

**MINUTES OF THE MEETING  
ESTUARY HABITAT RESTORATION COUNCIL  
AT HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS  
441 G Street, N.W., WASHINGTON, DC  
October 6, 2004**

The meeting convened at 10:15 a.m., with the following members present:

- **Mr. George S. Dunlop**, Deputy Assistant Secretary for Policy and Legislation, Civil Works, Department of the Army, Chairing;
- **Mr. Timothy R.E. Keeney**, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration;
- **Mr. Darrell Brown**, representing Mr. Benjamin Grumbles, Acting Assistant Administrator for the Office of Water, U.S. Environmental Protection Agency;
- **Dr. Mamie Parker**, representing Dr. Steve Williams, Director, U.S. Fish & Wildlife Service;
- **Mr. David Gagner**, representing Mr. R. Mack Gray, 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. He thanked the Council members for faithfully executing the Council's authorizing statute. He mentioned that there are proposed amendments to the Water Resources Development Act (WRDA) currently before Congress that have the potential to impact the Estuary Restoration Act of 2000 (ERA). The amendments are a little dysfunctional and the U.S. Army Corps of Engineers (Corps) has spoken to the Senate Environment and Public Works Committee to address holes in the proposed language. If occasion arises for change, the Council should have a robust discussion about it. To put the discussion into context, it is useful to note the Administration and federal agencies are involved in two new water policy initiatives that support watershed and ecosystem approaches – the President's Wetlands Initiative and the Executive Order on Facilitation of Cooperative Conservation. ERA is consistent with these.

**Mr. Timothy Keeney**, National Oceanic and Atmospheric Administration (NOAA), said he was pleased to represent NOAA on the Council and mentioned that the President was at Wells National Estuarine Research Reserve on Earth Day to announce the Wetlands Initiative that Mr. Dunlop spoke of. The Initiative is a tall order considering inventory control issues, but a worthy goal, he said. NOAA is making progress on several issues in support of ERA. Restoration projects from the U.S. Fish and Wildlife Service (FWS) are being entered into the National Estuaries Restoration Inventory (NERI), and NOAA is working with other agencies to make sure NERI is a national repository. The Federal Symposium on Coastal Habitat Restoration (FSCHR) was held to discuss restoration goals, objectives and priorities, and more will be said on that later in the meeting. Mr. Keeney said he was also looking forward to hearing about the progress on projects being funded through ERA and what the Council could look forward to in the 2005 fiscal year budget for project implementation.

**Dr. Mamie Parker**, FWS, said Steve Williams was working out west and sent his regrets for being unable to attend the Council meeting. She said she was excited to hear about NERI. FWS is working with NOAA to share data from their existing restoration database and link it to NERI. Dr. Parker also said she would like to celebrate the Council work group and its members. FWS is working on a National Fish Habitat Initiative, which is a national plan to restore fish habitat by bringing partners together across the country.

**Mr. Darrell Brown**, U.S. Environmental Protection Agency (EPA), said that Ben Grumbles is testifying on Capitol Hill and sent regrets for being unable to participate in today's Council meeting. The

National Estuary Program (NEP) has been involved with habitat restoration for a number of years. Last year approximately 140,000 acres of habitat were protected or restored through the NEPs and their partners. And since 2000, when tracking began, a total of about 900,000 acres of habitat were protected or restored. Mr. Brown also mentioned that EPA partnered with NOAA once again this year to produce EstuaryLive - an interactive field trip over the Internet featuring seven estuaries from around the country and involving more than 1,000 students. It is EPA's second year of involvement with the event and is an important partnership with NOAA that Mr. Brown said he would like to see extend to other agencies as well.

**Mr. Dunlop** said he has hopes that all 900,000 acres of habitat make it into NERI.

**Mr. David Gagner**, U.S. Department of Agriculture (USDA), said Mack Gray is representing the Council on Environmental Quality (CEQ) Chairman Jim Connaughton at a wetlands event in Florida and would have otherwise been in attendance at the Council meeting. The USDA's Natural Resources Conservation Service (NRCS) has recently gone through a reorganization that resulted in a change of staff to the Council workgroup. Dave Mason has left the workgroup and Percy McGee now represents NRCS. USDA will be working through how to quantify estuary habitat protected and restored under their conservation programs, for inclusion toward the ERA goal.

**Mr. Dunlop** said that many different types of activities can significantly contribute to estuary resources and gave the example of Four Mile Run – a Corps flood control project now being managed for wildlife as well. Integration of activities is important and highlights the significance of the work the Council and its workgroup are doing.

## **II. RECOGNITION OF FORMER WORKGROUP MEMBERS:**

**Mr. Dunlop** emphasized the importance of the workgroup and added that he knows that the member agencies' management supports its work. Since service on the workgroup may not always be calculated into its members' work performance, and since it is taken on in addition to the members' other regular duties, it is important to recognize workgroup members when they leave. Mr. Dunlop asked Dave Mason to accept a certificate of appreciation for his service on behalf of the Council.

**Mr. Dave Mason**, USDA, accepted the certificate and thanked the Council. "I've enjoyed being involved," he said.

**Mr. Dunlop** then asked Mr. Keeney and Dr. Parker to accept certificates of appreciation for former workgroup members Dr. Mary Baker, NOAA and Ms. Kathy Bangert, FWS, respectively. Since Dr. Baker and Ms. Bangert were not in attendance, Mr. Keeney and Dr. Parker accepted on their behalf.

## **III. ELECTION OF COUNCIL CHAIRPERSON:**

**Mr. Dunlop** detailed the administrative requirement under Section 105(e) of the ERA that states that a Council chairperson shall be elected by the Council from among its members for a three-year term. For the first election, Dominic Izzo, Department of the Army, was elected. When Mr. Izzo left the Department, Mr. Dunlop took over his role as Council chairperson. Mr. Dunlop indicated that since the initial chairperson term is at an end, another election is necessary.

**Mr. Keeney** said he would like to nominate Mr. Dunlop to serve again since he has done such a good job. He also expressed a desire to continue to improve the Council and possibly meet more frequently.

**Mr. Gagner** and **Dr. Parker** seconded Mr. Keeney's motion to nominate Mr. Dunlop.

**Mr. Dunlop** asked for a vote on the motion and received unanimous approval to serve as Council chairperson for a new term. Mr. Dunlop said he was excited about the ERA and though he conceded that there may currently be "more will than wallet" in its implementation, he promised to make the "wallet" as

effective as possible and to think about how to get respective agencies and departments to work more closely together.

#### **IV. PROJECTS UPDATE, INCLUDING PAPERWORK REDUCTION ACT UPDATE:**

**Ms. Ellen Cummings**, Corps, stated that the Council had approved a list of nine possible projects to fund at the last Council meeting. Funds have been provided to four of those projects, she said. Money has been sent to the Corps District Offices, which have contacted the nonfederal sponsors of the projects in order to proceed. Since funds are limited, the Corps has been cautious to use the funds as efficiently as possible. The Corps will do a minimum review of project design to assure each is sound. Cost share agreements are being developed – there is no current standard agreement that can be used. King County and the Southwest Florida Water Management District have done cost share projects with the Corps previously so they are familiar with the process. Charlotte Harbor’s cost estimate has increased 30 percent and the Council originally limited the amount of funding for the project to \$400,000. Construction is scheduled for next summer and the sponsor is anxious to bid it out so they may go ahead without the ERA cost share if they get favorable bid responses.

**Mr. Dunlop** asked what would happen if Charlotte Harbor didn’t use the ERA cost share.

**Ms. Cummings** said that the Corps would proceed down the list of approved projects in accordance with what the Council indicated was acceptable when it approved nine projects.

**Mr. Brown** asked if the funds for these projects were considered “no year money”.

**Ms. Cummings** said yes.

**Dr. Parker** asked what the 30 percent cost-increase was for.

**Ms. Cummings** said she did not know the exact details but that it is not uncommon for the cost of a project design to go up as the project goes down the road.

**Mr. Dunlop** added that contractor costs in Florida are going up very quickly.

**Ms. Cummings** said the Virginia Eastern Shore SAV project proposal was only \$52,000 and the Corps would like to keep some flexibility during cost share negotiations for the project. Activity on the project would be targeted toward the spring, when seeding would be most appropriate. For the Raging River project, the Council limited funding to \$100,000. Construction on that project is currently planned for next summer. Staff is working out documentation and dealing with issues pertaining to sensitive and endangered species associated with the area. They are concerned that when the Corps enters into the project, red flags will be raised regarding endangered species. The Saw Mill Creek project has encountered significant cost increases and potential problems with hazardous waste on site. They now feel that the \$100,000 amount of their original proposal would not be nearly enough to do them any good in carrying out the project. In lieu of Saw Mill Creek, Ms. Cummings proposed moving down the list of approved projects to the Robinson Estuary Preserve. The Corps feels comfortable that there would be money to see if the sponsor is still interested in moving forward on the project.

**Mr. Dunlop** said that the demonstration nature of all of this is important to inform how the process is conducted in the future.

**Ms. Cummings** then discussed the Paperwork Reduction Act (PRA) process that is being worked on for the next round of proposals. We don’t want to use that same ad hoc process we used last time, she said. The first Federal Register notice has been published. The process works a bit differently for the Corps than other federal agencies because it has to go through the Army and Department of Defense before it goes to the Office of Management and Budget (OMB). The Department of Defense will submit the next Federal Register notice and hopefully the process will be wrapped up by the end of the calendar year.

**Mr. Dunlop** asked if this means that the request for the next round of proposals could go out at the beginning of next year.

**Ms. Cummings** said yes.

**Mr. Dunlop** added that the Council needs to make sure the word gets out and to have the proposal review process in place.

**Ms. Cummings** said the entire review process should take about 120 days.

**Mr. Dunlop** asked how much time there would be for proposals to be sent in.

**Ms. Cummings** said 45 days.

**Dr. Parker** asked where the 120-day mark would put us on the calendar.

**Ms. Cummings** said March – but that’s optimistically speaking.

**Mr. Dunlop** said that since we’ll still be spending fiscal year 2004 funds well into fiscal 2005, we should wisely streamline getting these funds to work.

**Mr. Keeney** agreed and said he wondered about future ERA appropriations.

**Ms. Cummings** replied that there are no appropriations currently in the President’s Budget or the House bill. There is no Senate bill yet and with an omnibus bill there may not be much chance of appropriations.

**Mr. Dunlop** asked how a continuing resolution would affect ERA appropriations.

**Ms. Cummings** replied that the money appropriated in prior years would not disappear but that there would be no guarantee that ERA would get an equivalent fiscal year 2005 appropriation.

**Mr. Steve Emmett-Mattox**, Restore America’s Estuaries, asked if there were appropriations for 2005 whether the Council and workgroup would look at the possibility of spending that money, along with the 2004 appropriations, in the next project solicitations.

**Ms. Cummings** said yes, unless the Council objected, which they did not.

**Mr. Emmett-Mattox** suggested keeping the request for proposals flexible enough so that multiple years’ appropriations could be applied if appropriate.

**Dr. Parker** asked if there was room to streamline the timeframe for the proposal review process.

**Ms. Cummings** replied that the workgroup had tried to crunch the timeline as much as possible but wanted to leave time for staff input, Council approval, and the recommendation from the Secretary of the Army. Ms. Cummings said she had not reviewed the proposed timeline recently but would revisit it with the workgroup to see if there was room for shortening it.

**Ms. Cynthia Garman-Squier**, Army, said that part of the review period was to allow Council member agencies to have time to hold internal discussions and make determinations about agency priorities.

**Mr. Brown** said that there are obviously a number of relevant, sequential steps that need to happen for proposal review but that there may still be room to tighten the timeframe.

**Mr. Dunlop** suggested that the next Council meeting be scheduled to support a quick review and approval process. He added that member agencies should not need a lot of time to consider agency priorities.

**Ms. Cummings** reminded the Council that the proposal solicitation process is predicated on OMB approval of the PRA and that any timetable set at this point would be tentative.

## **V. NERI DEMONSTRATION**

**Ms. Marti McGuire**, NOAA, gave a presentation of the National Estuaries Restoration Inventory (NERI), saying it had made significant process since last year. The NERI database is ready to track ERA projects and additional projects toward the ERA restoration goal of one million acres. It can also be used as a knowledge base for practitioners and to provide information for the ERA-required report to Congress. Development of NERI began in 2002 and the website was launched in 2004. The inventory is publicly accessible and can provide summary reports of data. It contains a project mapper with spatial search capabilities. Ms. McGuire gave a live presentation of the NERI website and said that the database

currently includes about 11,000 acres of habitat. This will increase as we input projects done by our partners, she said. There is currently a pilot project underway to link NERI to FWS HabITS database and NOAA looks forward to working with others to capture their data as well.

**Mr. Dunlop** asked if there is a volume limit to what the NERI software can handle.

**Ms. McGuire** replied that NERI is run on Oracle software and that the current project volume is way below the software capacity. Capacity may eventually have to be added on the infrastructure side though, she added.

**Mr. Dunlop** asked if NERI data could be integrated with other Geographic Information Systems.

**Ms. McGuire** replied that it could.

**Mr. Dunlop** asked what the system could support in terms of adding in aquatic resources in addition to estuarine.

**Ms. McGuire** said that NERI could feed into a larger system or potentially be expanded with some restructuring.

**Mr. Dunlop** suggested that CEQ be briefed on NERI in support of the President's wetlands initiative.

**Mr. Keeney** said that CEQ was interested in expediting wetlands reporting, as associated with the President's wetlands initiative. How can this technology support these activities, he asked.

**Ms. McGuire** said that NERI is using the industry standard technology. It could provide lessons learned that might benefit the wetlands group.

**Mr. Gagner** cautioned that the National Wetlands Inventory (NWI) and National Resources Inventory (NRI) data are model-based whereas NERI contains actual project-specific data.

**Mr. Brown** said that a task ahead for the federal government is to strive for common definitions and protocols.

**Mr. Dunlop** said that CEQ could work to facilitate that. He then mentioned that mitigation is a significant activity with a profound impact and asked if mitigation projects were included in NERI.

**Ms. McGuire** replied that mitigation projects could be included in the first tier of NERI; they just will not count toward the million-acre goal, she said.

**Ms. Garman-Squier** added that the ERA specifically excludes mitigation projects from counting toward the goal.

**Mr. Dunlop** said that in the future the Council might want to revisit the issue.

**Mr. Emmett-Mattox** said he applauded the work on NERI. The subject of restoration tracking came up at the Restore America's Estuaries conference in Seattle and the conference panel was unaware of NERI. Mark Wolf-Armstrong described NERI for the participants.

## VI. FSCHR PRESENTATION

**Ms. Jenni Macal**, NOAA, gave a presentation on the Federal Symposium on Coastal Habitat Restoration (FSCHR). The overarching goal of FSCHR was to bring together federal programs that conduct or fund coastal habitat restoration activities, Ms. Macal said. A FSCHR sub-goal was to move forward on the goals of the ERA Strategy. FSCHR's themes included (1) coastal habitat restoration goals, objectives and priorities, (2) measuring restoration success, (3) restoration tracking and reporting, and (4) coastal habitat restoration coordination. Ms. Macal highlighted some of the symposium discussions on each theme. She mentioned that agencies have different ways of determining when a habitat has been restored and that most monitoring being done currently focuses on structural rather than functional elements. Agencies also have various performance measures that affect the type of tracking and reporting they do. She said that future actions planned as a result of FSCHR include (1) identifying current interagency coastal restoration workgroups, (2) creating a coastal restoration coordination matrix, (3) facilitating coordination of restoration research and development, and (4) continuing work on the initial themes addressed.

**Mr. Dunlop** said that it was his assumption that once the federal family had addressed some of these issues that it would then reach out more broadly.

**Ms. Macal** affirmed and added that in 2005 federal issues will be further worked out.

**Mr. Brown** asked if there would be future workshops.

**Ms. Macal** said yes.

**Dr. Parker** said that she was glad to hear the discussion of performance measures. Their OMB examiner wants information on outcomes.

**Ms. Macal** said that how to monitor functionality of habitat (to measure success of restoration) was something that was discussed at FSCHR.

**Mr. Keeney** said that he liked the symposium's cooperative efforts across the government. The Council should figure out a performance measure for itself, he added.

**Mr. Gagner** asked who attended from USDA, noting that the FSCHR approach seemed top-down. USDA works with local landowners and usually takes a more bottom-up approach.

**Ms. Macal** said that USDA was represented by Tom Sommers and that there were a number of Coastal Wetlands Planning, Protection and Restoration Act representatives reminding everyone not to become too Washington DC-oriented.

**Mr. Dunlop** asked that there be an item on a future Council meeting agenda to discuss performance measures.

## VII. UPDATE ON WORKGROUP WORKPLAN

Since the time for the meeting was running short, **Mr. Dunlop** asked Ms. Garman-Squier to limit her presentation on the workgroup workplan to the activities proposed for 2005.

**Ms. Garman-Squier** pointed out the accomplishments document and the proposed workplan document provided to the Council. She said that the workplan was separated into two sections, one covering FY2005 and one covering beyond FY2005. She indicated that she would limit her remarks to the first section. Ms. Garman-Squier said that as workgroup chair she appreciates the work of all its members. The proposed workplan for 2005 includes (1) continuing to implement the ERA, (2) support FSCHR follow-up efforts, (3) continuing to refine, expand, and promote NERI...

**Mr. Dunlop** said NOAA and Department of the Interior should present NERI to CEQ.

**Ms. Garman-Squier** acknowledged and continued her list of proposed 2005 workplan activities...(4) increase collaboration among Council member agencies and departments, (5) develop a report to Congress for FY2004 and FY2005, and (6) review and refine the Estuary Habitat Restoration Strategy, as necessary.

**Mr. Dunlop** asked if any of the Council members had a problem with how the workplan was laid out. Hearing no objections, he directed the workgroup to go forward with the workplan. He added that perhaps the Council members could have an informal meeting to spell out how the agencies could support it.

**Ms. Garman-Squier** reminded Mr. Dunlop that Council meetings had to be held in a forum open to the public.

## VIII. PUBLIC COMMENT

There being no public comment, the meeting was adjourned at 12:30 p.m.