MINUTES OF THE MEETING

ESTUARY HABITAT RESTORATION COUNCIL

AT HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS
441 G Street, N.W., WASHINGTON, DC
February 13, 2007

The meeting convened at 09:45 a.m., with the following members present:

- **Mr. George S. Dunlop,** Principal Deputy Assistant Secretary of the Army (Civil Works), Chair;
- **Mr. Gary W. Mast,** Deputy Under Secretary for Natural Resources and the Environment, U.S. Department of Agriculture;
- **Mr. Timothy R.E. Keeney,** Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration;
- **Mr. Dale Hall,** Director, U.S. Fish & Wildlife Service; and
- **Ms. Suzanne Schwartz,** representing Mr. Benjamin Grumbles, Assistant Administrator for the Office of Water, U.S. Environmental Protection Agency**.**

I. INTRODUCTORY COMMENTS:

Mr. George Dunlop, Department of the Army (Army), called the meeting to order and welcomed Council participants and staffers. He acknowledged the public scope of the Act and that it needs a consensus based approach, an ecosystem based approach, and a bottom up approach to attending to aquatic resources. Mr. Dunlop then offered an official welcome to new Council attendees Mr. Gary Mast, U.S. Department of Agriculture (USDA) and Mr. Dale Hall, U.S. Fish & Wildlife Service.

Ms. Suzanne Schwartz, U.S. Environmental Protection Agency (EPA), announced that February marks the 20th Anniversary of the National Estuary Program and that one million acres of habitat had been protected or restored in various habitat types.

Mr. Timothy Keeney, National Oceanic and Atmospheric Administration (NOAA), asked Ms. Schwartz if there was an event planned for the anniversary.

Ms. Schwartz replied that there are events planned throughout the year. She then announced that Craig Hooks was the new Director for the Wetlands, Oceans, & Watersheds office in EPA, taking over for Diane Regas. He had served as her Deputy Director for several years.

Mr. Hall said he was pleased to be here, and that he wanted to work with NOAA to ensure that USFWS data were incorporated into NERI.

Mr. Keeney said that he would like to see more funding and more projects because he has been a little disappointed by the progress of ERA. He then asked if there was any talk of the reauthorization of ERA.

Mr. Dunlop pointed out that the operational responsibility of the program fell to Army Corps and that all activities have to be cost shared with local partners, which is good because that's what we want to do, but we also have to find entities that can provide that funding. There have been discussions in the authorizing committees as to whether they want to amend the authority but reauthorization is not required.

Mr. Mast asked what the required cost share was.

Ms. Ellen Cummings, U.S. Army Corps of Engineers (USACE), replied that it was 35% plus the operation, maintenance, and monitoring of the project.

Mr. Mast said that the Natural Resources Conservation Service has a strong record of getting projects in on-the-ground. NRCS does cost share, but there's still a queue of projects even if the share is 50%. He then said that he looks forward to working with this group.

II. RECOGNITION OF FORMER WORKGROUP MEMBER

Mr. Dunlop brought up the fact that the work of the Council is really carried out by the staff of each agency. Two people who used to serve on the ERA Workgroup have recently moved on to other things but we would like to recognize them today. Mr. Dunlop then recognized Ms. Cynthia Garman-Squier and Ms. Jennifer Linn, for their many contributions to restoration efforts during their time of service on the ERA Workgroup. He presented a certificate of appreciation on behalf of the entire Council to both Ms.Garman-Squier and Ms. Linn.

III. UPDATE ON THE NATIONAL ESTUARIES RESTORATION INVENTORY (NERI)

Mr. Dunlop announced that they would now be getting an update on the NERI database from Ms. Marti McGuire of NOAA.

Ms. Marti McGuire, NOAA, reported that NERI is used to track ERA acreage. It's been available online since 2004 and is open to the public. So far, there has been low participation, but she's been looking to other tracking systems to populate the database. There are 75,000 restored acres entered for all NERI projects, which is up 10,000 acres from last year. There are about 1,500 projects, including some that may not qualify towards the goal. An additional 22,000 acres are estimated to be enhanced or protected, which also do not count towards the ERA goal. NERI was last updated with data from the NOAA Restoration Center Database (RCDB) in Fall 2006, but auto-updates from RCDB will begin in Spring 2007.

Ms. McGuire then reported on a pilot project she has been working on with USFWS to bring their data into NERI. Changes required to the database to bring in their data should be done by the end of February. QA/QC will be done over the next couple of months, and the USFWS data should be in NERI by late spring or early summer. The data import will add over 1,000 project records, or approximately 40,000 acres, to the existing 1,500 projects. NOAA's Coastal Assessment Framework was used to limit the imported USFWS data to only coastal and estuarine drainage areas since USFWS also tracks non-coastal restoration activities. Nearly half of the additional project records are from the Great Lakes region. Updates from USFWS will occur annually. Ms. McGuire then thanked the USFWS staff for their commitment to this project.

Ms. McGuire commented that she has received quite a few requests and questions about using NERI. She has recently been working with the USACE Great Lakes Habitat Initiative Steering Committee, who is evaluating NERI to use as a model for their restoration project tracking system. Their system is intended to be compatible with NERI, but they decided not to use NERI because they wanted to be able to track additional elements customized for the Great Lakes region. Other groups that Ms. McGuire has spoken with regarding NERI include: the National Fish Habitat Initiative, Long Island Sound Habitat Initiative, and Tampa Bay Water Atlas. In the future, she will be working with the other ERA Council agencies on the feasibility of importing their data. She also wants to assess the USFWS pilot to ensure that potential lessons learned from this initial project are applied to future data import efforts.

Mr. Chip Smith, Army, mentioned the USACE Regulatory data base (ORM2) and that with that system you could track mitigation, and regulatory data geographically.

Mr. Keeney then asked Ms. McGuire how we are doing tracking towards the one million acre goal of ERA.

Ms. McGuire responded that there are many small acreage projects adding 5000-8000 acres per year to the inventory and that we should look forward to incorporating information from other agencies and organizations that are typically involved in larger acreage projects.

Mr. Mast asked if any NRCS acres were included in NERI.

Ms. McGuire replied that NRCS acres are represented in the inventory for only those projects where NRCS has partnered with an existing NERI data source. If they were included as a data source, we would gain quite a few acres, particularly in the Great Lakes.

Mr. Mast then asked if Ms. McGuire had spoken with USDA.

Ms. McGuire replied that she had spoken with them initially, but that she had focused on USFWS in the last year.

Mr. Mast said he would help where he can and that we (NRCS) have had discussions with the folks developing the USACE regulatory database.

Mr. Dunlop asked if we could include acreage from any agency in NERI.

Ms. Cummings replied that we could include any estuarine acreage that was restored.

Mr. Hall mentioned the recent DOI Status and Trends Report that stated we are still losing wetland acreage on the coast. He asked if we can use NERI to help identify and prioritize areas in need of restoration.

Ms. McGuire replied that NERI does not necessarily track restoration opportunities but that it could be used in combination with other data layers to help answer those types of questions.

IV. UPDATE OF ON-GOING ERA PROJECTS AND NEW PROPOSED PROJECTS

Mr. Dunlop announced that Ms. Cummings would give the status of on-going ERA projects.

Ms. Cummings reported that nine projects have been approved, but construction has not been completed on any of these yet. The first group of projects that were funded have been a little problematic, but we expect that the second group will have their cooperative agreements signed within the year. We can't hand the project sponsor a check to complete the work, so there has been a learning curve on both sides. The Alligator Creek project was costed out at $1 million initially, but the (USACE) district has worked to reduce costs and the project is now estimated to cost less than $400,000. Seal Island is a small project at about $107,000. They found out that the applicant didn't have access to the lands that the restoration was supposed to be done on, so that has complicated this project. St. Martin's is moving forward at a good pace. Colorado Lagoon has had staff change on both sides so people are getting up-to-date on this project. The dredging will need to be coordinated with the Port of Long Beach which has indicated it can use the material. Ms. Cummings said that most of the projects will have agreements signed this year and that two should finish construction by the end of October.

Ms. Jenni Wallace, NOAA, said she would be reporting on new project proposals that were solicited in the summer for FY07 funds.

Ms. Cummings said that the USACE believes their budget for fiscal year 2007will be approximately $1 million.

Ms. Wallace went on to say that the ERA Work Group received 10 proposals with a total of $5.5 million requested. Three proposals were from the Northeast/Mid-Atlantic region, and four from

the Great Lakes, two from Ohio and two from Illinois. Two proposals were received from the Gulf coast, one from Florida and none from the west coast. The Work Group recommends four projects to the Council for funding this year. The first is Old Place Creek in Staten Island, New York, which would restore 25 acres of tidal wetland habitat. The ERA project cost is $658,000 with a 57% Federal share. Banana River, ranked second, is in Cape Canaveral, Florida. It's a 4.8 acre project with an ERA cost of $123,565 and a 65% Federal share. The project will be a combination of non-native plant removal and planting of native species. Fort Sheridan in Lake Forest, Illinois is a 30 acre project that will stabilize a bank and improve water quality. The ERA project cost is $370,893 with a 31% Federal share. The last project the Work Group recommends is Euclid Creek in Ohio. This is a five acre project encompassing restoration of wetlands and stream channels. It is still in the design phase. The ERA project cost is $515,000 with a 63% Federal share. The total cost to fund these four projects is $1,667,458. With the cost savings from Alligator and the $1 million this year, we would be very close to having sufficient funds for these four projects.

Mr. Dunlop replied that the funds received from the Alligator Creek project likely would not give us enough money to cover these four projects. He then mentioned that we could go to the fourth project and ask them to provide additional funds for the project.

Ms. Cummings replied that this project (Euclid Creek) is looking at a Corps flood control project and trying to make it more ecologically amenable.

Mr. Dunlop said that we should not bank the money because we want to get it out there in projects. If we fund these in the order given and the Euclid Creek project doesn't have additional funds the consequence would be that we have $500,000 sitting in the bank.

Mr. Hall asked why we would bank the money and not go with the next project on the list.

Ms. Wallace replied that the Work Group did not think that any of the other projects should be recommended.

Mr. Keeney then asked if there are options for the modification of Euclid Creek since the cost per acre is so high. He also asked if we had ever done a cost per acre benefit analysis.

Mr. Dunlop asked if Cuyahoga County, where the Euclid Creek project is located, would have to acquire land.

Ms. Wallace replied that it's on state land.

Mr. Dunlop then said that if one objective is not to bank money, then another way is to hold off on Banana River so that less money would be banked. Of course, they are ranked second.

Mr. Keeney suggested that the Council proceed with the rank order and work with Euclid to see if we can come up with a solution.

Mr. Mast asked if there was an option of doing two phases and if two separate contracts could be written.

Ms. Cummings said that is a possibility. She mentioned that she had talked with the project sponsors about doing just the oxbow, but they were reluctant because they liked the synergy with the creek modification.

Mr. Dunlop brought up another option. The Natural Resources Conservation Service (NRCS) has funds. He asked if there was any way if Euclid would qualify for NRCS funds.

Mr. Mast replied that he could look into it. He mentioned that NRCS does some work with non-private entities, but that most of their funding goes to private organizations.

Mr. Hall asked if we could use the federal funds for a cost share.

Ms. Cummings replied that it would count towards the 65% match.

Mr. Dunlop followed up by saying that it may not work because they're already at 63.1%. He then suggested that the Council go with Mr. Keeney's suggestion and received concurrence from the Council members.

Mr. Hall agreed. He then said that the bigger question was that the staff didn't have good projects to fall back on. NRCS and USFWS have people waiting in line for funding. What if the FY08 President's Budget goes through? We may have some work to do to get more proposals.

Mr. Keeney said that it's hard to sell a program where we've only funded nine projects over four years.

Ms. Schwartz said that if we had on-the-ground success, the situation would be better. She then said that she was encouraged by hearing that construction will be finishing on some projects this year.

V. PROPOSED ALTERNATIVE ERA-FUNDED ACTIVITIES

Mr. Dunlop said that Percy Magee would talk next about proposed alternative ERA funded activities.

Mr. Percy Magee, NRCS, said that the Work Group would like to use up to $100,000 of funds to improve the quality of the projects. The number of project applications has gone down and we want to let the Council decide if they would like to use $100,000 in funds to improve ERA projects.

Mr. Keeney mentioned that he liked the idea of using the funds to improve projects.

Mr. Dunlop mentioned that in classical economies, supply creates demand. He mentioned that he initially thought ERA would have a closer working relationship with NGOs like Restore America's Estuaries (RAE).

Ms. Cummings mentioned that using the funds has potential merit. NOAA is proposing research to increase the number of acres counting towards the goal. Stakeholder workshops would help to increase awareness of ERA. A monitoring workshop is also proposed where we would work with practitioners on use of the monitoring guidance NOAA provided.

Mr. Hall asked if the list was a package or separate ideas.

Ms. Cummings replied that they are separate.

Mr. Keeney mentioned that the first item, review of monitored projects to extrapolate habitat restoration success, is scalable.

Ms. Wallace replied that by doing this project, we are trying to determine if some of the acres from restoration projects can count towards the ERA goal. If the projects don't have monitoring, the acres currently don't count as meeting the goal. NOAA is looking at about $100,000 to do this work.

Mr. Dunlop mentioned that maybe the group can piggyback on other meetings to do a workshop or fund a panel.

Mr. Hall agreed that we should spend funds on workshops and outreach. He then asked, with monitoring, what is it that we're looking for monitoring to tell us? Are we looking for functional wetlands, or a numeric quantification?

Ms. Wallace replied that in the requirements is a menu of things that are actually very easy to attain. Restoration projects need to have one structural and one functional component in their monitoring. NOAA has actually created a new online monitoring planner that helps guide a practitioner through the process of developing a monitoring plan.

Ms. Schwartz said that a workshop to make people aware and familiar with the requirements would be good. She also liked the two types of proposed workshops and mentioned that maybe we should hold more than one of each. She said that she was reluctant to put the whole $100,000 in the monitoring of restoration success.

Mr. Dunlop said that perhaps the group could even justify more than $100,000 for outreach.

Mr. Keeney asked where the money comes from.

Ms. Cummings pointed out that Section 109 of the Act that allows a set aside of funds for administration and support of the Council. The funds would come out of the appropriations for the program.

Mr. Mast asked how often there are national conferences held that we could piggyback on because he liked that idea.

Ms. Cummings replied that Work Group members had spoken at various conferences in the past and for the rest of the year, the call for abstracts had passed for upcoming meetings.

Mr. Mast asked why the out reach efforts to date haven't worked and what makes the group think that people will come if we fund a workshop now.

Mr. Magee said that we may need to invite people to attend a separate meeting so that we don't get lost in the shuffle and impinge on others' conference objectives.

Mr. Dunlop said that instead of going wholesale into a conference, we might target areas that we think could provide a lot of opportunity. We might be able to pick three areas of the country where the ecological lift would be great and ask regional representatives to come up with two or three projects to submit for funding. He asked if that sounded attractive to the Council.

Mr. Hall replied that it goes back to reporting. If we could identify hot spots, George's idea would be good.

Mr. Dunlop asked if the Council was willing to dedicate funds to these efforts for planning purposes on an annual basis.

Mr. Keeney asked what type of budget we were looking to fund.

Mr. Dunlop asked if the Council would like to give discretion to the staff. The options are to give $100,000 to NOAA this year and funds to outreach next year or $100,000 to NOAA and $50,000 to outreach.

Ms. Cummings mentioned that we didn't get to the detailed stages of costing out a workshop.

Mr. Hall asked if we expect to get the President's Budget amount.

Ms. Cummings replied that FY06 was the first year funds were in the President's Budget. The request in FY06 was for $5 million and we received $1 million.

Mr. Magee mentioned that we could use organizations already out there and fund them to help.

Mr. Dunlop said that the Council needs to come to a conclusion about the $100,000. There is merit in the restoration success extrapolation and in outreach, but that he's hearing that outreach is more urgent. He mentioned that he would like to charge the staff with allocating how to spend the $100,000.

Ms. Schwartz said that outreach was more urgent, even with the monitoring requirements.

Mr. Dunlop then said that there appeared to be general concurrence with the proposal to spend $100,000 on non-project activities, especially outreach, but not on the specifics. The staff will come up with specific outreach activities and cost estimates for the Council to consider. There is not another Council meeting set up, but we can communicate by phone or set up another meeting.

Mr. Keeney asked that we leave the door open to provide funds to assist NOAA with the restoration success extrapolation approach. We have the monitoring requirements and want to better understand the success rate.

VI. PUBLIC COMMENT PERIOD

Ms. Cummings announced that no one had put in an official request to speak.

Mr. Steve Bosak, Restore America's Estuaries (RAE), said that RAE partners with all of the agencies present on restoration. He also mentioned that they would be happy to help in way with outreach. RAE is working on amendment language now. There have been staff changes on the Transportation and Infrastructure and Environment and Public Works committees. RAE thinks that funding is a problem and they would be happy to help with that. The amendment language that RAE is working on is that any project with a federal cost share of less than $1 million could be funded by the any agency best able to carry out the project. They're asking for $2.5 million to go to each of the four agencies represented on the Council other than Army for this purpose, and $25 million to go to the USACE. They also want to see the 2010 timeline extended for restoring one million acres of estuarine habitat.

Mr. Keeney asked what the change in congressional leadership meant.

Mr. Bosak said that it would not increase funds, but would increase the interest in restoration. Mr. Bosak then mentioned that in terms of outreach, RAE would be happy to facilitate conference calls, to announce funding opportunities in their newsletter, and also in the Restoration Marketplace.

Mr. Dunlop closed the meeting at 11:38 a.m.

Estuary Restoration Act
Estuary Habitat Restoration Council
Ranked Proposal Recommendation
February 13, 2007

Project	Area/Habitat /Key Action
1. Old Place Creek Berm Removal Project, NY	Approximately 25 acres of tidal wetland habitat through removal of an earthen berm restoring tidal connection.
2. Banana River Estuary Restoration Project, FL	4.8 acres of forested wetland through removal of exotics and planting native species such as mangroves.
3. Fort Sheridan Coastal Habitat Restoration Project, IL	30 acres of forested ravine with a rare community of relict northern range plan assemblages through stabilization, removal of invasives and planting native herbaceous ground over.
4. Euclid Creek Estuary Habitat Restoration, OH	5 acres of wetland by recontouring a relict oxbow to provide nursery areas for young of the year fishes and "drown out" invasive plant species.