

*Alabama Coastal Heritage Trust * Alabama Rivers Alliance *
Alabama Water Watch Association * Boat People SOS * Cahaba River Society *
Choctawhatchee Riverkeeper * Conservation Alabama *
Friends of Chewacla Creek and the Uphapee Watershed * Mobile Baykeeper *
Operation HomeCare * Save Our Saugahatchee*

October 26, 2011

Lisa Jackson, Administrator, USEPA
Chair, Gulf of Mexico Ecosystem Restoration Task Force
U.S. Environmental Protection Agency, EPA Docket Center
Office of Environmental Information Docket, Mail Code 28221T
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Jackson,

The undersigned organizations submit this letter as our formal comment on the Preliminary Gulf of Mexico Regional Ecosystem Restoration Strategy issued for public comment by the Gulf of Mexico Ecosystem Restoration Task Force (Task Force) on October 5, 2011.

Overview:

We applaud the strategy as a significant step towards restoring the Gulf of Mexico in light of the myriad of environmental problems facing the Gulf, including a coastal wetlands crisis, an enormous seasonal Dead Zone offshore, increasingly vulnerable coastal communities, and finally BP's oil drilling disaster. In light of all these trials, your task was monumental, and we have only just embarked down the long road to restoration. The Gulf Coast Ecosystem Restoration Task Force's preliminary strategy for restoration lays out effective basic prescriptions for restoring the Gulf. It begins the process of pulling previously known data for individual states together into one comprehensive package. We have recommendations we feel could make the document stronger and, therefore, the strategy for restoration stronger.

In particular, we feel the following major points need to be addressed:

- 1) We need a plan for implementation. While funding is a challenge, outlining a strategy to implement these goals is critical.
- 2) Ecosystem Restoration means jobs, especially for those most impacted by the BP Oil Disaster. We have outlined a suggestion for jobs implementation that will greatly benefit every community, economy and worker.
- 3) Public Participation has been a critical issue for the great majority of the affected community, and we have all appreciated the opportunity to express our concerns, have questions answered, and have a forum to seek commonalities among our issues. It is of great importance to Gulf Coast communities that there continue to be avenues for well-defined public participation.

Comments/Answers to Task Force Questions

We have organized our comments following the format used throughout the Task Force public meetings process that asked the public to answer the following five questions:

I. ARE THESE THE RIGHT GOALS?

The Gulf Coast Ecosystem Restoration Strategy's (hereinafter the Preliminary Strategy) integration of new and existing restoration and conservation initiatives focused on achieving Gulf-wide restoration, as well as the Gulf-wide scope and intent to achieve a functioning and productive Gulf ecosystem. It is difficult to predict future activity across a diverse geographic area with multiple partners. Even so, concrete goals, measurable objectives, benchmarks, specific deliverables, a clear timeline, and metrics to assess performance that focus on addressing root causes of problems, not symptoms, and long-term recovery goals can provide structure to an ever-changing system. Long-term monitoring is key to judging the process of the implemented restoration projects and the strategy as a whole. An approach to address restoration issues is provided in *Strategy for Restoring the Gulf of Mexico: Recommendations to the Gulf Coast Ecosystem Restoration Task Force* issued in 2011 by Audubon, Environmental Defense Fund, Harte Research Institute, Lake Pontchartrain Basin Foundation, the National Wildlife Federation, Nature Conservancy, and Ocean Conservancy.

A key element stressed in public meetings in the five Gulf states, supported in remarks by Lisa Jackson, is that the Task Force was not merely focused on "environmental restoration" but must also incorporate and address the needs of coastal communities for economic restoration and sustainability. The Preliminary Strategy provides an opportunity to build a framework to tackle not only the restoration challenges, but also the economic challenges that face the Gulf Coast's communities. Appropriate coordination of investments, technical assistance and outreach could build an inclusive restoration economy that creates tens of thousands of jobs. It has proven very enlightening to see the breadth of community concerns voiced throughout the document, as it clearly states the economy is tied to the environment and vice versa in the description of every issue from beach re-nourishment to oyster reef restoration. With hope, it will resonate broadly that environmental restoration is the key to economic recovery.

Environmental degradation of the Gulf has negatively affected the economies of many Gulf Coast communities. For example, the strategy should ensure there is local infrastructure in place to support restoration activities and creation of a "restoration economy" that is linked to economic development (job creation, etc). To achieve ecosystem restoration, billions of dollars in restoration and recovery funding will come to the region whether via penalties from the BP Oil Disaster or from existing or future revenue streams. One way to start this effort would be to ask the President to extend the National Emergency Grants by a minimum of two years. Jobs in restoration can easily be tied to this Strategy document, and funding for jobs to educate, train and employ workers already exists in this funded grant to the states. This process is beginning to work in Bayou La Batre, Alabama and can work Gulf-wide.

II. *WHAT ARE THE CRITICAL ACTIONS OR MAJOR OUTCOMES THAT NEED TO BE ACCOMPLISHED AS PART OF THIS STRATEGY IN ORDER TO ACHIEVE THE OVERARCHING GOALS?*

The Actions or Major Outcomes critical to any Restoration Strategy include:

1. Environmental and Conservation Advisory Group and Other Comprehensive Public Outreach

The Preliminary Strategy refers to its reliance on public meetings and two of EPA's federal advisory committees, the Local Government Advisory Committee and the National Environmental Justice Advisory Council for input into Strategy development. The Preliminary Strategy also refers to EPA's proposed formation of a Gulf of Mexico Citizen Advisory Committee (CAC) intended to serve as a vehicle for citizen engagement and support. This was a major concern for many of our organizations and the announcement of the CAC was seen as a major victory. We now look forward to seeing the CAC appointed and the responsibilities defined clearly. It is important that the CAC have input on how restoration activities are selected, implemented and monitored for long-term effectiveness. The two most important roles for the CAC should be to ensure the following:

- Transparent process for public monitoring for program/project progress, and outcomes;
- Process for incorporating local and traditional knowledge in management decisions.

2. Consistency and Coordination

The Preliminary Strategy states the Task Force plans to evaluate barriers that hinder implementation and seeks to improve cooperation and coordination among state and federal agencies and points specifically to budget constraints; inadequate coordination among federal and state agencies; conflicting water policies; inconsistent priorities; and limited research and science. More specificity is always strength when defining a solution, but identifying the problems clearly moves the Gulf Coast toward fixing a broken system.

3. Need for Criteria and Prioritization of Long-term Ecosystem Restoration

The Preliminary Strategy clarified and prioritized many of the ecosystem restoration projects by defining them clearly in this document. Further clarification may be helpful to ensure true ecosystem restoration is the focus of projects pursued under the Strategy. For example, restoration of wetlands critical for reducing storm surge is an appropriate use of restoration funding. Often, however, structural components of "protection" such as beach and shore armoring actually result in destruction of the environment. An additional point to add is timing. Beach re-nourishment is certainly a major priority for the Gulf Coast, but we need to wait until there is confidence that more oil won't wash ashore, requiring removal and thus impacting the beneficial impacts of the project.

4. Need for Scientific Input and Review

We applaud the Preliminary Strategy's commitment to use the best available science for implementation. We strongly believe the Final Strategy must ensure all restoration decisions are rooted in science so project selection and funding allocations create an effective region-wide restoration strategy. It will also advance transparency in decision-making and enhance credibility with the public. If possible, the Final Strategy could go a step further by adding a requirement that all ecosystem restoration projects be subject to independent scientific review before approval and should state a clear, measurable and achievable outcome. Specifically, a Science Advisory Committee could provide independent input on restoration project selection, implementation, and monitoring processes.

5. The Decision-Making Body

We strongly encourage a permanent Task Force be established with funding and independent authority to focus on the implementation of restoration projects, to resolve the policy and process obstacles impeding restoration progress and to continue to be a resource for citizen access to information. Whether an existing or new governing body is established, it should be empowered with specific duties and authorities relevant to comprehensive Gulf restoration in order to provide a sound management structure. These duties and authorities should include, but are not limited to:

- Ensuring a collective restoration agenda is implemented throughout the Gulf and funds are directed to identified priorities and effective programs and projects;
- Establishing a Gulf-wide restoration agenda with public input, available to all stakeholders, with sound programs and projects directed at ecosystem- based restoration needs;
- Developing priority criteria for the selection of programs and projects to be applied in an equitable and transparent manner across the Gulf;
- Creating a structure that allows for consistent communication with stakeholder groups, independent scientists and experts, the public, and state and local governments throughout the Gulf Coast;
- Establishing a transparent process for monitoring program/project progress, and outcomes; and
- Establishing a process for incorporating local and traditional knowledge in management decisions.

One over-arching decision-making body charged with implementing the strategy creates a unified, comprehensive environmental restoration plan that integrates environmental restoration into a focused vision for a resilient Gulf Coast. There are many worthy individual projects to be considered; however, many of these do not fit into a long-term holistic restoration vision. We must ensure the Final Strategy prioritizes projects that fit within a comprehensive vision for coastal resiliency and address systemic enhancement, restoration and protection of our coastal resources.

6. The Decision-Making Process

It is obvious throughout the Preliminary Strategy that a decision making process was utilized. We request the Final Strategy define the decision-making tool or “matrix” used in order to help other/external decision makers understand and validate the decisions and priorities selected throughout the Strategy. Creating such a matrix ensures projects with the most substantive environmental benefit are pursued and funded first. Factors under such a matrix would ensure that chosen projects accomplish the following:

- Address long-term recovery goals such as prevention of or recovery from oil spills, preservation/restoration of fish and wildlife, restoration of use;
- Have a Gulf-wide or regional benefit;
- Address root causes of issues, not symptoms; and
- Have specific deliverables and measurable objectives.

Each factor should be assigned a point value, and projects that meet the most criteria, and thus have the greatest point value, should be chosen. A clearly defined system, such as the matrix suggested by the Alabama Coastal Foundation, Mobile Baykeeper and the Gulf Future campaign (attached), will ensure environmental restoration projects that maximize long-term coastal resiliency will receive higher priority when funding becomes available.

III. *WHAT NEW PROGRAMS AND ACTIONS (STATE, FEDERAL AND PRIVATE) ARE NEEDED?*

1. Ensuring local and regional populations, including the most vulnerable residents, actively participate in restoration and benefit from new restoration economy.

The Final Strategy must ensure that restoration projects will economically benefit communities in impacted areas. As stated previously, there remains a significant emphasis on restoring the environment AND the economies of the Gulf Coast. The list below offers several examples that were mentioned at Task Force meetings that we feel should be addressed in the Final Strategy:

- Request the President, via Executive Order, allow States to extend and increase flexibility of the National Emergency Grant in order to maximize existing federal resources sent to the Gulf to address workforce development and job creation, retention and diversification challenges;

- Sector based work force initiatives that support community recovery, including the promotion of skills training and development of career pathways in coordination with ecosystem restoration projects;
- The hiring of local workers for restoration projects, through the development of standards, particularly those who are participating or have completed training programs targeting disadvantaged or multi-lingual populations;
- Bilingual training and workforce English as Second Language (ESL) in communities where English is not the primary language and where the workforce has been devastated by the oil disaster;
- Restoration projects that ensure compliance with equal opportunity laws and principles by developing standards for set-asides of contracts for local small and disadvantaged businesses and appropriate preferences for firms that include them in their subcontracting plans;
- Diversification and innovation as a path to economic resilience and economic development. The Task Force should use this strategy to ensure economic development funds are not simply used to expand coastal communities' reliance on existing industries or to support projects that threaten the sustainability of coastal communities; and
- Ecosystem restoration projects that build resiliency to disaster. The Preliminary Strategy references benefits to Gulf communities from ecosystem services, such as better storm protection and healthier fisheries.

It is vital that the Final Strategy continue to define the relationship between spending hard fought dollars on environmental restoration and the creation of long-term and sustainable economic recovery. Putting people impacted by this disaster and/or those dependent upon an under-protected resource for jobs is fundamental to the health of our Gulf Coast communities.

2. Long Term Monitoring

We appreciate the Preliminary Strategy's inclusion of two forms of monitoring within its discussion of goals and proposed actions: monitoring of sentinel species and sites over time to identify current and potential threats; and integration of monitoring, modeling and research into restoration planning through adaptive management decision-making. The BP Oil Disaster revealed significant scientific uncertainty about how marine species at various life history stages and in a range of habitats would respond to oil exposure. Understanding the species-specific and broader ecosystem effects of oil is critical to prescribing restoration measures needed to facilitate and track recovery of injured, living marine resources. A significant lesson from the Exxon Valdez and Ixtoc I oil disasters is that while the full environmental effects of discharged oil or gas may not be known for years, early and sustained investments in ecosystem monitoring and research are critical to detecting lingering or subtle effects. Even in the absence of episodic or catastrophic human-induced events like the BP disaster, the Gulf of Mexico ecosystem is in perpetual flux.

IV. WHAT WOULD "SUCCESS" LOOK LIKE, AND HOW SHOULD IT BE MEASURED AND REPORTED?

Success can be measured in a multitude of ways, and we believe the Task Force's enumerating of projects, such as "100-1000: Restore Coastal Alabama," begin to define a successful restoration project. Accomplishing the task of building 100 miles of oyster reef will begin to match the enormity of the spill itself and is very measurable. Additionally, creating an education program around that project that shows a level of community advancement in our knowledge and an increased desire for better protection of our critical coastal resources will also be able to be counted and identified. Of course, the environmental community's focus has also been on ensuring full citizen participation and involvement in decisions is a critical component for overall restoration success across the Gulf. We look forward to seeing the Final Strategy continue to emphasize not only restoration project measurements, but also education and community involvement counts as well.

True success would also include a transition toward clean energy. We would ask you to consider the attached "Greening the Gulf" Report prepared by our partner Global Green. The Report highlights the incredible potential value of a clean energy and green economy for the region, including coastal restoration businesses, and calls upon the Task Force to recommend the creation of a \$2.5 billion fund from BP's fines and penalties to foster such an economy. Gulf Coast philanthropies, universities, nonprofits and municipalities would administer the fund to ensure that dollars are invested locally and wisely. The administration of the fund must also be without the influence of the oil, gas and coal industries that have historically opposed and effectively prevented clean energy development in the region.

V. REGARDING ALABAMA'S STATE PRIORITIES, WE HAVE SEVERAL RECOMMENDATIONS.

1. Restore and Conserve Habitat

The Task Force authors graciously included several seminal restoration projects along Alabama's coastline and named some of the Project Managers, but not others. The Nature Conservancy, Dauphin Island Sea Lab, NOAA, Fish and Wildlife and the Department of Conservation and Natural Resources all contributed to the Coffee Island/Alabama Port Shoreline Protection Project, and the Helen Wood Park Project is both a Mobile Bay National Estuary Program Project for marsh grass restoration and also the first quarter-mile oyster reef restoration project of "100-1000: Restore Coastal Alabama." We feel it is important to include these critical organization and agency leaders and to show the partnerships that will ultimately see these critical projects through to completion.

The Preliminary Strategy mentions an inclusive list of priorities, but it is important to identify an order for these priorities along with the science to determine which projects should be chosen. For example, it must be determined whether it makes the most impact to move oysters, build new reef or to restore barrier islands and beaches while oil continues to wash ashore. As mentioned in the remainder of the document, we do not want to create more problems as we seek solutions. An example of this is the establishment of a plan to remove invasive species that includes heavy use of pesticides that may not be beneficial to the successful rebuilding of marsh and sea grass.

There must also be an education component included in this priority area. Education of the community is important for long-term restoration success and can target those building in wetlands, average local citizens, waterfront property owners, waterfront businesses and others. The curriculum should include the importance of protection and restoration of marsh and wetlands and oyster reef on the economy, community and fisheries.

The Final Strategy should include a component for the acquisition and preservation of endangered coastal habitat in Alabama. Aside from a few noteworthy exceptions, Alabama has lagged far behind other states in preservation of habitat. Acquiring land that is fragile, contains important or threatened species, is threatened by overdevelopment and could provide green space, for public recreation, access to waterways, etc. is a critical strategy for protecting our environment, economy and quality of life. Criteria should be established and meaningful funding should be included for preservation for habitat coordinating with groups such Weeks Bay Foundation, Friends of Dauphin Island Bird Sanctuary, Coastal Land Trust, the Alabama Coastal Heritage Trust, Forever Wild and others.

2. Restore Water Quality

The Preliminary Strategy defines several roles for clean water but neglects to tie the importance of clean water to fisheries habitat, which is a major contributor to our local economy. The project list defined here is a great start, especially as it includes community outreach and education to promote local management alternatives.

The one concern in this section regards the focus on centralized wastewater treatment systems. Although septic tanks and the lack of a regulated wastewater treatment facility is a concern, without adequate zoning protections, opening an area to sewage treatment can also open the area to un-managed growth. Growth without checks and balances could put a financial burden on our already fragile economy and must be carefully considered.

3. Replenish and Protect Living Coastal and Marine Resources

This section specifically addresses the need for monitoring and scientific research, critical to all priority areas. The Final Strategy should include monitoring and scientific research for decision making in all priority areas. Specifically, priorities surrounding enhancing fishery stock should be approached with caution as opening the area to aquaculture on a large-scale level can have devastating consequences on water quality. There are several excellent projects locally that should be supported, including the Oyster Gardening Project, led by the Mississippi-Alabama Sea Grant. However, there are projects that would not be as beneficial to our local fisheries, and we caution the Final Strategy to allow large-scale aquaculture in lieu of more natural methods to increase fisheries stock.

4. Enhance Community Resilience

It is critical for our community to develop a comprehensive plan or Alabama Coastal Resiliency Plan for restoration and future growth. However, we feel it should be developed PRIOR to the next catastrophic event and should include all important community leaders have a seat at the table in developing a plan. Maintaining the connection between the economy and environmental protection and restoration will ensure the resilience enhanced is sustainable.

The Final Strategy should include a definition for “promoting long-term erosion reduction during future natural hazards.” Reducing erosion is a critical issue and greatly supported the undersigned organization, but in order to best protect against erosion long-term there is a need to establish post-construction stormwater requirements in construction permit applications. In fact, a better descriptor would be “enact comprehensive stormwater and/or other regulations and plans that include monitoring, enforcement, mitigation, education and green infrastructure for land use planning.”

“Promoting diversification of economies” is a major priority that can be significantly aided with more education on the positive relationship between environmental restoration, community resiliency and the economy. Additionally, this section can be strengthened through the Presidential Executive Order extension of the NEG.

The state’s priorities for enhancing community resilience should more specifically include environmental restoration plans and goals. The economic impact items are clearly defined, but there is a need for specific goals and/or action items relating to environmental restoration as well.

Overall, the Alabama section could be greatly improved with specific measurements that will define success, a strong scientific and monitoring basis for effectiveness, a decision making/prioritization tool, an education component in all four priority areas and a more specific path to involve community representation. The majority of action items defined, when implemented, will be incredibly effective. Additional specificity in the Final Strategy will ensure the Alabama Plan is achievable.

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In closing, we greatly appreciate the opportunity to participate in this process throughout the last year and to make these final few recommendations to the Task Force in its effort to develop a comprehensive Gulf Restoration Strategy. We welcome the opportunity to meet with you or Task Force members to discuss these recommendations. If you have any questions or need additional information, please do not hesitate to contact Casi Callaway at 251-433-4229 or callaway@mobilebaykeeper.org.

Respectfully submitted,

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