

**MINUTES OF THE MEETING
ESTUARY HABITAT RESTORATION COUNCIL
AT HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS
441 G Street, N.W., WASHINGTON, DC
October 24, 2005**

The meeting convened at 10:00 a.m., with the following members present:

- **Mr. George S. Dunlop**, Principal Deputy Assistant Secretary Civil Works, Department of the Army, Chair;
- **Mr. Timothy R.E. Keeney**, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration;
- **Ms. Diane Regas**, representing Mr. Benjamin Grumbles, Assistant Administrator for the Office of Water, U.S. Environmental Protection Agency;
- **Dr. Mamie Parker**, representing H. Dale Hall, Director, U.S. Fish & Wildlife Service;
- **Mr. Merlyn Carlson**, Deputy Under Secretary for Natural Resources and the Environment, U.S. Department of Agriculture.

I. INTRODUCTORY COMMENTS:

Mr. George Dunlop, Department of the Army (Army), called the meeting to order and welcomed participants, specifically recognizing two new Council members: Merlyn Carlson, U.S. Department of Agriculture (USDA) Deputy Under Secretary for Natural Resources and the Environment and H. Dale Hall, Director, U.S. Fish and Wildlife Service (FWS).

Mr. Merlyn Carlson, USDA, said he was pleased to participate on the Council and that he brings with him his background as Director of the Nebraska Department of Agriculture.

Mr. Dunlop said that bringing the state perspective to the Council's work was very valuable.

Mr. Timothy Keeney, National Oceanic and Atmospheric Administration (NOAA), said that he is pleased with habitat restoration data sharing and partnership efforts ongoing between the Estuary Restoration Act (ERA) Council agencies and is enthusiastic about new ERA projects.

Ms. Diane Regas, Environmental Protection Agency (EPA), commended the ERA for bringing the Council member agencies together. She said it is important for agencies to work together on a watershed basis to support projects that help meet the ERA goals as well as goals of the President's wetlands initiative and other restoration programs.

Dr. Mamie Parker, U.S. Fish & Wildlife Service (FWS), celebrated the ERA workgroup and noted that FWS is working hard to share their restoration data with the National Estuaries Restoration Inventory (NERI). Dr. Parker said she attended the recent White House Cooperative Conservation Conference where stakeholders made clear that federal agencies should work together closely. An example of a wonderful cross-agency partnership, she said, is the employee detail that Greg Colianni, EPA, just completed at FWS.

II. RECOGNITION OF FORMER WORKGROUP MEMBER:

Mr. Dunlop recognized Dr. Rebecca Allee, NOAA, for her many contributions to restoration efforts during her years of service on the ERA workgroup. He then presented a certificate of appreciation on behalf of the entire Council. Since Dr. Allee could not be in attendance at the Council meeting, Mr. Keeney accepted on her behalf.

Mr. Keeney said that Dr. Allee demonstrates true leadership and stewardship and has moved to Mississippi to assist with NOAA's work in the Gulf of Mexico. He added that Jennifer Macal, NOAA,

will replace Dr. Allee on the ERA workgroup. Discussion followed on the importance of wetland restoration in the Gulf, engineering that is compatible with the area's natural systems, and the Louisiana Coastal Area Ecosystem Restoration Project.

III. REPORT ON DEVELOPMENTAL ASSIGNMENT:

Ms. Susan Mangin, FWS, reported that it was an honor to have Greg Colianni, EPA, at FWS on a six-month employee detail. Mr. Colianni was eager to pick up tasks, she said. The detail provided them the opportunity to work together on a daily basis and exchange information about each agency's perspective, mission, and culture. The experience established a closer relationship between the agencies, which are looking at prospects for project collaborations. Ms. Mangin added that regional staff people have expressed an interest in doing similar details, and she encourages the Council to continue their support for these developmental assignments at all levels.

Mr. Darrell Brown, EPA, represented Mr. Colianni who was unable to attend the meeting. As Mr. Colianni's supervisor, Mr. Brown noted that it is always difficult to lose staff, even for six months. But, he said, the detail opportunity provided important benefits to both agencies, including a new depth in understanding of each other's work and a charge of enthusiasm for ERA work. Mr. Brown said that Mr. Colianni wished to thank FWS for hosting the detail, and expressed gratitude to Ms. Mangin, Martha Naley, Hannibal Bolton, and Dr. Parker, in particular.

Mr. Dunlop asked the workgroup if there is anything specific the Council can do to help support developmental assignments, recognizing they can be an important tool in developing skills and credentials necessary for staff advancement, including eligibility for Senior Executive Service.

Ms. Regas commented that just the personal commitment of the Council members, as leaders, to support these assignments is significant. If managers wait until they have a "staff person to spare", then these assignments will never happen. If agencies can trade staff on developmental assignment it helps balance workload.

Mr. Dunlop said the Council agencies should look for these opportunities.

Dr. Parker accepted the challenge, indicating a personal commitment for a FWS staff person to serve on a developmental assignment at EPA.

IV. STATUS OF NATIONAL ESTUARIES RESTORATION INVENTORY:

Ms. Marti McGuire, NOAA, gave a status update on the habitat acreage contained in the National Estuaries Restoration Inventory (NERI). There are currently over 1,100 restoration projects in NERI, totaling approximately 64,000 acres. Just under 17,000 acres in the inventory count toward the ERA goal of restoring one million acres by 2010. For projects to count toward the acreage goal they have to (1) have been implemented after November 7, 2000, (2) meet ERA Council Monitoring Standards, and (3) not be compensatory. NOAA has been doing a lot of behind the scenes work to get projects into NERI; however, legacy data do not necessarily provide an adequate level of information for assuring a project is eligible to count toward the goal. Future reporting requirements need to balance data needs and reporting effort. An informal workgroup within the Federal Geographic Data Committee group has been formed that will address the issue of double counting restored acreage; these efforts will hopefully help support NERI as well. NOAA has developed data sharing guidelines and minimum data requirements. FWS projects have served as a great pilot for working out data transfer protocols. EPA has revised their tracking system for National Estuary Program restoration projects to be more in line with NERI and non-federal groups such as the Gulf of Maine Council and Restore America's Estuaries are also engaged in helping populate NERI. Satellite imagery, topographic quadrangles, and aerial photographs are now available on NERI as part of its enhanced capabilities. Though there remains a challenge in documenting

progress toward the ERA acreage goal, the inventory has come a long way in helping track restoration successes.

Mr. Keeney noted that there are many challenges in implementing and tracking restoration; even agreeing on terminology can pose difficulties at times. He commended EPA and non-federal partners in working to support NERI, but added that he is unsure the ERA goal will be met unless agencies raise it as a high priority and think about how to fund it. He also encouraged FWS to do whatever possible to support monitoring requirements for the projects they contribute to NERI and encouraged the USACE and NRCS to evaluate the compatibility of their restoration project tracking proposals so these acreages can count towards the goal.

Ms. McGuire commented that tracking the monitoring requirements is a challenge. The monitoring requirements are relatively new and may not be implemented in many programs nor their associated tracking systems. This poses a challenge in determining whether projects meet the ERA requirements. She added that programs are sensitive to the workload involved with detailed project tracking. NOAA has considered reducing some of the data entry requirements to lift the associated financial and workload burden. Using existing databases of restoration information to feed into NERI is critical to avoid duplication of reporting efforts.

Mr. Dunlop stated that USACE is doing environmental restoration but that there are no tracking requirements for this work unless it is a mitigation project. It would be costly to go back for the data on old projects but prospectively these acres could be tracked once a data base is developed. He asked if there are government-wide Geographic Information System (GIS) standards and if NERI is funded through NOAA appropriations.

Ms. McGuire replied that there are a number of GIS standards and that NERI is funded through NOAA. She also mentioned that in addition to using GIS standards, the agencies need to focus on common definitions and compatible reporting protocols.

Mr. Carlson stated that NRCS has protected and restored many acres of habitat.

Ms. McGuire noted that NERI can display protected areas but only counts restored acreage. She added that she looks forward to bringing NRCS data into NERI.

Dr. Parker reminded the group that at the last Council meeting the Council Chair had proposed that a briefing on NERI be given to the Council on Environmental Quality (CEQ).

Ms. McGuire responded that Dr. Allee contacted CEQ but due to changes in their personnel, the timing had not worked out.

Mr. Dunlop asked that the workgroup put together a description of what a NERI briefing would entail so that arranging a briefing with the new person at CEQ might be considered. Mr. Dunlop also suggested that agencies may want to consider adding restoration project reporting to individual agency performance plans.

Ms. Regas and **Ms. McGuire** responded that EPA and NOAA have already done this.

Mr. Dunlop suggested that at the next Council meeting the other agencies should consider reporting back regarding whether they also have these in place.

V. PROPOSAL PROCESS AND PROJECT STATUS

Ms. Ellen Cummings, USACE, provided an update to the Council on the status of the first round of ERA restoration projects. She reminded the group that the first round had been selected from existing project proposals on file with the Council member agencies. Of the top five selected, funds to two, Alligator Creek and Raging River, were capped by the Council. The Raging River sponsors had been looking for a larger sum of money and decided this spring that they did not want to go forward with an ERA cost-share for the capped amount. The Saw Mill Creek project also fell out because hazardous waste issues came up on the proposed restoration site. The USACE Jacksonville, FL, district is currently working toward a cost-share agreement with the Alligator Creek sponsors; however, there had been some

concerns about hydrology and other kinks that had recently been worked out. USACE is also working to implement the Virginia Eastern Shore SAV project this spring and has begun negotiations with Robinson Estuary (in place of Raging River). Ms. Cummings pointed out that the selection process for the new round of ERA restoration projects differed from the first round. For this round, she said, USACE received Paperwork Reduction Act approval to use a Federal Register proposal solicitation. The submission deadline of July 28, 2005, was extended once to August 8, 2005, based on requests from potential applicants. Sixteen proposals were received and reviewed by the ERA Council workgroup. The majority of applications received were for projects on the east coast. While there were applications for three projects from the west coast, there were none received from the Gulf or Great Lakes regions.

VI. PROJECT SUMMARIES AND COUNCIL ACTION

Ms. Cummings described the new round of ERA restoration project proposals. Upon initial review by the workgroup, five of the sixteen proposals were determined not to meet the ERA's minimum eligibility standards. Agency rankings were developed for the remaining projects. The workgroup used a consensus-based approach to incorporate agency rankings into an overall workgroup ranking. There were three proposals the workgroup felt uncomfortable recommending to the Council for funding. The projects the workgroup does recommend, in rank order, are: (1) Lower Columbia River, OR, (2) Pelican Island, FL, (3) St. Martins River, MD, (4) Stewart's Creek, MA, (5) Seal Island, DE, (6) Colorado Lagoon, CA, (7) Saxis Island, VA, and (8) Emory Creek, MD. Ms. Cummings provided brief summaries of each and took questions from the Council. She added that with the current \$2.3 million available for ERA projects, the first five projects could be fully funded. If USACE receives FY'06 ERA funding, she would propose using that money in addition to funds remaining from previous appropriations to fund projects six through eight. If funds are proposed in the President's FY'07 budget, she would propose going out with a new proposal solicitation.

Mr. Dunlop pointed out that the proposed projects cost, on average, \$50,000 per acre and asked if this was considered during the workgroup's evaluation of the proposals.

Ms. Cummings confirmed that it was.

Mr. Dunlop asked **Mr. Steve Emmett-Mattox**, Restore America's Estuaries (RAE), to comment on how RAE's member agencies look at cost per acre.

Mr. Emmett-Mattox said that cost per acre is one factor but that it has to be balanced with other criteria. He noted that restoration in urban areas is more expensive due to the cost of land in these areas.

Mr. Dunlop asked Mr. Mattox to discuss the cost per acre issue further with RAE's members for their critique. Although the cost per acre is clearly important, it would be useful to know if they feel there are certain circumstances in which its importance is diminished by other factors. Mr. Dunlop said he felt it would be useful to have this information on record.

Mr. Keeney commented that you have to consider the benefits of the project and its impacts on people, not just the cost per acre.

Mr. Dunlop asked that future project summaries prepared by the workgroup reflect relative benefit for cost.

Ms. Cummings proposed that the Council recommend all eight of the current project proposals in the priority order presented by the workgroup.

Mr. Dunlop asked if any funds from the last round of projects would roll over to this new round.

Ms. Cummings said that currently there are enough funds to fully fund the first five projects on the list but not enough to fully fund any of the three remaining projects. If there is an FY'06 appropriation then that can be combined with funds remaining from previous appropriations to support others on the list.

Ms. Regas asked if there is money in the President's FY'07 budget whether a solicitation would go out before the FY'07 budget comes through.

Ms. Cummings said yes.

Ms. Regas said she appreciates the workgroup coming up with ways to quickly get money into projects and noted that even more can be done to be positioned to move on this. Getting out ahead of funding can help show results more quickly, she added.

Mr. Keeney motioned to support the first five projects on the list in the order recommended by the workgroup.

Dr. Parker seconded the motion.

Ms. Regas asked if the workgroup had any specific concerns about projects six through eight.

Ms. Cummings replied that the workgroup approved of them.

Mr. Dunlop noted that project eight is very expensive and that federal agencies are under pressure to create incentives for additional appropriations due to impacts of hurricane Katrina. From that aspect, he would rather wait until there is money in hand, to approve projects six through eight. He then took a vote on Mr. Keeney's motion to support the first five projects. The motion carried unanimously.

VII. NEXT STEPS

Ms. Cynthia Garman-Squier, Department of Army, said that the Council's recommendation would be forwarded to the Secretary of the Army. Selected project applicants will be notified as will the remaining applicants. The Secretary of the Army is anticipated to approve the projects within ten days of the Council's recommendation. Ms. Garman-Squier then mentioned some of the workgroup's past accomplishments and future activities, noting that it has used professional meetings to get the word out about ERA and NERI and that it plans to draft a report to Congress for activities completed in FY'04 and FY'05. The draft report will be submitted for the Council's approval. The workgroup will also review the ERA Strategy, issue new proposal solicitations as appropriate, outline a NERI briefing for CEQ, and review agency performance plans for inclusion of ERA restoration goals.

VIII. PUBLIC COMMENT

Mr. Emmett-Mattox said the Council should feel that it has the full support of the restoration community. He welcomed Mr. Carlson to the Council and noted that RAE has a Memorandum of Understanding in place with NRCS. He congratulated the workgroup on getting the ERA solicitation for proposals published and for efforts to incorporate restoration data from various agencies into NERI. RAE has a Restoration Marketplace, which links to NERI, he said. RAE continues to advocate for future ERA appropriations and works to build constituencies which will help guarantee funding. Impacts from the recent hurricanes have made it clear that habitat restoration is not just about protecting fish and wildlife, but protecting people's lives as well. Coastal ecosystems are collapsing and large scale restoration is needed to address the collapse. ERA is the only mechanism assisting the agencies to work together on restoration, and it can play an important role in hurricane-type response. RAE's next conference will be in New Orleans, and Mr. Emmett-Mattox invited all to come and talk about the ERA at the conference.

Mr. Dunlop thanked Mr. Emmett-Mattox for his remarks. There being no further public comment, the meeting was adjourned at 12:30 p.m.