

**MINUTES OF THE FIRST MEETING
ESTUARY HABITAT RESTORATION COUNCIL
AT HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS
441 G STREET, N.W., WASHINGTON, DC
OCTOBER 26, 2001**

The meeting convened at 10:30 a.m., with the following members present.

- Mr. Dominic Izzo, Principal Deputy Assistant Secretary of the Army (Civil Works);
- Mr. G. Tracy Mehan III, Assistant Administrator for Water, Environmental Protection Agency;
- Mr. R. Mack Gray, Deputy Undersecretary, Natural Resources and Environment, Department of Agriculture;
- Mr. Scott B. Gudes, Acting Undersecretary for Oceans and Atmosphere, Department of Commerce;
- Ms. Martha Naley, representing Marshall Jones, Acting Director, U.S. Fish and Wildlife Service.

I. INTRODUCTORY COMMENTS:

Mr. Izzo welcomed the Council members on behalf of the Assistant Secretary of the Army (Civil Works)[ASA(CW)] Mike Parker. Because Mr. Parker was out of town, Mr. Izzo chaired the meeting. He stressed the importance of estuaries, “where rivers meet the ocean,” to the environment and to navigation, noting that estuaries may have suffered from development. Restoration of estuaries, he said, will require good science, innovative technology and sustainable development. He announced the Council’s goal, set forth in law, to restore one million acres of estuarine habitat by 2010. To achieve this goal, the Council will need to establish a strategy and rules for selecting projects, preferably in time for program funding to be included in the FY 04 Budget. He called for milestones in this effort .

Mr. Gudes noted that the Council had been a long time in coming; it was a provision of a bill first introduced in 1997 by the late Sen. John Chafee (RI) and Rep. Wayne Gilchrest (MD). NOAA, he said, contributes to the Council’s overall goals through research, \$290 million in restoration activities (not all in estuaries), and the Sea Grant program

Mr. Mehan cited the Clean Water Act’s goals to bring chemical and biological integrity to the Nation’s waters. During the Act’s first 30 years, the Environmental Protection Agency (EPA) has concentrated on chemical integrity; its participation on the Council will allow it to concentrate on the biological aspects as well. He said EPA especially appreciates the partnership with other agencies that is an integral part of the Council.

Mr. Gray pointed out that activities on farms have a great impact on estuaries. USDA funds research on this, and encourages conservation measures. He noted that, in the current debate on a farm bill, there is a proposal for a sixfold increase in funding for conservation and water pollution control, featuring measures from buffer strips to nutrient control

Ms. Naley noted that 45% of the Nation’s songbird species, 30% of its waterfowl, 60% of marine fish and 75% of commercial fish species depend on estuaries for at least part of their

lives. Agencies have, until now, done a lot of work on estuaries, the Council will bring the elements together and allow agencies to target tax dollars.

II. PROCEDURAL ITEMS:

- A. **TERM OF OFFICE FOR CHAIR:** The law establishing the Council calls for a three-year term, but provides that the term of the first chairperson may be less, as the council desires. It was moved and approved that the first chairman be elected for a three year term.
- B. **ELECTION OF CHAIR:** Other participants pointing to the centrality of the Corps of Engineers' role in estuary habitat restoration, nominated and elected **Mr. Izzo**, representing Mr. Parker, to serve as the first chairperson.
- C. **FREQUENCY OF MEETINGS:** At the recommendation of its Working Group, the Council agreed to meet quarterly for the first year, noting that the chairperson may call a meeting anytime.
- D. **RESPONSIBILITIES OF COUNCIL:** **Ms. Cynthia Garman-Squier**, Office of the ASA(CW), outlined the Council's role under Sec. 1 05 of the Estuaries Act: to transmit to Congress a strategy and recommendations for projects to restore at least one million acres of habitat. To do so, it must solicit, review and prioritize proposals on the basis of technical feasibility, cost-effectiveness, dedicated sources of funding for the non-Federal share of estuary restoration projects and whether the projects are part of an overall habitat restoration plan. The Council also advises the Secretary of Commerce, National Oceanic and Atmospheric Administration (NOAA) on a database of estuary restoration project and on the development of monitoring standards.
- E. **STAFF SUPPORT:** **Mr. Darrell Brown**, EPA, noted that a working group, with a least one member from each Council agency, is already a strong team. Options for additional staff support include (a) having the chairperson's agency provide support, (b) detailing people to a single agency to provide support; (c) assigning people in each member agency to provide support without detailing them, or (d) hiring contractor support. **Mr. Gray** asked whether assigning people from each agency would preclude using contractors if needed. **Mr. Brown** said it would not. The Council agreed to adopt option "c" for staff support, with the understanding that option "d" was not precluded.

III COUNCIL DIRECTION FOR UPCOMING YEAR:

Mr. Izzo said he would like to see project recommendations as soon as possible. The first order of Council business, he said, would be production of a draft Strategy, including criteria for projects. He would like to accomplish this during the first quarter (Oct-Dec) of FY 2002. During the second quarter the Council would develop a process to solicit proposals, including review criteria, then solicit them in the third quarter in hopes of having some – including the required agreements with local sponsors - to review and recommend by July 2002. He noted that the law authorizes up to \$60 million for estuary habitat projects in FY 2004. Funding for new

programs such as this would have to compete with other Corps activities for funding within the Corps budget ceiling. A request for programmatic funds supported by examples of specific proposals on where and how the money would be used would be more likely to succeed.

Mr. Mehan noted that time will be required for public comment and Office of Management and Budget review of the Strategy. He suggested a fallback position of a provisional Strategy if Council gets bogged down on the details.

Mr. Izzo stated that the Working Group has already accomplished a great deal in putting the Strategy together and asked the Working Group if the timetable for completing it was feasible. **Ms. Garman-Squie** said it could be done only if agencies committed the necessary human resources. **Mr. Gudes** committed NOAA to providing people as needed.

Mr. Gray asked what the Council can't do before adoption of the Strategy, noting that, even with **Mr. Izzo's** schedule, it will take nearly two years before agencies see their first dollar for estuary habitat restoration. **Mr. Mehan** suggested an interim strategy while the Council solicits proposals for FY 2004. **Mr. Izzo** agreed that the Council needs a contingency plan, but first should see if the Working Group can complete a draft Strategy by January. If not, the Council may consider hiring contractors.

Dr. Russell Bellme (NOAA) said that, if the Council wants a draft strategy by January 2002, the Working Group will deliver. Its goals will be to promote habitat plans – including a review of existing regional, State and local plans - and provide a framework for local efforts. It will also promote partnerships – among agencies, with States and local entities, and with private industry and organizations. It will call for a balance of large and small projects in numerous geographic areas. He briefly discussed the Restore America's Estuaries (RAE)/NOAA effort to develop a strategy. The draft strategy represents a year of collaborative work, with heavy involvement by representatives of states, academia, non-profit organizations and Federal agencies. He said he expected the scientists who worked on the RAE/NOAA effort would also want to get involved in Council activities.

Mr. Gudes asked what would have to be added to the RAE/NOAA strategy to meet the requirements of the Act. **Dr. Bellme** said the Strategy needs a periodic review process. It should be an iterative document, subject to modification as priorities shift. Also needed are incentives to encourage partnerships, procedures to provide stakeholder involvement, criteria for funding, and balancing of large and small projects.

Mr. Gudes asked if there was a backlog of project proposals that would qualify for funding under the Estuaries Act. Members of the Working Group said there were numerous projects in the planning stages that appeared to meet the criteria of the law.

Mr. Gray agreed that the Strategy should be iterative, but it should be out in time to support the FY 2004 Budget request. **Mr. Izzo** agreed that, if local sponsors will be asked to share costs, the Federal government owes them ground rules. He asked who would head the Working Group and be accountable for producing the Strategy. **Ms. Garman-Squie** said that the group does not have a chairperson, but that, as the member representing the Council chairman's agency, she would be willing to call meetings and coordinate the Group's activities.

IV. PUBLIC COMMENT:

Mr. Mark Wolf-Armstrong, RAE, applauded the enthusiasm of the Council and the Working Group and their willingness to adopt an accelerated schedule. He pointed out that the Estuaries Act was adopted by unanimous consent in both houses of Congress, and members are

looking forward to the Council's recommendations. The late Sen. Chafee saw the Act as his legacy and a way to get agencies to work together, and his son, Sen. Lincoln Chafee (RI), is working with Sens. John Warner (VA) and Joseph Lieberman (CT), Rep. Wayne Gilchrest (MD) and others to secure funding – up to \$275 million in appropriations, leveraged with funds from other sources. He said the Council is fulfilling RAE's vision to engage agencies, the private sector, and volunteers, and pledged to work with the council on its accelerated process. Stating that there is major pent-up demand for projects, he stated that the RAE member organizations had a list of 24-25 projects with a value of \$150 million, for consideration.

Mr. Richard Ribb, Executive Director of the Narragansett Bay, RI, Estuary Program, said that people in Rhode Island are excited that the Council is in business. He encouraged the Council to work with local efforts already underway, such as those in Narragansett Bay. He noted that five years is a long time for States and localities to wait for funds. He also provided a written statement for the record.

Mr. Kerry Kehoe, Coastal States Organization, said three important aspects of the Council are its Strategy, its iterative processes, and its ability to partner and to leverage. The Council will help tie components of the ecosystem together and avoid situations such as were mentioned at a recent Coastal Zone Managers' meeting, where participants complained that "a lot of what we're doing now is wrong – there is 'smart growth,' but there is also 'dumb conservation.'" He said projects need monitoring and measures for success. Leveraging, he said, will allow for more to be accomplished than could be done by individual agencies.

Mr. Mehan said the Strategy should give an idea of the kind of work the Council would like to fund. **Mr. Kehoe** suggested that the Council consider projects in locations, such as Galveston Bay, with strong planning and local processes.

Mr. Mehan asked if the Strategy should be adapted to the queue of projects that are ready to go. **Mr. Kehoe** said that would be a good idea, and the Council should challenge areas that do not have strong estuary restoration plans to develop them.

Dr. Jed Brown, U.S. Fish and Wildlife Service, asked the Working Group to establish guidelines on types of projects the Council could consider. **Ms. Ellen Cummings**, U.S. Army Corps of Engineers, said the group was not there yet, but would include such guidelines during the development of the process for soliciting and reviewing proposals. **Mr. Izzo** said that the Strategy should be flexible enough to allow Council to recommend a variety of smart things.

V. CLOSING COMMENT:

Mr. Izzo reminded the Council that it is imperative that there be local consensus on any project it recommends. One example of such consensus occurred in Oakland, CA, where interests from shippers to the Sierra Club agreed on the need to deepen the harbor. In contrast one or two determined opponents can derail any project, so a consensus check is vital, especially where there is a requirement for 35% local funding.

The meeting was adjourned at 12:15 p.m.