to work with Gulf Coast stakeholders to expedite implementation and improve the effectiveness of state and federal programs related to landscape-scale resource management, habitat conservation and restoration strategies.
- **Restore water quality.** The Gulf of Mexico experiences numerous water quality problems, including excess nutrients, altered sediment inputs, pathogens, and mercury and other pollutants. One of the most prevalent signs of such problems in the Gulf of Mexico is hypoxia—low oxygen levels in the water—which can result from excess nutrients in the water and other factors. Within this goal, a major focus is to reduce the amount of nutrients flowing into the Gulf and to undertake other measures to enhance water quality.
- **Replenish and protect living coastal and marine resources.** Living coastal and marine resources are showing visible signs of distress, such as depleted species populations and degraded habitats. Within this goal, a major focus is to promote sustainable resource management that focuses on actions to conserve and restore viable populations of living coastal and marine resources and their coastal and offshore environments.
- **Enhance community resilience.** Gulf Coast communities face a number of pressing challenges, such as storm risk, sea-level rise, land loss, depletion of natural resources, and compromised water quality. Within this goal, a major focus is to integrate the creation of resilient communities with ecosystem restoration through the development of comprehensive coastal planning programs.

The initial Comprehensive Plan shall include

(aa) such provisions as are necessary to fully incorporate in the Comprehensive Plan the strategy, projects, and programs recommended by the President's Gulf Coast Restoration Task Force;

- Restore and Conserve Habitat
- Restore Water Quality
- Replenish and protect living coastal and marine resources
- Enhance Community Resilience

# Best Available Science

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(27) the term ‘best available science’ means science that—

- (A) maximizes the quality, objectivity, and integrity of information, including statistical information;
- (B) uses peer-reviewed and publicly available data; and
- (C) clearly documents and communicates risks and uncertainties in the scientific basis for such projects;

# RESTORE Council Challenges

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## Challenge 1:

How to combine and integrate previous strategies with the statutory requirements of the RESTORE comprehensive plan

## Challenge 2:

How to establish objective and transparent project evaluation criteria from the statutory language

## Challenge 3:

How to integrate Best Available Science into the decision-making process

# Recommendation 1

We recommended that the Council use the RESTORE Act Restoration Priorities as the preeminent guidance for project and program selection, and that any future interpretation seek to define this guidance, rather than add additional criteria for consideration.

## **RESTORE Act Restoration Priorities:**

*Based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:*

- 1. 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.*
- 2. 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.*
- 3. 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.*
- 4. 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.*

## Recommendation 2

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We recommended that the Council integrate the environmental Goals from the Task Force Strategy and Comprehensive Plan with the RESTORE Act Restoration Priorities to begin forming a unified framework for project and program selection.

### *Task Force Strategy Environmental Goals:*

*Goal 1: Restore and Conserve Habitat*

*Goal 2: Restore Water Quality*

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

As an example of how the Goals and Priorities fit together, Restoration Priority (I) could be integrated with Comprehensive Plan Goals 1, 2, and 3 as follows:

*The Council shall give priority to 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, **by restoring or conserving habitat, improving water quality and replenishing living marine and coastal resources** without regard to geographic location within the Gulf Coast region.*



# Application of Recommendation 2

Use Major Actions unanimously adopted by the Task Force to drive decisions in a project and program selection process under Priority 1 where projects are selected on their ability to make the greatest contribution.

## Example:

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

- *Prioritize ecosystem restoration in the Gulf of Mexico by ensuring that social, environmental and economic outcomes are fully considered in all river management decisions placing it on equal footing with other priorities such as navigation and flood damage risk reduction.*
- *Improve current sediment management practices to maximize to the extent practicable and ecologically acceptable the quantity and effective use of sediments by taking a “strategic use” approach to sediment management.*
- *Restore and preserve more natural river processes of sediment and freshwater distribution.*
- *Expand the network of state, federal and private conservation areas to ensure healthy landscapes that support the environment and culture of the region and the diverse services provided by the Gulf of Mexico ecosystem.*
- *Restore and conserve coastal and near-shore habitats, with a focus on marshes, mangroves, seagrasses, barrier islands, natural beaches and dunes, and coastal forests and prairies.*

## Recommendation 3

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In Priority 2 add specificity and clarity to the phrase large-scale projects that are projected to substantially contribute by determine a baseline against which progress can be measured and compared.

We recommend a baseline that reflects the future conditions of habitat, water quality and living resources if no restoration actions were taken over an extended period of time and that projects be evaluated against this baseline to determine the scale of their contribution to improving a future condition.

### Example:

#### Goal 2: Improving Water Quality

- The Council should place significant emphasis on the degree to which projects and programs *Improve Water Quality* compared to a future with no action baseline.

## Recommendation 4

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In Priority 3, the term “comprehensive” is an invitation to evaluate several factors that might be used to better understand a specific project’s overall contribution to the Council goals. We suggest that the Council consider 2 primary factors that add clarity and specificity to the term “comprehensive plan:”

1. A plan should be considered more or less comprehensive based on the degree to which the plan has attempted to leverage effectiveness by selecting projects that work in synergy to address and achieve multiple purposes.
2. A plan should be considered more or less comprehensive based on the robustness of the analysis and the degree to which that analysis is driven by objective scientific information.

### Example:

#### Goal 3: Replenishing and Protecting Living Coastal and Marine Resources

- The Council should consider not just the extent to which projects and programs in state comprehensive plans directly *Replenish and Protect Living Coastal Marine Resources*, but the collective, long-term benefits of other projects and programs to these resources.

# Application of Recommendation 4

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For Priority 4 we suggest a two part evaluation (IV) that looks at size, degree and duration of oiling and then defines resiliency for those areas and resources

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.

## Example:

The Council should first determine those *natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill*. In defining “most impacted by the *Deepwater Horizon* oil spill,” the Council should evaluate impacts at two scales: oiling (the size of the area oiled, the degree of oiling, the duration of oiling and the sensitivity of the area that was oiled)<sup>25</sup> and impacts to resources exposed, such as bottle-nosed dolphins and Gulf killifish.<sup>26</sup>

After identifying the most impacted resources and areas, the Council should define *long-term resiliency* and specifically evaluate a project’s ability to influence the resiliency of those areas and resources most oiled. Resilience refers to an ecosystem’s ability to remain productive and continue to support its existing characteristics,<sup>27</sup> such as vegetation communities or fish and wildlife populations, in the presence of environmental stress.

## Recommendation 5

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Finally, as part of a project selection process, we recommended that the Council consider the degree to which a project fulfills a Restoration Priority and its ability to address multiple Restoration Priorities and Goals. Given limited funds and multiple restoration needs as defined by the statute and Comprehensive Plan, preference for projects that profoundly meet the greatest number of needs is a sensible approach.

# Matrix Used to Select MRD Recommended Projects

	Project Name	Project Type	Project Description	RESTORE Act Restoration Priorities <sup>1</sup>					Comprehensive Plan Provisions <sup>2</sup>					Total	Prior Authorization <sup>3</sup>	
				I	II	III	IV		1	2	3	4				
				Greatest Contribution	Large Scale	Existing State Comprehensive Plan	Most Impacted	Sub-total Restore Priorities	Restore Habitat	Water Quality	Living Coastal Resources	Community Resiliency	Comprehensive Plan		Prior/Pending Authorization	Federal Project <sup>4</sup>
1	Mid-Baratana Diversion: 1 <sup>st</sup> period increment (75,000 cubic feet per second [cfs])	Diversion	Establish a distributary for sub-delta marsh-building diversion of pulsed Mississippi River water and sediment through control structure	6	6	6	6	24	3	2	3	3	11	35	✓	LCA Myrtle Grove
2	Mid-Breton Diversion	Diversion	Establish distributary for sub-delta marsh-building diversion of pulsed Mississippi River water and sediment through control structure	6	6	6	6	24	3	2	3	2	10	34	✓	LCA White's Ditch
3	Lower Breton Diversion	Diversion	Establish distributary for sub-delta marsh-building diversion of pulsed Mississippi River water and sediment through control structure	6	6	6	6	24	3	2	3	2	10	34		≠ <sup>5</sup>

# Recommendations for Science Advisory Committee

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**Establish a formalized and independent science advisory committee to provide overall guidance for the restoration program and future iterations of the Comprehensive Plan, as well as any companion science framework**

**Ensure that science is integrated into the comprehensive plan by providing input on restoration priorities, strategies and performance metrics; evaluating progress toward restoration goals via monitoring and other adaptive management mechanisms; and identifying restoration gaps, conflicts and opportunities for coordination with other programs.**

**Establish and populate the committee using three guiding principles: comprehensiveness, impartiality and transparency**

# RESTORE

THE MISSISSIPPI RIVER DELTA

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