

**MINUTES OF THE MEETING
ESTUARY HABITAT RESTORATION COUNCIL
AT HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS
441 G STREET, N.W., WASHINGTON, DC
May 22, 2002**

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

- **Mr. George Dunlop**, representing the Principal Deputy Assistant Secretary of the Army (Civil Works), chairing;
- **Mr. Burleson Smith**, representing the Deputy Undersecretary of Agriculture, Natural Resources and Environment;
- **Mr. David Kennedy**, representing the Deputy Undersecretary of Commerce for Oceans and Atmosphere;
- **Mr. Robert H. Wayland III**, representing the Assistant Administrator for Water, Environmental Protection Agency;
- **Mr. Hannibal Bolton**, representing the Director, U.S. Fish and Wildlife Service, Department of Interior.

I. INTRODUCTORY COMMENTS:

Mr. Dunlop relayed the interest of Mr. Dominic Izzo, Principal Deputy Assistant Secretary of the Army (Civil Works) and Council chair, in keeping the Council's momentum going. The next meeting, he said, would consider rules and procedures for responding to comments on the Strategy, which was published in the *Federal Register* on May 3, 2002. The meeting should also consider processes to solicit and evaluate project proposals. Among recent successes in funding for estuary habitat restoration are the Coastal Louisiana program and a new start recommendation in the President's FY 03 budget for restoration in the Lower Columbia River.

Mr. Kennedy agreed the Council needs to maintain momentum, and said the interagency Work Group supporting the Council will make that happen.

Mr. Bolton complimented the Work Group on getting the draft Strategy published; and commended Restore America's Estuaries and other groups for keeping estuaries in the forefront with the Nation's leaders.

Mr. Wayland noted that the Estuary Restoration Act fulfills goals similar to those of the Clean Water Act, now 30 years old. The Council, he said, brings synergy to Federal and other efforts, including those in support of the Clean Water Act.

Mr. Dunlop stated that the White House and the Council on Environmental Quality are helping agencies coordinate estuary activities, and see the Council's work as an example of the concept of Federalism, where governments at other levels (States, localities and Tribes) can participate. He pointed out that "top-down" programs do not work; "bottom-up" ones do, since people live at the local level, and wetlands and estuaries are located there.

II. APPROVAL OF MINUTES:

Minutes of the January 23, 2002 meeting were approved.

III. RESTORATION PROJECT DATABASE:

Dr. Becky Allee, NOAA, gave a presentation on that agency's efforts to develop a database in time for it to support the report due to Congress in October 2003. NOAA uses an Oracle-based database on its intranet. The database, she said, can help with project planning and prioritization, and provide public information. The next step, she said, will be to add habitat types, restoration techniques and monitoring procedures to the database, which she expects to be functional by May 2003.

Mr. Dunlop asked who the intended audience for the database is.

Dr. Allee said it is designed mainly to provide project information to Congress, for when they have questions such as "where's the money going?" It will also be an outreach tool for the public. Project sponsors will be expected to input data.

Mr. Wayland suggested that NOAA might wish to tie in to other agencies' databases, such as EPA's restoration database for the Five Star Restoration Program. EPA, Army and others have databases to track "no net loss of wetlands," although none of the agencies have committed to filling those databases. Perhaps the Estuary Habitat Restoration Program will stimulate their interest in so doing.

Dr. Allee said NOAA's database was designed to be compatible with other systems, and should provide information to other databases and websites as well.

Mr. Kennedy asked about integration with other databases.

Dr. Allee said NOAA has been working for the past 3-4 years to bring existing habitat classification systems together to develop a nationally consistent classification system. The plan is to present draft monitoring protocols in September 2002, and a habitat classification system in January 2003. These will be used in the finalization of the database. The issue of integrating various restoration web pages together will be discussed at the June 2002 Work Group session.

IV. MONITORING PROTOCOLS:

Dr. Mary Matta, NOAA, discussed development of these protocols over the past 15 years. She said there is a need to link monitoring to specific project goals to build public support for estuary projects. This monitoring should consider socio-economic as well as environmental factors. The Work Group, she said, will start by reviewing existing local and watershed monitoring programs.

Monitoring, she said, should show how restoration efforts produce a diversity of plants and animals similar to that of natural systems. Currently NOAA has information for 15 habitat types – coastal marshes, mangroves, coral reefs, water columns, etc. The Council will need to identify minimum monitoring requirements for each habitat type, especially for projects without much money. She said she expects NOAA to produce a draft document on monitoring procedures, including socio-economic monitoring, by September 2002, and a final framework by September 2003.

V. ELEMENTS & CRITERIA FOR ESTUARY PROJECT PROPOSALS:

Ms. Cynthia Garman-Squier, Department of the Army, began discussion of what the Council should ask of potential partners. The starting point, she said, would be the requirements of Sec. 104 of the Estuary Restoration Act, which states that projects must be proposed by non-Federal agencies, address the needs documented in Federal and State restoration plans, be consistent with the Strategy and include monitoring.

Once proposals pass initial screening, she said, they would be subject to a two-tier review. Tier 1 would address how the project meets the intent of the law – factors such as effectiveness, scientific merit and cost. Tier 2 would address all other considerations suggested by the law for successful projects, such as interagency coordination and promotion of public-private partnerships. Quality of monitoring would also be a consideration, as would the amount of non-Federal cost sharing offered and availability of a dedicated funding source. The Council could also give extra points to projects with multiple benefits such

as flood control, recreation and water quality, and consider how quickly a project could get started – often permitting and real estate issues cause delays.

Mr. Dunlop asked why a two-tiered process.

Ms. Garman-Squier said of the selection factors listed in the law, the Tier I evaluation criteria were determined to be fundamental to a successful restoration project. If a proposal does not meet each of the Tier I evaluation criteria, it will no longer be considered for possible selection. The selection factors comprising Tier II are important in determining the success of the potential project in contributing to the goals of the Estuary Restoration Act. But the individual Tier II factors are not as essential as the Tier I factors to a successful project.

Mr. Dunlop asked if the Work Group would have criteria for the Council to consider for adoption at its next meeting.

Ms. Garman-Squier said it would, although work is still in progress. Once the Council adopts criteria, they will be sent for public comment, although the Council could now take informal comments from members of the public present.

Mr. Wayland suggested that the level of match selection criterion for projects should be weighted more heavily. Projects that provide a greater percentage of match are more desirable and should be given a higher point allocation.

Ms. Garman-Squier said the current proposal would recognize when an entity offers more than the 35 percent requirement under the “promotes public-private partnerships” criterion.

VI. PUBLIC COMMENT:

Mr. Mark Armstrong, Restore America’s Estuaries, expressed concern about the Council’s momentum and timeframe. At the first meeting, he said, Mr. Izzo set an ambitious schedule to solicit project proposals this summer. If criteria will be considered at the next meeting and then sent for public comment, this schedule would be delayed 6-9 months and could harm funding prospects for FY 04.

Ms. Garman-Squier noted that the original schedule was a broad approximation, based on an assumption that funds would be appropriated. She suggested it might not be fair to entities that want to propose projects to have them go through an extensive proposal development process without knowing whether there would be funds. The timing of project solicitation will be considered in light of an assessment of the probability of receiving appropriations.

Dr. Matta suggested foregoing the 45-day Federal Register process and having the Council approve a set of criteria.

Dr. Allee agreed that public comment is not required on the criteria as it was on the Strategy.

Mr. Dunlop said the Board could approve criteria through a conference call.

Mr. Armstrong suggested that Council could approve “prototypic” projects where it knew they would meet criteria. This work could be funded from any one of 74 Federal authorities, and there is presently about \$7 billion in authorized work available. Citizens are enthusiastic about estuary restoration work, and would like to see actual progress. To that end, Restore America’s Estuaries and other organizations are planning a conference in Baltimore in April 2003 to emphasize “citizen-centered” restoration activities. He invited participants to visit the website <http://www.estuaries.org>.

Ms. Virginia Tippie, Coastal America Partnership, noted the success of that organization’s corporate wetland partnership, which works in a way similar to that the Council seeks to do by bringing non-government funds to the table. She suggested inviting a representative of this partnership to the next meeting

Mr. Jed Brown, U.S. Fish & Wildlife Service, noted that many fish migrate above the head of tide line, and asked if the Council would consider work in upstream habitats.

Dr. Matta responded that it would be unlikely – Congress has only so much money available, and the Estuary Restoration Act had to draw the line somewhere. The Act does, however, allow work in “associated ecosystems” the Council could consider.

There being no further public comment, the meeting was adjourned at 11:30 a.m.