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Recommendations on the Gulf of Mexico Regional Ecosystem Restoration Strategy (Preliminary)

Local Government Advisory Committee

A Federal Advisory Committee to the U.S. Environmental Protection Agency

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DISCLAIMER

This Report and recommendations has been written as part of the activities of the Local Government Advisory Committee (LGAC), a public advisory committee providing independent advice and recommendations to the Administrator and other officials of the United States Environmental Protection Agency (EPA or the Agency). In addition, the materials, opinions, findings, recommendations, and conclusions expressed herein, and in any study or other source referenced herein, should not be construed as adopted or endorsed by any organization with which any LGAC member is affiliated. This report has not been reviewed for approval by EPA, and hence, its contents and

recommendations do not necessarily represent the views and the policies of the Agency, nor of other agencies in the Executive Branch of the Federal government.

Preface

Local Government Involvement in Ecosystem Restoration

As local government officials, it is in our best interest to take every effort and make sure that the many good findings from this report turn into action as quickly as possible. We must establish a clarion call for what is acceptable in the Gulf and the actions that are necessary to repair and restore the Gulf Coast ecosystem, both immediately and in the long-term.

Local governments are where the rubber hits the road for many policies and projects, and no one has a more vested interest in success than we do as communities. Local governments cannot restore the Gulf on their own – synchronicity across the region and at all levels of government is vital for success. This is a pivotal moment for local government leaders across the Gulf Coast region to come together and collaborate for the first time.

Many of the recommendations in this report are generational activities that must be continually nurtured in order to have enduring success. Therefore, it is critical to remember one of the ultimate goals of ecosystem restoration – making sure that our children and grandchildren will be able to live, work, and prosper in the Gulf Coast region as we have.

Background

This report was prepared by the LGAC's Gulf Coast Restoration Workgroup. The workgroup was created in February 2011 and charged by EPA Administrator Lisa Jackson to provide advice on the following questions:

> *How should local governments be integrated in the Gulf Coast strategy? What is the role of local governments in Gulf Coast restoration as a whole? What are the special and unique concerns and abilities for local governments in this restoration effort? What could the federal government do to facilitate local government participation in all aspects of restoration? Looking forward, what is the role of local governments in implementation of the Task Force strategy?*

The workgroup subsequently held a series of meetings and conference calls to discuss this charge, beginning with a public meeting in New Orleans on February 17, 2011. The LGAC provided to the Administrator the workgroup's initial set of recommendations on April 21, 2011 and a report commenting on a discussion document provided by the Task Force on July 15, 2011. In developing these documents, the workgroup consistently engaged members of their communities, other local officials around their communities, and their respective national and state associations in gathering additional input.

The Gulf Coast Restoration Workgroup has found that EPA and the Gulf Coast Ecosystem Restoration Task Force (Task Force) have done a commendable job in reaching out to communities affected by the BP Oil Spill and in grasping the complexity of the environmental and socioeconomic issues involved in developing a restoration strategy. They obviously went to great effort to reach out to citizens in the Gulf Coast, which is an indication of their commitment to get it right in addressing key restoration needs. There has also been unprecedented cooperation along the entire Gulf Coast in addressing the issues in a

comprehensive way. Before the BP Oil Spill, the Gulf Coast region rarely thought of itself as a collective. Since then, extraordinary collaboration has taken place at the local, state, and federal levels, and it has proved a very unique opportunity to learn about our commonalities and differences across the Gulf Coast.

It is also apparent that the Task Force listened to the thoughts and concerns expressed through its extensive community outreach effort. The preliminary Task Force Report is a great start. The Report presents a comprehensive look at our coast as both an ecosystem and a "working coastal region." This is a promising sign of commitment from the Administration, and hopefully eventually Congress, to address both the issues created by the Oil Spill and those related ecosystem issues that have plagued this region of the country for a long time. The Oil Spill has exacerbated these problems particularly in the coastal communities directly impacted by the Oil Spill. Therefore, because of the severity of our problem and the historically slow pace to act, what follows is a set of specific recommendation for particular areas covered by the Report.

The future of the coastal region is facing an "eco-disaster" of sorts, and the oil spill has exacerbated existing problems in the Gulf. We cannot afford to lose this region and all of the economic benefits that it provides to the nation. To illustrate some the dire conditions in the Gulf Coast region and the need to act immediately for restoration, an example highlighting a significant problem in each Gulf state follows.

- **Alabama** ranks first among states east of the Mississippi River and fifth among all states in the nation in terms of biodiversity. These habitats support native species of plants and animals in the region, as well as many migratory birds each year – as many as 347 species have been reported – who seek shelter on Dauphin Island during their flight across the Gulf of Mexico. The estuaries of coastal Alabama are economically and environmentally vital because of their biological diversity, productivity, and protective functions against erosion, flooding, and storms. Land loss, due to natural events and human activities, such as population growth, land-use conversion, shoreline hardening, invasive species, runoff, and excess sediments, has heavily changed the state's coastal habitats, threatening all of the various functions – environmental, ecological, economic, and social – that the habitats provide.
- **Florida's** long shoreline and biodiversity support a world class tourism industry, providing many service-related and manufacturing jobs. In 2010, 82.3 million visitors generated 22 percent of the state's sales tax revenue and employed nearly 1 million Floridians (80 percent of whom live along the coast). Marketed as the "Fishing Capital of the World," recreational and commercial fishing in Florida contribute immensely to the economy, quality of life, and character of Florida's coastal communities. However, due to fish consumption advisories for mercury and nutrient pollution, more than 900 square miles of the state's estuaries are deemed "impaired" from a water quality perspective, thus not fully meeting their designated uses.
- **Louisiana** is home to the largest delta in North America, and Louisiana's coast provides a home to nearly half of the state's population. The state is also the top source of offshore energy in the country, largest source of wild seafood in the lower 48 states, and home to five of the top 15 ports in the nation. Southern Louisiana is truly America's Wetland. However, dramatic land loss threatens a working coast that supports our nation's economy, energy security, petrochemical industry, maritime and fisheries trades, animal and marine habitats, and

communities representing over 7 million people. Coastal land loss takes the equivalent of a football field of land every hour in Louisiana, and with it the region loses environmental and economic assets as well as protection against increased sea level rise and more substantial storm and tidal events in the future.

- **Mississippi's** tidal shoreline and coastal waters encompass numerous barrier islands, mainland coast, bays, lagoons, river shorelines, large estuaries, tidal rivers, creeks, and bayous. Multiple events have immensely altered Mississippi's coastal environment and disrupted the lives of its residents, including humans and aquatic and terrestrial organisms. For example, in 1969 Hurricane Camille eroded offshore barrier islands and cut Ship Island into two separate islands. Not only was coastal Mississippi devastated with tremendous economic damage and loss of life, but its susceptibility to future storm events increased. This increased susceptibility manifested itself in 2005's Hurricane Katrina, whose accompanying storm surge destroyed numerous homes, businesses, and coastal habitats.
- The **Texas** coastal zone includes a complex system with 12 distinct eco-regions that include Padre Island, longest, undeveloped barrier island in the world. The natural beach/dune system of barrier islands and peninsulas on the Texas coast is the first line of defense against storms. Largely due to a lack of sediment, 64 percent of the total Texas coast is eroding at an average rate of 5.9 feet per year, with some areas experiencing losses greater than 30 feet per year. Additionally, subsidence is a major threat to the Texas coast, increasing communities' risk of inundation and saltwater intrusion from storm surge and exacerbating shoreline erosion.

Moving Forward

Local governments must be a critical component of strategy implementation, as well as the continued engagement of local communities, tribes, interested parties, and the public to ensure they have an opportunity to share their needs and viewpoints to inform the work of the Task Force. Fostering an inclusive dialogue and expanding public/private partnerships are critical components of long-term implementation and success.

The focus moving forward must be on implementation. A fair number of goals in the Task Force's report do not indicate any recommended or required action to accomplish them; to be successful, the Task Force needs firm analysis and exploration of precisely how the stated objectives can be reached. For those goals that do have specific major actions denoted, we as local governments, need to identify where we have a role, coordinate with relevant state and federal agencies, figure out just how to implement those strategies on the ground, and be ready to address any issues that arise.

An investment should be made in science to help governments determine the most effective and productive place to spend available dollars, rather than throwing the kitchen sink at every problem due to so many uncertainties. For example, the City of Fairhope, Alabama will end up spending up to $500,000.00 to try and determine why area beaches keep closing due to high levels of Enteroccoci. We need to invest in good science so that communities don't have to keep making the same investments. This also reinforces the need to manage the Gulf in a more holistic approach, pooling the knowledge and experiences of our fellow communities to find the most effective and economic investments we can make.

In the report that follows, the LGAC provides a set of recommendations for short- and long-term implementation of ecosystem recovery strategies for you, as Administrator of the Agency, to consider, as well as in your role on an interagency Task Force. (Significant nexus points between the LGAC's concerns and Task Force's report are highlighted in bold italics). We begin by emphasizing the fundamental issues, problems, and recommendations for ecosystem recovery. These concerns represent what we view as the most important and effective actions to be undertaken first. Next, we identify specific actions that can be undertaken without too much cost and yet will provide large benefits across the region. We then identify issue areas that are not directly within EPA's jurisdiction, but for you to consider for possible interagency coordination. Finally, the LGAC concludes this report with a list of actionable items that we as local government officials can undertake in our communities to promote ecosystem restoration.

Underlying Concerns (Additional and specific actions related to these underlying concerns are included in the following section)

Tell the Story

Local officials are an incredibly valuable resource for distributing and bringing credibility to the messages of ecosystem restoration. However, local officials need a story – a helpful, compelling way to speak in a language that the public can relate to and understand. Federal and state agencies sometimes speak a different language from the general public, and it is important to remember that the Task Force's report is for the general public as well as the President.

Telling a story personalizes the issue for people and helps them to understand the utter importance of the Gulf Coast in all of its functions. The public needs help in realizing that issues in the Gulf have huge impacts throughout the nation. To cut through all of the politics involved, especially in the current economic climate, wherein the first line of budget cuts often includes environmental programs and education, we have to reach people at a personal level. Remind the country that the Gulf Coast is a national treasure.

- Prepare a segment that speaks to us as local governments and communities.
- Use plain language to emphasize the ecological, environmental, economic, social, and other values of the Gulf Coast region.
- Add a glossary to the report in order to maximize understanding for the average person. Include key terms, acronyms, agencies and departments involved in implementation, etc.
- Highlight the "links" between the Gulf Coast and the Central region of the country. Explain, in a way that can be understood by the average citizen, the interrelated ecological and socioeconomic factors that make the Gulf Coast vital to the overall wellbeing of the Nation.
- Illustrate the story with easily understood facts and examples that reach people on a personal level. For example, the following factoids, which come from a Task Force presentation to the

LGAC Gulf Coast Restoration workgroup on October 13, 2011 are extremely powerful and illuminating:

  - If the amount of land loss that occurs in the Gulf Coast each day occurred in Iowa, it would be a national crisis.
  - The Gulf is the 3rd largest watershed in the world.
  - 56% of land area in the U.S. drains to the Gulf, and 80% of all precipitation in the U.S. reaches the Gulf of Mexico (a lot like a toilet).
  - The Gulf contains the 2nd largest dead zone in the world.
  - Over 80% of domestic oysters consumed come from the Gulf.
  - 60% of oyster growing areas in the Gulf are currently either probationally or permanently closed.

- In a preface or appendix to the report, clearly state the limitations of the Task Force's and EPA's authority with respect to its ability to pursue and/or implement the programs and policies outlined in the preliminary strategy. This section would help those who are not familiar with Congressional procedures or the limitations of the law with respect to Executive Orders and the EPA to understand the role of the Task Force, the federal agencies, and the process and time it will take to act upon the recommendations of the report.
- Emphasize that this report is the *first* ever comprehensive blueprint for reversing the deterioration of the Gulf ecosystem every developed with the full involvement of all the essential parties throughout the region – the states, tribes, federal agencies, local governments, and thousands of involved citizens and organizations – and state the extensive time requirements and complexities of implementing all of its recommendations. The people of the Gulf are used to many plans that *remain* plans, so highlight that while not all recommendations are immediate fixes, implementation is the key focus for everyone involved.

Coordinate All Levels of Government

(The Task Force addresses government coordination, leveraging existing efforts, and the importance of local governments throughout the report. Nearly every goal includes Gulf-wide coordination as a priority).

- Support regional restoration cooperation and efforts that treat the Gulf Coast region as a system without geo-political subdivisions.
- Determine how best to integrate among the various Gulf Coast regions existing planning efforts in state and local governments, including approved plans, resiliency efforts, and climate programs. Local, state, and federal efforts should be cooperative. (Example of existing plan: resiliency demonstration project in Mississippi, Center for Planning Excellence and Blue Ribbon Resilient Communities initiative of America's WETLAND Foundation)
- Each Gulf Coast community is unique and ultimately has its own needs, values, and interests, so solutions for ecosystem restoration and coastal planning should be sensitive to local needs, based on local involvement in the regional decision-making process. However, it is critical to balance the unique needs of communities within a regional context – parochialism versus regionalism. Utilize a regionalist approach to maximize benefits and reduce unintended consequences in other communities. ***(Task Force p. 43)***

- Consider developing a decision support systems and tools for local governments, maximizing the use of science and experience.

Policy Changes at the Federal Level

Reduce redundancy, eliminate regulatory barriers, and align federal resources.
(TF Report addresses this issue a few times, especially the need to expedite priority projects)

- Review and reconcile conflicting and contradictory federal policies that impede coastal restoration and delay the efforts of states. Address jurisdictional and mission issues between agencies where authority and funding is sometimes at odds with restoration priorities. Eliminate red-tape, especially with regard to the timely and regional distribution of CIAP funds for projects in coastal states.
- Consider designating a single agency as the coordinator responsible for restoration, and authorize it to address water resources and coastal restoration priorities with review and comment from other agencies.
- Consider developing a single-application permit process for restoration projects, with time constraints on agency review and a public comment process designed to solicit specific agency concerns as well as local/regional issues.
- Consider developing an expedited permit process to meet emergency situations. The process should be orderly, efficient, and specifically designed to avoid project delays, which can run up to 30 years and result in significant cost overruns.
- Consider a general permit for restoration projects that can be fast-tracked to meet the priorities of approved coastal plans while preventing environmental degradation caused by lengthy delays and cost overruns associated with regulatory delays and impasses.
- Consider developing a uniform project prioritization tool.

No Net Loss of Culture

Maintain a holistic approach that addresses health, social, economic, and ecological determinates to ensure the overall sustainability of the Gulf Coast region and its people.
(GOAL: Community Resilience)

- At all levels of government, recognize that indigenous cultures along the Gulf Coast region are at risk of being lost. Commitments must be made to ensure that community plans, as well as state and national policies and regulations, are developed to address land loss and the threat of natural and man-made disasters, incorporating a principle of "no net loss of culture."
- Support the establishment of resiliency plans for communities to avoid unintended consequences of rulemaking, insurance underwriting, and federally funded projects that can cause severe negative impacts to communities and make sure that such consequences do not have unintended effects upon those who are most vulnerable.
- Integrate the creation of resilient communities through comprehensive coastal planning programs that consider the balance of environmental, economic, and public health issues and concerns. Ecosystem restoration includes enhancing the health and resilience of the Gulf Coast ecosystem in terms of the services it provides and its ability to support the diverse economies, communities, and cultures of the region.

- Recognize that there is no community without the ecology and sustainability of the region, and vice versa. The Gulf Coast is an absolutely interconnected system.
- Support community, local government, NGO, and business efforts to leverage NRDA projects. By supplementing a NRDA project with funding from another source, the project can bridge its original scope and produce effects that go beyond just oil spill recovery.

Specific Recommendations and Actions

Changes to Environmental Mitigation Policies for Restoration Projects

(GOAL: Restore and Conserve Habitat)

- Explore modernization of the federal, state, and local mitigation programs to move toward more an effective mitigation outcome.
- Explore incentives for private landowners to proceed immediately to restore their land, such as mechanisms for earning private landowner mitigation credits, rather than penalizing the private act of restoration. Consider providing landowners with a menu of various options as incentives so that the landowners themselves can choose the best solution for each specific location. ***(Goal: Community Resilience)***
- Analyze a mechanism for ecosystem valuation and apply cost-benefit accounting for the economic loss caused by coastal land loss and erosion. ***(Goal: Community Resilience)***
- Consider prioritizing watersheds to focus on those that are demonstratively the most effective in addressing both local and long-range effects. Explore a block grant type program, rather than a national call for grants, to score priorities and focus funds to those priority areas on a noncompetitive basis.

Opportunities for Interagency Coordination

Beneficial/Strategic Use of Dredged Materials for Coastal Restoration Projects

In addition to the recommendations listed above, the LGAC recognizes several more agency-specific recommendations as highly effective. The LGAC asks EPA to share these recommendations and concerns with the appropriate agencies (notably, the US Army Corps of Engineers).
(GOAL: Restore and Conserve Habitat; ACTION: Take a "strategic use" approach to sediment management, including maximizing beneficial use of dredged materials and increasing dedicated dredging; p. 22-25)

- Prioritize the assignment of necessary equipment, along with beneficial use of dredged materials, to areas of most critical need. ***(TF: Under goal "Restore and Conserve Habitat," major actions include prioritizing ecosystem restoration and to maximize beneficial use****, p. 23-24)*
- Consider establishing a set aside program for USACE projects in the Gulf region that beneficially transport and distribute dredged material for coastal restoration and establish a local cost share requirement.

- Consider establishing a performance metric wherein a certain percentage of sediment is used beneficially.
- Explore a cost-benefit analysis of the beneficial use of sediment.
- Consider utilizing monies in the Harbor Maintenance Trust Fund (HMTF) for beneficial use of dredge material in the region, and in particular to sustain the Gulf Intracoastal Waterway system. Concern has been expressed that billions of dollars in the HMTF go unspent annually, despite the critical need. Consider providing tax revenues from the HMTF at the onset of each Congressional budget cycle to the US ACE.
- Analyze the best method for beneficial and optimum retrieval of riverine sediments and reuse effective approaches during high water periods.

Funding for Coastal Restoration

Establishing a dedicated funding source ensures the longevity of restoration projects and resilient communities. Restoration requires an endless investment to nurture.
Executive Summary, p. 5: Dedicate a significant portion of the eventual Clean Water Act civil penalties resulting from the Deepwater Horizon oil spill for Gulf recovery, in addition to current funding for Gulf programs.

- Consider using mitigation funds where projects occur to fill gaps in process and provide funding for restoration.
- Explore incentivizing restoration projects. ***(GOAL: Community Resilience)***
    - Consider providing a menu of incentives and options for private landowners to undertake their own restoration projects as they deem appropriate.
    - Consider incentive-based funding mechanisms across the region to provide a continuum of funding to support industries and communities in raising funds for restoration projects.
    - Consider establishing incentives for innovative energy development in the region, to coincide with federal energy policies adopted as part of the Nation's transition from fossil fuels to alternative sources of energy.
- Explore the limitations under NRDA as to what BP can be required to do with respect to remediation of environmental damages. In the report, consider highlighting those limitations, along with potential alternatives that could be considered to help leverage the funds that BP will be required to pay.

Action Items for Local Government

As stated at the outset of our review of the preliminary strategy, the Task Force has done a commendable job in reaching out to communities affected by the BP Oil Spill and in grasping the complexity of the environmental and socioeconomic issues involved in developing a restoration strategy. However, neither they nor Congress, acting together or alone, can effectively implement the recommendations of the Report. And neither one should be expected to do so. As individual members of the LGAC we offer our assistance to actively work with the Task Force as it pursues the "next steps" in fulfilling its mission as outlined in the Final Report.

Local governments recognize the importance of leading by example and putting a challenge to ourselves. The following is a list of specific actionable statements that we can do as local government officials in order to be involved as constructive members of the restoration process.

- Take the story and leverage it to create and opportunity for all of us to understand and better the world in which we live. Share the story of the Gulf with our communities at home, as well as our respective associations and organizations, both locally and nationally.
- Continue the conversation with the national associations representing local governments to ensure that Gulf Coast restoration remains on the agenda for local officials across the country and higher levels of government.
- Involve our respective associations to address those issues that cannot be addressed by the Task Force or EPA, such as the creation of a Gulf Coast authority or a trust fund.
- Strategically deploy our own financial resources to address some of these issues with existing funds. As new money comes available, direct those funds as proscribed in the report; but in the meantime, act immediately using the money we already have.

Final Thoughts

The above recommendations and findings highlight the concerns and priorities of local governments throughout the Gulf Coast region. Members of the Gulf Coast Restoration Workgroup frequently gathered input through listening sessions and discussions with other local officials, networks of their national and state associations, and the public. All of this input became discussion items for the workgroup and figured heavily into this report, ensuring that this report reflects the needs of all areas of the Gulf Coast.

The action items, recommendations, and findings presented above indicate the most critically important concerns and priorities for local governments. To be effective, however, these items must be implemented. The Gulf Coast region has produced numerous plans over the years that sit on the shelves of local government offices; the people of the region are tired of hearing about plans and assume the plan will not move forward. *The focus of EPA, the Task Force, and local governments must remain on implementation.* Local governments need to be a part of the implementation process; the local knowledge and resources they can provide is invaluable. To help the process move toward implementation, the workgroup has tasked itself a “to-do” list of action items, in part ensuring that local governments remain constructive members of the ecosystem restoration process.

Most importantly, we cannot forget that the Gulf Coast *is* its people. Residents need a story to understand conversely that they are the Gulf Coast, and that the Gulf Coast is a region, not just an assortment of geopolitical jurisdictions. Tell the story of the Gulf Coast so that people everywhere will understand its importance and become motivated to be involved in restoration through various means. Overall, the ecosystems, economies, and cultures of the Gulf Coast are inextricably linked, and we cannot put ecosystem restoration above the people. Communities and local governments are immensely valuable partners for EPA and the Task Force.

Appendix

LGAC's Gulf Coast Restoration Workgroup Membership

Mayor Randy Roach, Chair*
Lake Charles, Louisiana
Mayor Ron Davis, Co-Chair*
Prichard, Alabama
Mayor Heather McTeer Hudson, LGAC Chair*
Greenville, Mississippi

Sue Hann*
Palm Bay, Florida
Commissioner Grover Robinson
Escambia County, Florida
Commissioner Bill Williams
Gulf County, Florida

Councilmember Debbie Quinn
City of Fairhope, Alabama
Commissioner Charles Gruber
Baldwin County, Alabama
Commissioner Merceria Ludgood
Mobile County, Alabama

Supervisor Connie Rockco
Harrison County, Mississippi
President Rocky Pullman
Hancock County, Mississippi

President Charlotte Randolph
Lafourche Parish, Louisiana
President Craig Taffaro
St. Bernard Parish, Louisiana
Councilmember Arlanda Williams
Terrebonne Parish, Louisiana
Charles Allen, Office of Mayor Landrieu
New Orleans, Louisiana

Dr. Hector Gonzalez*
Laredo, Texas
Mayor Bob Dixson*
Greensburg, Kansas
Commissioner Robert Cope*
Lemhi County, Idaho

**indicates membership on full LGAC*