

# Summary of Feedback on the Florida Gulf Environmental Benefit Fund Draft Restoration Strategy

## 1. Summary

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On September 12, 2016, the Florida Gulf Restoration Team, comprised of the Florida Fish and Wildlife Conservation Commission (FWC) and the Florida Department of Environmental Protection (DEP), distributed the Florida Gulf Environmental Benefit Fund (GEBF) Draft Restoration Strategy via email and online publication. On September 14, 2016, the Florida Gulf Restoration Team conducted a public webinar/telephone conference to present the Draft Restoration Strategy and provide an opportunity for feedback. The webinar was very well attended with over 110 participants. This document summarizes feedback received from September 12, 2016 to the end of the comment period on October 5, 2016. The Florida Gulf Restoration Team appreciates the continued interest and commitment from stakeholders and the public evidenced by the thoughtful feedback received on the Draft Restoration Strategy. These comments and recommendations will be evaluated and considered during the development of the Final Restoration Strategy in 2017.

Many of the comments expressed support and appreciation to the Florida Gulf Restoration Team for engaging the public and stakeholder communities; hosting the webinar to present the document and discuss next steps; and soliciting comment, input, and feedback. Comments supported the stepwise plan analysis and watershed approach taken to develop the Draft Restoration Strategy and recognized the effort that went into reviewing the existing plans and identifying the top restoration needs in each watershed. One comment noted that the identification of these needs in each of the Panhandle and Big Bend watersheds is particularly helpful and consistent with the approach used for identification of RESTORE Council-selected restoration projects.

Some of the questions and comments focused on the process associated with the Restoration Strategy. There were questions on how additional plans were going to be reviewed for the Final Restoration Strategy and how the updated Surface Water Improvement and Management (SWIM) plans and submerged aquatic vegetation assessments would be incorporated and weighted in the Final Restoration Strategy. There were requests for clarifications on stakeholder involvement, the weighting process, and the geographic eligibility associated with GEBF under each funding priority. Some comments provided suggestions for revising the Draft Restoration Strategy such as conducting a review of restoration needs that may not be included in existing plans; identifying restoration needs that are not sufficiently addressed by proposed projects; and combining the categories of “shellfish restoration/protection” and “shellfish sustainable harvest” into one category. Additionally, many comments addressed Appendix C – the Potential Action Lists, specifically the need for prioritization or ranking of the projects within the lists. One comment suggested including the number of top restoration needs and/or other restoration needs

addressed by a project, grouping similar projects or project types, and providing a description of each project in the table.

Many questions and comments focused on project-level restoration planning and project selection criteria. These included developing a quantitative method to determine which projects would be most effective for water quality improvement; conducting modeling or cost/benefit analyses; developing restoration plans on a watershed-level; selecting projects that protect or restore wildlife habitat along the Gulf Coast, specifically those areas adjacent to conservation lands; treating projects in Appendix C as project concepts to be further developed and designed to address multiple restoration needs; and using the projects identified in the SWIM plans as a guide for project development under GEBF. In addition, there were also requests for clarification on the timeline for projects in the Florida Keys, the timeline for future funding cycles, the National Fish and Wildlife Foundation's role in evaluating potential projects for GEBF funding, and how a restoration plan will define and evaluate "successful" restoration.

## **2. Comments and Questions**

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### **2.1 Comments and questions received during the Florida GEBF Restoration Strategy webinar on September 14, 2016. These questions were verbally answered during the webinar. A recording of the webinar is available at [www.deepwaterhorizonflorida.com](http://www.deepwaterhorizonflorida.com)**

- How do we get a copy of this presentation and the script or notes read?
- Is there a plan to define and evaluate what a "successful" restoration is? Will it be project specific?
- What is the time line for project in the Florida Keys?
- I understand that at some point there is a legal review of the projects. When does that take place and does that figure in the strategy and process?
- Can you expand more on the stakeholder role, weighting process?
- You have scored the potential action list projects. Are you providing a ranked list for each watershed?
- If you are not providing recommendations to the NFWF Board other than these tables, it doesn't seem like you are really offering them much guidance.
- When do you expect funds to flow to the selected projects by NFWF?
- Did the weighting system used for prioritizing projects or restoration strategies take into account knowledge about the relative impacts of the spill on different habitats or specific forms of wildlife?
- What is NFWF's role in evaluating potential projects for funding under GEBF?
- To be clear, new projects can still be entered via the portal?
- Will a quantitative method be employed to determine which projects would be most effective for water quality improvement? Modeling or cost/benefit analysis?
- When will review of the new 2016 proposals in the portal start?
- Are you going to be including any additional plans and if so what specificity are you looking for (local, regional, multi-state?)

- Will the projects within a watershed be looked at together to determine what is the overall plan and which will provide the most or best restoration; or in an order that would follow an overall plan?

## 2.2 Comments and questions submitted to the Florida Gulf Restoration Team via email on the Florida GEBF Draft Restoration Strategy during the comment period (September 12, 2016 - October 5, 2016). Responses are provided in italics.

**Comment:** Can you clarify (per page 14, last sentence of first paragraph): only entities in the Panhandle and Big Bend are entitled to have their storm water and wastewater projects considered for GEBF funding? Same question for coastal resiliency and land acquisition?

**Response:** *The “All Gulf of Mexico (GOM) Watersheds” results (see Section 3.1) show the analysis of actions from plans with very large geographic scopes (i.e., statewide plans). That being said, the parameters of the GEBF funding priorities (FPs) still apply within this section, so the results of FP#1 (coastal habitats) and FP#2 (coastal bays and estuaries) – the first two paragraphs in this section – are only applicable to the Panhandle and Big Bend regions. FP#3 – the third paragraph in this section - is the only applicable funding priority that can be used outside of the Panhandle and Big Bend regions if the plan actions address migratory living resources within the GOM impacted by the oil spill.*

**Comment:** So, for example, Pensacola’s watershed is entitled to benefit from GEBF funding for its entities’ wastewater and storm water projects, but the Florida Keys watershed is not entitled to be considered for this funding? I guess I’m not sure how these entities’ wastewater and storm water projects are related to their oil spill impacts; or why their coastal resiliency needs or land acquisition needs are greater than entities all along the Gulf, especially as these needs are also not related to oil spill impacts.

**Response:** *The geographic restrictions for projects involving coastal habitats and coastal bays and estuaries are intended by NFWF to be consistent with the underlying provisions of the criminal plea agreements under which GEBF was established. The allocation of the remaining funds within GEBF will follow these guidelines, which allow funding of projects in the peninsula when there is a clear benefit to migratory resources impacted by the oil spill (e.g., land acquisition in the Florida Peninsula to protect breeding shorebirds or nesting sea turtles, etc.). Stormwater/wastewater projects fall under FP#2 - restoring and maintaining the ecological integrity of priority coastal bays and estuaries – habitats that were impacted by the oil spill in Northwest Florida. That being said, GEBF-appropriate projects involving stormwater/wastewater still need to articulate how improvements to these systems would improve coastal bays and estuaries. In other words, not all stormwater/wastewater projects are GEBF-appropriate even if they occur in the Panhandle and Big Bend.*

**Comment:** The case can be made, easily, that removing septic tanks and cesspits is a water quality - resource protection issue. We in the Keys have known this and have walked the walk on this issue for twenty years. My argument is that the GEBF, under the umbrella of the FFWCC, from which this money is being requested is the wrong pot to be drawing from. Please, based on available dollars from other pots, drawing down GEBF for wastewater & stormwater is

reprehensible. God bless those counties for the tragedy that befell them from Deepwater Horizon, that aside, money from BP, especially GEBF, should have a strict adherence for coastal and resource restoration for all counties based on merit of the restoration project. The eight panhandle counties have received tremendous amounts of funding to date FROM different pots. They are sure to receive great amounts of dollars from Triumph Inc., NRDA & NFWF as well as other counties in the Big Bend Area. We need dollars to carry out our mission of protecting our, Florida Keys National Marine Sanctuary - Monroe County Resources.

***Response:*** *The administration of the GEBF must be conducted in compliance with the criminal plea agreements that were approved and entered by the court. This includes the requirement that funds be used to remedy harm to Gulf Coast natural resources adversely affected by the Deepwater Horizon incident. In this way, GEBF can be seen as more similar to NRDA than it is to RESTORE, where the latter program can look to achieve benefits in the GOM region without regard to connecting them to effects of the oil spill. To that end, NFWF has established criteria intended to maintain compliance with the terms of the criminal plea agreements. Pursuant to NFWF's geographic protocol for Florida, projects intended to provide a conservation benefit to coastal habitats, bays, and estuaries must be implemented in the Panhandle and Big Bend regions of the state. To be considered for GEBF funding, projects in the remainder of the state need to achieve a significant demonstrable benefit to a migratory species impacted by the oil spill.*

**Comment:** I was just curious when the webinar from Wednesday was going to be posted to the website so that I can watch it. I was able to make it in about 25 minutes into it so I missed pretty much the first presentation.

***Response:*** *The slides and recording of the Florida GEBF Restoration Strategy webinar on September 14, 2016 are posted on the GEBF page at [www.deepwaterhorizonflorida.com](http://www.deepwaterhorizonflorida.com).*

**Comment:** Thank you for hosting a public webinar (September 14, 2016) to present and discuss the next steps on the Gulf Environmental Benefit Fund (GEBF) Restoration Strategy. National Wildlife Federation (NWF) appreciates the efforts of Florida's Deepwater Horizon Gulf Restoration Team to engage with the public and stakeholder communities and solicit comment, input, and feedback on the Draft Restoration Strategy.

NWF supports the approach taken to develop the Florida GEBF Restoration Strategy, including reviewing existing conservation and management plans, tallying potential actions in these plans relevant to the three GEBF funding priorities and compiling priority needs, followed by identifying projects in the DEP Project Portal that would address those actions. NWF also supports the estuary-frame and watershed-based approach used to conduct this analysis and assessment. In spite of our support for the overall approach, NWF is unclear on two of the next logical stages of the process:

- Incorporating information and recommendations from the SWIM (Surface Water Improvement Management) Plan updates and results of the Seagrass Assessments, including project recommendations
- Using the Potential Action Lists to prioritize, potentially rank, and select projects for remaining GEBF funding.

Updates to the SWIM Plans in Northwest Florida and the Big Bend region, as well as assessments of seagrass and other SAV (submerged aquatic vegetation) communities, were part of the funding awarded by NFWF GEBF to Florida to develop a Restoration Strategy. As indicated in Figures 34a and 34b, the SWIM Plan Updates and SAV Assessment processes are being conducted concurrent to the drafting of the Restoration Strategy. Although the draft strategy and information provided in the September 14 webinar indicate that results of the SWIM Plan updates and SAV assessment will be incorporated into the Final Restoration Strategy, it is not entirely clear how. Will the information be treated similar to other existing conservation and management plans, or will that information be given additional consideration and prioritization? It seems reasonable that results from the SAV assessment and SWIM Plan updates would be the most up-to-date and relevant information and perhaps should be given greater weight among potential actions.

Similarly, it is not entirely clear how the Restoration Strategy and Potential Action Lists contained within will be used to inform project selection for remaining GEBF funding (and potentially other funding sources that address GEBF priorities). Appendix C contains hundreds and hundreds of projects, even within individual watersheds. Some projects address only one funding priority whereas other projects address several funding priorities. Numerous methods and strategies could be employed to which select projects actually receive funding. For instance, projects could be ranking according to how many “top funding priorities” and/or “other funding priorities” are addressed. Additionally, projects with a broader scope (multi-watershed, coast-wide, state-wide) could be weighted higher than smaller-scale or single-watershed projects. Identifying some guidelines for project selection from the Potential Action List could improve transparency of the project selection process.

In addition to the general approach of the Restoration Strategy, we respectfully submit comments specific to the structure and format of Appendix C. As noted above, it may prove useful for project-by-project comparisons to tally the number of “top funding priorities” and/or “other funding priorities” addressed by each project. In addition, it may be useful to group similar projects or project types together in each watershed table. For instance, within the Pensacola watershed, Table C.2 includes numerous Living Shoreline and/or Oyster Reef projects (ex: 26, 279, 319, 336, 591, 886, 956, 959, 960, 1390, and 1585). It may be more useful when reviewing and selecting projects for funding to have similar project types grouped together within each watershed’s Potential Action List. In addition, it is unclear why similar (or apparently identical projects) have differing funding priorities identified. For instance, some of the above mentioned living shoreline and/or oyster reef projects some have as few as 1 funding priority (project #279) and others have as many as 12 funding priorities (project #959). In addition, some projects with very similar project titles do not have identical funding priorities identified (for example, Julian Mill: project numbers 434, 918, 1013, and 1456). If those are different projects (with different goals and objectives), perhaps these is a way to differentiate these projects in the Potential Action List (so that similarly named projects are not confused). Several other projects of the same project type (stormwater, sewer, water quality monitoring, land acquisition, seagrass restoration, living marine resources, etc.) could be grouped together, and should have similar funding priorities indicated. It would seem that projects of similar type (or with similar project titles) would address similar funding priorities.

Thank you for considering our comments, as well as the opportunity to participate in the development of Florida's GEBF Restoration Strategy. I am happy to discuss these comments further if you have any questions.

***Response:*** *The updated SWIM plans will be incorporated into the Final Restoration Strategy using the same methods and seven key steps as were used and described in the Draft Restoration Strategy (see Chapter 2). As they were in the Draft Restoration Strategy, the updated SWIM plans will be considered critical components of the Restoration Strategy and thus will be "weighted" (see Section 2.2.2). The submerged aquatic vegetation assessments will be integrated into the SWIM plan updates as appropriate and available.*

*The potential action lists (Appendix C) include all GEBF-relevant projects in the Portal organized in an un-prioritized (ascending Portal number), watershed-specific manner. The intention of these lists are not to rank projects but to identify a subset of projects and their attributes which will be useful for planning the remaining GEBF investments in Florida. The Florida Gulf Restoration Team appreciates your input on the structure and content of this section and will take the above recommendations into consideration in the development of the Final Restoration Strategy.*

***Comment:*** Thank you for this opportunity to comment on the "Florida Gulf Environmental Benefit Fund: Draft Restoration Strategy." The Nature Conservancy appreciates the tremendous effort that went into reviewing the large number of existing conservation and management plans and identifying the major restoration needs in each watershed. The identification of the most frequent identified restoration needs in each of the Panhandle and Big Bend watersheds is particularly helpful and consistent with the estuary/watershed approach used for identification of RESTORE Council selected restoration projects.

Given the methodology of compiling restoration needs that have already been identified in existing plans, we believe that it would be worthwhile to include a step where DEP, FWC and the appropriate water management districts evaluate whether any eligible types of restoration activities are not covered by existing plans, but are nevertheless significant to elevate as restoration priorities. For example, in the course of developing the Pensacola East Bay oyster restoration Gulf Environmental Benefit Fund project, the Nature Conservancy discovered that a comprehensive evaluation of oyster habitat resources has not been conducted in areas where there is no active oyster harvesting but where oyster resources are never the less important from a habitat perspective.

In addition, it is noteworthy that the category of shellfish restoration/protection which falls under Funding Priority #3 "Replenish and protect living resources" did not show up as a high ranking restoration need in any of the watersheds while "sustainable seafood harvest" was identified in the Apalachicola-Chipola Watershed, Ochlockonee-St. Marks, and Suwannee watersheds. Since the focus of NFWF funding is on protection of living resources we suggest combining the two categories of shellfish restoration activities recognizing that is important to maintain healthy populations of shellfish for ecosystem value (and in the case of oysters, water quality benefits) whether or not the shellfish is harvested.

Next, in order to facilitate the planned integration of the SWIM plans into the Final Restoration Strategies product, it could be helpful for the Northwest and Suwannee Water Management District watershed Swim Plans to use the same categories identified for Funding Priority #2 "Restore and maintain coastal bays/estuaries" such as hydrologic restoration, water quality-agriculture/silviculture, water quality erosion/sedimentation; water quality/quantity-land conservation/acquisition etc.

Finally, while the evaluation of projects submitted in the portal for GEBF priorities is extremely helpful, we believe that the final "Restoration Strategies Plan" should also include a step where the Florida Department of Environmental Protection, Florida Fish & Wildlife Conservation Commission, Northwest and Suwannee River Water Management Districts perform a "gap" analysis to determine whether projects are needed and require development, but are not on the list of existing projects. For example, the SWIM plans might identify the need to address a particular stream flow problem for which a project has not been submitted to the portal that would address an important restoration need. It is our hope that when the SWIM plans are integrated into the "Final Restoration Strategies" document that this type of analysis will be conducted.

***Response:*** *The Florida Gulf Restoration Team will consider your comments and recommendations on reviewing the restoration categories identified by the plans and combining the shellfish categories. The Florida Gulf Restoration Team will continue to coordinate with the water management districts to align efforts in the development of the Final Restoration Strategy and subsequent restoration planning. The comment on a gap analysis to determine whether projects sufficiently address restoration needs is appreciated. The intention of the potential action lists is to identify a subset of projects from the Portal and their attributes, information that will be useful for planning the remaining GEBF investments in Florida. However, it will not be the only tool that the Florida Gulf Restoration Team uses during project evaluation and restoration planning.*

***Comment:*** *Nice job on the draft restoration strategy. I had one comment I wanted to provide. Section 3.1 – All GOM Watersheds, FP #2 “Restore and maintain the ecological integrity of priority coastal bays and estuaries”. With regard to FP#2 specifically, I would like to see land acquisition weighted higher. The Nature Coast Biological Station in Cedar Key has stated that alteration of freshwater flows (water quantity) is the greatest threat to the Nature Coast region (which largely overlaps with Florida’s Big Bend region). As I understand it, the story of how we have degraded our estuaries is the largely same across the country. From Chesapeake Bay to Florida Bay/the Everglades, they have declined because we have deprived them of freshwater flows. By focusing on conserving strategic, landscape-scale properties within Gulf watersheds, we can help prevent the large-scale, diversion of freshwater flows.*

***Response:*** *During the development of the Draft Restoration Strategy, the stepwise approach did not “weight” the restoration categories (e.g., land acquisition), rather select plans were weighted and thus the actions that were in those plans had higher point values (see Chapter 2). Identifying criteria such as landscape-scale conservation benefits to rank and select projects for GEBF funding in the future will be determined during subsequent restoration planning.*

**Comment:** On behalf of Defenders of Wildlife and our over 80,000 members and supporters in Florida, please accept our comments concerning the Florida’s Gulf Environmental Benefit Fund DRAFT Restoration Strategy. Defenders is actively monitoring the BP oil spill restoration planning activities of Florida’s northern Gulf coast counties. We appreciate your efforts to solicit projects from the public and to seek public input as to how these environmental restoration funds will be utilized. We strongly support your three funding priorities: restoring and maintaining coastal habitats, bays and estuaries and protecting wildlife. We encourage you to select projects that will directly protect or restore existing, but unprotected wildlife habitat along the Gulf Coast. There are important unprotected areas of wildlife habitat adjacent to the St. Marks National Wildlife Refuge, Apalachicola River and Tyndall Air Force Base whose acquisition would accomplish your goals and objectives. Several of these projects are on your project list, have willing sellers, potential matching funds and land stewardship partners to help ensure immediate and long-term success. We recommend that that draft strategy better describe how the projects on the Potential Action Lists will be weighted, ranked and selected. Of the hundreds of projects submitted, many appear to overlap or have similar objectives making it difficult to appropriately select projects. We recommend that the submitted projects be treated as project concepts which staff would work with project sponsors to be further develop and design to satisfy the Restoration Strategy’s multiple restoration and projection goals. We also recommend that projects and recommendations of the Surface Water Improvement Management Plans be used to guide your project development and funding priorities. Thank you very much for considering our comments.

**Response:** *The potential action lists (Appendix C) include all GEBF-relevant projects in the Portal organized in an un-prioritized (ascending Portal number) and watershed-specific manner. The intention of the potential action lists is to identify a subset of projects from the Portal and their attributes, information that will be useful for planning the remaining GEBF investments in Florida. The Florida Gulf Restoration Team views these “projects” as concepts to be fully developed during subsequent restoration planning, which will also include identifying specific project criteria such as the value of unprotected areas adjacent to conservation lands.*

*The updated SWIM plans will be incorporated into the Final Restoration Strategy using the same methods as was described in the Draft Restoration Strategy (see Chapter 2). As they were in the Draft Restoration Strategy, the updated SWIM plans will be considered critical components of the Restoration Strategy and thus will be “weighted” (see Section 2.2.2). Additionally, all projects identified in the updated SWIM plans will be incorporated into the Portal and thus subject to review for inclusion in the Final Restoration Strategy and future restoration planning.*