

Tonight, the presenters will go back to the basics and explain the natural resource damage assessment process and the process for submitting a restoration idea.

After each presentation, we will provide time for your questions. If you have comments rather than questions, we want to hear those too. And we will respond to the best of our ability.

We are going to ask you to focus on the processes that are presented. If you have questions about specific projects or the work of the Trustee Implementation Groups, you'll have your opportunity to talk with staff during the open house tomorrow at 5:30 over at the University of Southern Mississippi.

Our hope is that by attending this meeting, you get information that helps you in the future, whether you attend tomorrow night's annual meeting, you suggest a project in the future, or you attend any other meeting.

We do have a guest here tonight, Keala Hughes, who is the RESTORE Council's Director of External Affairs and Tribal Relations. Ms. Hughes will participate in the first presentation, because we are going to try to differentiate NRDA from RESTORE and NFWF's Gulf Environmental Benefit Fund.





We're here tonight to provide some information to you about the Natural Resource Damage Assessment and Restoration process. NRDA, for short

As you may have already noticed, post- Deepwater Horizon oil spill restoration of the Gulf of Mexico is pretty **complicated**, and that's because there's so much work being done by so many groups and via numerous funding streams. So, even though we are going to talk about the Natural Resource Damage Assessment (NRDA) process tonight, we will also touch on the other two major funding streams – National Fish and Wildlife Foundation (NFWF) and RESTORE –

I'll present one slide on NFWF, just to keep things short and sweet.

Keala Hughes will present a few slides regarding RESTORE.

During each presentation we'll try to make a **point out where you can get involved** in the process.



The Deepwater Horizon oil spill occurred in 2010

In 2012 and 2013 **\$2.544 billion in Clean Water Act penalties were paid by BP and Transocean** to the National Fish and Wildlife Foundation, which created the Gulf Environmental Benefit Fund as a separate fund for those monies.

The historic global settlement with BP occurred in 2016. That settlement made **\$8.8 billion in Oil Pollution Act natural resource damages** available over 15 years for restoration through the NRDA process

The settlement also made **\$5.32 billion in Clean Water Act civil penalties** available for restoration activities described under the RESTORE Act.

(Click to add red circle) We are going to focus on the NRDA process

but first I'll tell you a little bit about the National Fish and Wildlife Foundation Gulf Environmental Benefit Fund and then Keala Hughes will talk about RESTORE



First – what the National Fish and Wildlife Foundation (NFWF) is:

A non-profit that was created by Congress in 1984 "to protect and restore fish and wildlife and their habitats."

Has a 30 member board approved by the Sec of the Interior. Includes leaders of FWS and NOAA.

Over 20 yr history admin settlement funds on behalf of Dept. of Justice and resource agencies

In 2013, plea agreements settling **federal criminal charges** against BP and Transocean directed \$2.544 billion to NFWF for natural resource projects

Set up the Gulf Environmental Fund (GEBF) as a stand alone program to admin and implement projects consistent with the terms of the plea agreements.

50% of money to be used to create and restore barrier islands off the coast of LA and/or to implement river diversions consistent with the state's Coastal Master Plan

Other 50% divided up for use in the other four states for projects that "remedy

#### harm" to resources (habitats and species) injured by the DWH oil spill.

#### Process:

**Annual GEBF cycle** (culminating in approval by NFWF Board of Directors in November), with off-cycle opportunities to address timely needs

#### NFWF asks states for proposals for consideration w/in the annual cycle

Each state asks for project ideas from the public

NFWF formally **consults with FWS and NOAA** and works to get consensus between the states and the federal agencies

NFWF **awards contracts to the organizations implementing the projects** (state, federal, municipal, NGO) .

NFWF **completed its 5<sup>th</sup> year** of project obligations under GEBF in 2017:

To date, 122 projects worth **over \$1 billion have been approved** across all 5 Gulf States

List of projects and their status are available on NFWF website (www.nfwf.org)

- Remaining funds will be obligated to projects in the coming years



The RESTORE Council or the Resources and Ecosystems Sustainability of, Tourist Opportunity and Revived Economies of the Gulf Coast States was passed into law on July 6, 2012

The Council directs 80% of the funds into the Gulf Coast Restoration Trust Fund. The RESTORE Council was developed to manage 60% of the Gulf of the Restoration Trust Frund monies and development and implement a Comprehensive Plan for restoration.



- Refer to bullets
- There is significant overlap with the membership of the RESTORE Council and the NRDA Trustees. These are the high level officials who have staff overseeing the day to day business of the RESTORE Council. These members have voting rights and have someone designated to vote in their absence.
  - RESTORE Council includes two more federal members than the Trustees: US Dept of Army and US Dept of Homeland Security Note the commitment to collaboration by RESTORE and NRDA for future activities.
  - NOTE: Funds may only be directly distributed to Council members; they may then choose to subcontract to meet needs of awarded projects.



I want to take a few moments to provide a reminder of which component of the Gulf Coast Restoration Trust Fund (called the "Trust Fund') that we are speaking about:

- The 5 components, commonly referred to as "Buckets" listed on the bottom row of this slide are all funded from the Trust Fund.
- Each is managed differently and has different rules and procedures for use of funds.
- The "Buckets" we are speaking about today is the Council-selected Restoration Component, often referred to as "Bucket 2" and the Spill Impact Component, often referred to as "Bucket 3". Throughout this presentation, you will hear me use the phrase "Bucket 2" or "Bucket 3" rather than the formal names.
- These components are managed by the RESTORE Council, which I will describe in the next slide
- Please note that under the RESTORE Act and the US Department of Treasury's implementing regulations, only RESTORE Council members may apply for Council-Selected Restoration Component, or Bucket 2, funds.
- These funds will come in the form of annual payments over 15 years.

If you would like more information about the RESTORE Act and the 5 buckets shown



- Refer to bullets
- Subsequent slides will provide a little more details
- Again, please NOTE: Funds may only be directly distributed to Council members; they may then choose to subcontract to meet needs of awarded projects.



- Moving along the timeline, following completion of the first FPL, a "360 Review" was conducted, including both member and public input on the process.
- Led to update of Comp Plan with increased focus on collaboration, BAS, public engagement and transparency, and other commitments

After last bullet:

 Unlike many past efforts in plan development, the Council has dedicated funds for members to meet these commitments, including increasing public engagement and transparency, through the second FPL, referred to as the "Commitment and Planning Support FPL"

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The Comp Plan 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.



- This slide provides a snapshot of the major products to date of the RESTORE Council, specifically related to Council-Selected Restoration (or "Bucket 2") activities.
- We have been planning for the next Funded Priorities List and incorporating the feed back from the Comprehensive Plan Update. We are inviting the public to subscribe to our eblast so they can be informed of public meeting and public comment periods leading up to the next Funded Priorities List.



If you are interested in more information please visit our website

Once there, you may also subscribe to receive RESTORE Eblasts that are sent out periodically to update you on new and upcoming activities by the RESTORE Council.



So, now that you've heard more about RESTORE, I will go back and get into more details about the Deepwater Horizon NRDA process

The NRDA process is not discretionary, it is a **legal process** – **based on the Oil Pollution Act** - the federal agencies and affected states go through after an oil spill.

It is a process the Natural Resource Trustee agencies use to assess the degree to which natural resources and the services they provide may have been injured by an oil spill and spill response activities.

They then determine how to compensate the public through on-the-ground restoration activities.





So, what are we trying to accomplish?

At the time of the settlement, the Trustees developed a programmatic level restoration plan based on the injury found. That means a plan not focused on specific projects, but at a more general level.

The plan identified 5 restoration goals and within each goal, they identified restoration types.



So, let's look a little more deeply at these goals – at the restoration types under each goal

- 1. Restore and conserve habitat
- 2. Restore water quality
- 3. Replenish and protect living coastal and marine resources
- 4. Provide and enhance recreational opportunities
- Provide monitoring, adaptive management, administrative oversight

### **Restoration Types**



Nutrient Reduction (nonpoint source)



Water Quality (e.g. stormwater treatments, hydrologic restoration, reduction of sedimentation, etc.)

- 1. Restore and conserve habitat
- Restore water quality
- 3. Replenish and protect living coastal and marine resources
- 4. Provide and enhance recreational opportunities
- 5. Provide monitoring, adaptive management, administrative oversight

### **Restoration Types**





Birds

Oysters

Invertebrates



Mesophotic Reefs and Deep **Benthic Habitats** 

- 1. Restore and conserve habitat
- 2. Restore water quality
- 3. Replenish and protect living coastal and marine resources
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- Provide monitoring, adaptive management, administrative oversight

### **Restoration Types**



Provide and Enhance Recreational Opportunities

- 1. Restore and conserve habitat
- 2. Restore water quality
- Replenish and protect living coastal and marine resources
- Provide and enhance recreational opportunities
- Provide monitoring, adaptive management, administrative oversight

### **Restoration Types**



Monitoring and Adaptive Management



Administrative Oversight and Comprehensive Planning



The Post Settlement Process and Structure

The settlement and legal documents associated with it established restoration areas, one for each state and one for each the Open Ocean and Region-wide. To get the work done for each restoration area, a Trustee Implementation Group (TIG) was set up.

For example, for the MS restoration area has a MS TIG. The members include reps from MDEQ and representatives from each of the four fed agencies involved. The members are Gary Rikard from MDEQ, Brian Spears from DOI, Dan Van Nostrand, NOAA, Ron Howard, USDA, Troy Pierce, EPA.

Restoration Area	Allocation
Alabama	\$296 million
Florida	\$680 million
Louisiana	\$5.00 billion
Mississippi	\$296 million
Texas	\$238 million
Open Ocean	\$1.24 billion
Regionwide	\$350 million

So, we now know where we will restore – How much will we have for each restoration area?

From the settlement and consent decree, we found out exactly how the \$8.8 would be allocated to the restoration areas.

These are the numbers before rounding:

\$295,589,305 \$680,152,643 \$5,000,000,000 \$295,557,000 \$238,151,458 \$1,240,697,916 \$349,851,678

	DWH NRDA Funding								
							<u> </u>		
lestoration Funding	in Dollars								
Major Restoration Categories	Unknown Conditions	Region-wide	Open Ocean	Alabama	Florida	Louisiana	Mississippi	Texas	Total Restoration Funding*
I. RESTORE AND CONSERVE HABITAT									runung
Netlands, Coastal, and Nearshore Habitats		1		65,000,000	5,000,000	4,009,062,700	55,500,000	100,000,000	4,234,562,700
labitat Projects on Federally Managed Lands		1		3,000,000	17,500,000	50,000,000	5,000,000		75,500,000
Early Restoration Projects (through Phase IV)				28,110,000	15,629,367	259,625,700	80,000,000		383,365,067
RESTORE WATER QUALITY									
futrient Reduction (Nonpoint Source)				5,000,000	35,000,000	20,000,000	27,500,000	22,500,000	110,000,000
Nater Quality (e.g. Stormwater Treatments, lydrologic Restoration, Reduction of Sedimentation, etc.					300,000,000				300,000,000
8. REPLENISH AND PROTECT LIVING COAS	TAL AND MARINE RE	SOURCES							
ish and Water Column Invertebrates			380,000,000						380,000,000
Early Restoration Fish and Water Column			20,000,000						20,000,000
Sturgeon			15,000,000						15,000,000
Sea Turtles		60,000,000	55,000,000	5,500,000	20,000,000	10,000,000	5,000,000	7,500,000	163,000,000
Early Restoration Sea Turtles		29,256,165						19,965,000	49,221,165
Submerged Aquatic Vegetation						22,000,000			22,000,000
Narine Mammals		19,000,000	55,000,000	5,000,000	5,000,000	50,000,000	10,000,000		144,000,000
Birds		70,400,000	70,000,000	30,000,000	40,000,000	148,500,000	25,000,000	20,000,000	403,900,000
Early Restoration Birds		1,823,100		145,000	2,835,000	71,937,300		20,603,770	97,344,170
Resophotic and Deep Benthic Communities			273,300,000						273,300,000
System		63,372,413		10,000,000	20,000,000	26,000,000	20,000,000	22,500,000	162,872,413
Early Restoration Oystens		1		3,329,000	5,370,596	14,874,300	13,600,000	I	37,173,896
8. PROVIDE AND ENHANCE RECREATIONAL	OPPORTUNITIES								
Provide and Enhance Recreational Opportunities				25,000,000	63,274,513	38,000,000	5,000,000		131,274,513
Early Restoration of Recreational Loss		1	23,397,916	85,505,305	120,543,167	22,000,000	18,957,000	18,582,688	287,986,076
5. MONITORING, ADAPTIVE MANAGEMENT,	AND ADMINISTRATIV	1			1				
Ionitoring and Adaptive Management		65,000,000	200,000,000	10,000,000	10,000,000	225,000,000	7,500,000	2,500,000	520,000,000
Administrative Oversight and Comprehensive Planning Adaptive Management NRD Payment for		40,000,000	150,000,000	20,000,000	20,000,000	33,000,000	22,500,000	4,000,000	289,500,000
Naptive Management NRD Payment for Jinknown Conditions	700,000,000	\$349.851.678	\$1,240.697.916	\$295.589.305	\$680,152,643	\$5,000,000,000	\$295.557,000	\$238,151,458	700,000,000
OTAL IRD FORDING	\$700,000,000	\$348,851,678	\$1,240,897,916	\$293,589,305	\$660,152,643	\$5,000(000,000	\$293,357,000	\$236,151,458	

This shows that within each TIG's allotment, the consent decree determined how much must be spent to address the restoration types you saw under each goal

This chart can't be read from your seat – that's why we gave you it as a handout. You can see across the top the restoration areas are listed and down the sides the 5 goals are listed with the restoration types within each goal.



OK, so that's as far as I'll go with this presentation on the NRDA process. But I just want to point out that

For those of you who have not visited the Trustees' website, this is what it looks like

It contains a trove of valuable information

Latest news in posted in the "slider" here (point)

Restoration areas is where the TIG info is listed.

Next, you will hear more about the process from Ron Howard – how we get to restoration projects.

But first we'll take a 15-minute break.

Perry?









(This is an intro slide, to show all of the steps in overview. Next slide elaborates on TIG request for project ideas.)

These are the five steps, I'll talk about the first two because we know you all are very interested in how to give us your ideas about what needs to be restored and how it should be done.



TIGs will release requests for restoration ideas when they are starting to think about drafting a new restoration plan.

Request posted on web and sent out via email

Will likely state the restoration types they are focusing on

Will include a link to the portal

Project description includes objectives, activities to be completed, expected outcomes, benefits to the environment and to the public. You can attach other information here

Activities: here you check all that apply such as land acquisition, restoration, protection, debris removal, education

Habitats: again, check all that apply – upland, freshwater wetlands, beach, dune, etc.

We have a handout that shows all the fields you will be asked to fill in

Most of the TIGs give a date by which ideas must be considered to be considered for the restoration plan they want to start drafting. You should make sure to check to see

if there is a date provided by the TIG



You don't have to wait for a TIG to ask for restoration ideas. You can submit at any time through the portal

Before you do so, you may want to talk about your idea to folks. You might also want to go into the portal and take a look at the ideas that have already been submitted.

If you do submit a project idea in response to a TIG request, make sure to look for a due date!



This is what the Trustee's portal looks like

It asks for geographic location, description, benefits, and other similar kinds of information

We have a handout that lists all of the fields that need to be completed, so you can get your concept organized before you get into the portal. There is also a portal demo station in the back of the room if you want to take a look after the meeting.

You can go back and update your submittal if you want to change or update information



You don't have to have a full blown proposal, but you do have to have enough information for the TIG to be able to evaluate your idea.

When you hit the submit button, you will get a confirmation message. Be sure to record the record number so you can easily retrieve your record.

You don't have to know who will implement a project – once a project is approved the TIG will figure out how the project will be implemented. Big projects can involve multiple contractors. But NGOs can be selected to implement parts of projects, as appropriate. The Trustees will have to follow all applicable regulations and laws when awarding contracts or perhaps funding NGOs to do some of the work.



These are the things the TIGs look for when the review restoration project ideas: consistency with programmatic restoration plan goals and types and Oil Pollution Act criteria.

TIGs may have other review criteria such as whether a project complements other restoration efforts; whether it leverages other funding sources...



TIG review narrows down the number of proposed projects.

Examples of reasons project ideas might be removed from consideration at this stage included (but were not limited to):

The project would cause significant collateral damage to natural resources or would cause future injury to natural resources;

The project would result in significant negative effects on human health and safety or any ongoing or anticipated remedial actions

Similar projects or methodologies had been previously implemented with limited or no success;

The anticipated benefits of project activities will take an unreasonable amount of time to come to fruition.

Cost of maintaining the project is too high

It is included in another proposed project

It is under consideration by another TIG

TIG does not have sufficient information to evaluate the idea.



So, we talked about the request for restoration project ideas ad how you can make a suggestion.

The next step is the TIG sends out a notice that says they are starting to draft a restoration plan.

Once they have a draft restoration plan, they send out another notice and that opens a public comment period that is at least 30 days long



Tips on making public comment:

TIG review of public comment is not about simply counting the number of positive comments and negative comments." It is about analyzing substantive comments for their merit. Your comments can be based on your personal experience or knowledge of the Gulf or you research or the research of others.

#### Be specific

If you have a comment on specific text, cite the page on which the text is found

Try to give us a solution

Tell us not only your concerns or objections, but also if there is anything you agree with.

Once the comment period ends, the TIG considers all comments received and finalizes the restoration plan



