



July 8, 2013

VIA ELECTRONIC & US MAIL

Chair of the Gulf Coast Ecosystem Restoration Council
United States Department of Commerce
Attn: Teresa Christopher
Senior Advisor for Gulf Restoration
1401 Constitution Ave
Washington, D.C. 20230

Dear Ms. Christopher:

On behalf of Florida's Gulf Consortium (Consortium), this correspondence is intended to provide comments on the Gulf Coast Ecosystem Restoration Council's Draft Initial Comprehensive Plan (Draft Initial Plan) published in May 2013. The Consortium represents Florida's 23 Gulf coast counties and, as such, appreciates the opportunity to comment on the Draft Initial Plan.

To avoid duplication and to effectively utilize available resources, Florida's local governments are working in partnership with the State of Florida to fully recover the Gulf of Mexico following the Deepwater Horizon disaster. Florida's economy and environment are inextricably linked, and we recognize the critical importance of collaboration and cooperation in order to achieve our shared objectives. The publication of the Draft Initial Plan is another milestone in our joint implementation of the RESTORE Act and we look forward to working with the Gulf Coast Ecosystem Restoration Council in the years ahead.

About the Gulf Consortium

The Gulf Consortium is a public entity created in October 2012 by interlocal agreement among Florida's 23 Gulf Coast counties, from Escambia County in the western panhandle of Florida to Monroe County on the southern tip of Florida and the United States (Attachment 1). The 23 Gulf Coast Counties formed the Consortium to

meet the following requirement of the RESTORE Act: “a consortia of local political subdivisions that includes at a minimum 1 representative of each affected county;” shall develop a State Expenditure Plan that will improve the ecosystems and economy of the Florida Gulf Coast region. Sub-Clause (t)(3)(B)(iii)(II) of Section 311, Federal Water Pollution Control Act. The Consortium Board of Directors consists of one representative from each county government. As a public entity, the Consortium must meet all government transparency requirements in Florida, including open public records and meetings, ethics and state auditing obligations.

Since its inception in 2012, the Consortium has met seven times and held several committee meetings to begin developing Florida’s State Expenditure Plan. To foster the development of its plan, enhance coordination and ensure consistency with the goals and objectives of the Council’s plan, the Consortium has entered into a Memorandum of Understanding with Florida Governor Rick Scott (Attachment 2).

Comments on the Draft Initial Plan

Developing an appropriate and comprehensive plan to restore the Gulf of Mexico, while recognizing the diversity and complexity of environmental and economic challenges across five states and dozens of local jurisdictions, is a monumental undertaking. The Gulf Consortium commends the Council on putting forward a considerate Draft Initial Plan and for its transparent and inclusive approach to plan development.

The Gulf Consortium respectfully offers the following initial input on the Draft Initial Plan:

- **Establish the comprehensive plan based on sound science.** Establish a scientifically-driven process with coordination across watersheds.
- **Recognize the benefits of regionalism in project selection.** Consider providing additional weight to watershed-based projects and programs that cross multiple jurisdictions and deliver significant environmental benefits to shared water resources. Adding “regional benefit” as a priority criterion would recognize projects that provide watershed benefits across political jurisdictions.
- **Identify economic restoration as a clearly stated plan Objective.** One of the Plan’s Goals is to “Restore and Revitalize the Gulf Economy” by enhancing “the sustainability and resiliency of the Gulf economy.” This goal should be fully realized later in the plan’s Objectives.
- **Prioritize the Objectives consistent with the RESTORE Act.**

- **Clarify the Council’s decision-making process for evaluating, prioritizing and selecting ecosystem restoration projects.** Identify timeframes for project submittal, as well as requirements for project implementation.
- **Clarify the weighting for each criterion identified within the Priority Criteria.** Define and clarify terms such as “greatest contribution”, “large-scale” and “long-term resiliency”.
- **Streamline federal regulatory requirements to ensure unhindered planning, project and program implementation; Clarify National Environmental Policy Act (NEPA) analysis requirements.** Multiple and overlapping federal regulatory requirements have the capacity to slow development of the Council’s plan and, consequently, restoration of the Gulf of Mexico. For example, full NEPA review of projects prior to Council selection could significantly increase the time to develop the 3-year Prioritized Project List and the first plan update. Since state and local governments are undertaking their planning processes, clarification and guidance on the level of NEPA analysis required is needed.
- **For Appendix A, define “authorized but not yet commenced.”** The Consortium recognizes that Appendix A to the Draft Initial Plan does not include projects submitted to the Florida Department of Environmental Protection for the Council-selected Restoration Component, and that the Council may or may not choose projects from Appendix A for funding. However, a clear definition of how a project must be “authorized,” and at what level, is required for stakeholders to understand which projects meet the “authorized but not yet commenced” criteria and are, therefore, eligible for inclusion in the Draft Initial Plan or first 3-Year Prioritized project list.
- **Work with State and local officials to coordinate project selection and refine Appendix A.** Currently, Appendix A includes projects that provide only marginal benefits to the Gulf coast, if any. Likewise, there are projects appropriate for RESTORE Act consideration that are not yet included in Appendix A. In determining projects for Appendix A, and in selecting projects for the 3-Year and 10-Year plans, provide consideration for the fact that almost 50 percent of the Gulf Coast coastline is within Florida.
- **Allow for infrastructure projects and structural enhancements to mitigate risks to coastal resiliency.** Much of Florida’s coastline is developed, which limits options for non-structural mitigation for coastal resiliency. The Consortium recommends accepting infrastructure projects for flood control and other structural enhancements that would mitigate risks to coastal resiliency and protect communities.

Provide for Administrative and Planning Expense Reimbursement

The Consortium is a new governmental entity without the power to levy taxes. To date, the Consortium has been funded by contributions from its member county governments. With its limited resources, the Consortium is relying on the RESTORE Act's authorization for administrative expenses and planning assistance to provide the resources necessary to meet its obligation to develop the plan called for under the RESTORE Act Clause (t)(3)(B)(i) of Section 311, Federal Water Pollution Control Act. With this in mind, the Consortium respectfully requests the following:

Revise the Draft Initial Plan to allow expenditures from Florida's allocation of the Spill Impact Component for the Consortium's administrative and planning costs associated with the development of the State Expenditure Plan.

In the Council's Draft Initial Plan, Section V, titled "State Expenditure Plans—State Impact Component" expenditures from a State's allocation of the Spill Impact Allocation is addressed. Page 19 includes the following paragraph:

The State Council Member may submit a State Expenditure Plan for Council consideration at any time after the publication of this Plan and the promulgation of appropriate regulations. There is no specific timeframe required for State Expenditure Plan submission, *but no funds may be expended from a State's allocation pursuant to the spill impact formula before the Council approves the State Expenditure Plan and an associated initial project, program, and activity list.*

The RESTORE Act authorization for the Council to disburse amounts to the Gulf Coast States, including for the State of Florida, to the Consortium, provides as follows:

The Council shall disburse amounts to the respective Gulf Coast States in accordance with the formula developed under subparagraph (A) for projects, programs, and activities that will improve the ecosystems or economy of the Gulf Coast region, subject to the condition that each Gulf Coast State submits a plan for the expenditure of amounts disbursed under this paragraph that meets the following criteria

Clause (t)(3)(B)(i) of Section 311, Federal Water Pollution Control Act.

The listed criteria cross references allowable expenditures under subparagraph (t)(1)(B). The cross referenced subparagraph includes planning assistance in (t)(1)(B)(i)(VIII) and administrative expenses in (t)(1)(B)(i), which itself cross-references

the limitation on administrative expenses in (t)(1)(B)(iii). Thus, the Spill Impact Component may be expended for planning and administrative expenses.

Planning is perhaps the most important step to ensure that resources are used to the greatest benefit. Using RESTORE funds to plan appropriately will facilitate a timely restoration impact, a hallmark of the law. The Consortium respectfully requests that the Council's Draft Initial Plan be revised to allow it to receive a Spill Impact Allocation for the purpose of planning and administrative expenses associated with the development of Florida's State Expenditure Plan prior to the development and submission of the plan and an associated initial project, program, and activity list. As explained above, such a revision to the Council's Draft Initial Plan is expressly authorized by the RESTORE Act's list of allowable expenditures and the Council's authority to expend the Spill Impact Component. It is also necessary for the Consortium to ensure the development of Florida's State Expenditure Plan that selects the best projects, programs, and activities for funding from the Spill Impact Allocation in a manner that uses the best available science and solicits and considers maximum public comment as mandated by the RESTORE Act.

The Consortium recognizes that such an award for administrative and planning expenses for plan development to the Consortium will be "subject to the condition that...[Florida] submit a plan for the expenditure of amounts disbursed under this paragraph that meets . . ." the RESTORE Act criteria as cited above. The condition for plan submittal could be guaranteed through a binding agreement between the Consortium and the Council for the award of planning and administrative expenses. Specifically, the Consortium requests that the Council's Draft Initial Plan Section V provision cited above be revised as follows with the addition of the underscored language:

The State Council Member may submit a State Expenditure Plan for Council consideration at any time after the publication of this Plan and the promulgation of appropriate regulations. There is no specific timeframe required for State Expenditure Plan submission, *but no funds may be expended from a State's allocation pursuant to the spill impact formula, except for administrative expenses and planning costs associated with the development of the State Expenditure Plan, before the Council approves the State Expenditure Plan and an associated initial project, program, and activity list.*

Thank you, again, for the opportunity to comment on the Council's Draft Initial Plan. We look forward to working with the Council as an active and collaborative partner in the economic and environmental restoration of the Gulf of Mexico.

Sincerely,

A handwritten signature in black ink, appearing to read "Grover C. Robinson", with a long horizontal flourish extending to the right.

Grover C. Robinson
Chairman
Florida's Gulf Consortium

cc: VIA ELECTRONIC MAIL ONLY
The Honorable Rick Scott, Governor, State of Florida
Sarah Bleakley, Nabors, Giblin & Nickerson
Doug Darling, Gulf Consortium
Mimi Drew, Florida Department of Environmental Protection
Gulf Consortium Directors
Chris Holley, Florida Association of Counties
Deena Reppen, Florida Association of Counties