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The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

On behalf of the Local Government Advisory Committee, we are writing to provide our comments on the U.S. EPA proposed action to amend the requirements in Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) that govern the use of dispersants, other chemical and biological agents, and other spill mitigating substances when responding to oil discharges into waters of the United States (U.S.). Local government input on this proposed rule is absolutely critical as the potential for oil spills and other hazardous chemicals can pose significant threat and harm to communities and threaten our water supply.

From a local government perspective, rapid and efficacious response to oil spills and hazardous chemicals should move forward quickly and effectively-without a lot of 'red tape'. The LGAC believes that this rule offers such a streamlined approach by clarifying the safe use of dispersants to aid in local recovery efforts. Importantly, the EPA should also expand local official engagement in pre-planning and decision-making processes. Therefore, the LGAC offers our findings and recommendations on the proposed rule, especially in regard to engagement of local governments in the pre-planning process, response and recovery, along with notifications to the public.

Background

EPA is seeking to amend the Subpart J regulatory requirements for the *National Contingency Plan (NCP) Product Schedule* (Schedule) by adding new listing criteria, revising the efficacy and toxicity testing protocols, and clarifying the evaluation

criteria for removing products from the Schedule. These proposed changes are aimed to ensure that product manufacturers provide important use and safety information for their use—such as providing efficacy, toxicity, environmental monitoring of dispersants, and other chemical and biological agents, as well as addressing public, state, local, and federal officials' concerns regarding their use. The proposed revisions are intended to encourage the development of safer and more effective spill mitigating products, and if successful target products to reduce the risks to human health and the environment. Furthermore, the amendments are intended to ensure that On-Scene Coordinators (OSCs), Regional Response Teams (RRTs), and Area Committees have sufficient information to support agent preauthorization or authorization use decisions.

The Agency also proposes amended requirements for the authorities, notifications, monitoring, and data reporting when using chemical or biological agents in response to oil discharges to navigable waters of the United States and adjoining shorelines, the waters of the contiguous zone, and the high seas beyond the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act.

LGAC and BP Deepwater Horizon Oil Spill Response—lessons learned

After the BP Deepwater Horizon oil spill, the LGAC was charged to give advice and recommendations on clean up and recovery efforts of the Gulf Coast Ecosystem Recovery efforts. Specifically, this charge investigated and prioritized issues of local officials regarding clean up and restoration of the Gulf Coast—particularly as it impacted the environmental, public health and economies of communities along the Gulf and elsewhere. To do this, the LGAC conducted a series of meeting with local elected officials, meeting with well over 150 elected officials. The findings and recommendations were formulated in a Report [Title], which was forwarded and utilized by the Gulf Coast Restoration Taskforce (see enclosed). While the scope of this rule, does not address all of the issues we identified in this proposed rule-making, the LGAC strongly believes that it contains many of the viewpoints of local government which could help inform this rule-making process.

LGAC Findings and Recommendations

Finding: The LGAC believes this rule will assist with local emergency planning and response. In addition, the community will be better equipped with adequate information to make informed response decisions in order to protect human health and the environment. The list of potentially affected table of manufacturers and users of chemical and biological agents, and other oil spill mitigating devices and substances used as countermeasures against oil discharges can provide a guide for users to consider regarding entities that potentially could be affected by this action which will aid recovery efforts.

Recommendation: The LGAC recommends that the EPA include local elected officials within the decision framework when a dispersant is being authorized for use at the local level. Under the current 300.910(a) regulation, RRTs and the Area Committees (ACs) are required to address, as part of their planning activities, the desirability of using appropriate dispersants, and other chemical or biological agents. The RRTs and ACs generally develop “preauthorization plans” which address the specific context in which products can be used under OSC direction. Preauthorization plans are approved with concurrences from

Recommendation: As local officials, these decisions which impact our citizens' health, well-being and safety are our primary concern. The use of any dispersant or new technology for retrieval or proper disposal have immediate impacts to the community and the public health. Therefore, local officials should be engaged in this process of selection alternatives.

Recommendation: Oil spills threaten valuable water resources or potential food supply and economic well-being. These incidents have potential large scale impacts, especially to coastal communities. Low income, disadvantaged, minority and rural and small communities may have disproportionate impacts from exposure from the oil or hazardous material and the dispersants used to mitigate the environmental harm. For example, some communities are subsistence fishing communities, and their food source and economy could be dependent on a healthy and safe fishery. The use of chemical dispersant could directly impact their livelihood. Conversely, a decision to not use a dispersant could also negatively impact these communities. Likewise, the public health risks of EJ communities should be considered and long-term cumulative impacts of these chemicals and their toxicity along with risk factors should be considered.

Recommendation: The LGAC acknowledges that the proposed amendments are aimed toward ensuring that chemical and biological agents are effective and not toxic, and that product manufacturers provide important use and safety information. The LGAC recommends that adequate precautions and disclosure follow so that responders are equipped with the proper information to authorize and use the products in a safe and effective manner.

Recommendation: Therefore, the LGAC strongly recommends that an EJ Analysis be conducted to determine what the potential considerations might be for EJ communities and what issues should be balanced and weighed within considerations of a final rule.

In Summary

The LGAC believes that the EPA proposed Dispersant rule will provide a more streamlined upfront planning process to aid in clean up and recovery of oil spills and other hazardous chemicals. Local officials should be involved at all levels in the pre-planning process and selection for the best methodology- as the impacts will be directly effecting the community. In addition, local resources could also be potentially engaged and more closely coordinated. Local officials have the tools and methods of communicating with the public and issuing any necessary bulletins. Additionally, local governments are the first responders and need to be engaged to successfully manage contingency planning.

The LGAC believes that the EPA is looking at the best scientific information to minimize environmental harm and to guard public health. We look forward to working with the EPA on ways to work hand in hand at all levels of government to ensure that response decisions regarding dispersants do as they are intended-minimize the impact and harm to all our citizens and to the environment. The LGAC appreciates the opportunity to comment on this important rule.

EPA, Department of Interior (DOI) and Department of Commerce (DOC) natural resource trustees, and the state(s) with jurisdiction over the water to the area, which they apply. When a preauthorization plan approves in advance the use of certain products under specified circumstances, the OSC may authorize the use of the products without obtaining the specific concurrences described elsewhere in that section of the regulation. The LGAC recommends that notification be given to local officials when these dispersants will be used ahead of applications.

Finding: The use of chemical or biological agents is only one approach of many available, such as mechanical collection or *in-situ* burning, and decisions about their use should be weighed to achieve greater overall environmental protection- and local officials should be fully engaged in this decision-making.

Finding: The LGAC believes that to facilitate the best possible response, it is important that the regional-level and area-level contingency planning efforts of are coordinated closely with state and local officials. Section 300.910(a) authorizes the RRTs to review and either approve, disapprove, or approve with modification the preauthorization plans developed by Area Committees that addresses dispersants or other spill mitigating substances. This advanced planning has allowed the OSC to authorize the use of products without obtaining the specific concurrences, if the RRT representatives from EPA and the states with jurisdiction over waters to which a preauthorization plan applies, and DOC and DOI natural resource trustees approve their use in advance. The OSC primarily uses the Schedule to confirm if a product is listed, analyze toxicity and efficacy data, note worker health and safety precautions, understand proper product application, and compare one product to another in order to make the most informed decision on how to mitigate an oil discharge. Again, local officials should be informed of these precautions.

Recommendation: The LGAC recommends that local officials be informed and consulted at the regional and area level contingency planning when these dispersants and other spill mitigating substances will be used.

Finding: The LGAC acknowledges that the AC responsibilities include enhanced contingency planning; ensured preplanning of joint federal, state, and local response efforts; and expedited decisions on the use of dispersants and other spill mitigating devices and substances. The Area Contingency Plan (ACP) must list the equipment, dispersants or other spill mitigating substances, and personnel available to ensure effective and immediate removal of a discharge. ACPs must also ensure the mitigation or prevention of a substantial threat of a discharge; provide a description of the procedures to be followed for obtaining an expedited decision regarding the use of dispersants (which may be addressed in applicable preauthorization plans); and identify the means to monitor use of chemical countermeasures. Many coastal ACPs include some type of preauthorization zones for dispersants, while most Regional Contingency Plans (RCPs) address other product categories, such as bioremediation and surface washing agents. RRTs, in cooperation with the states and federal agencies, have addressed the requirements for the conduct of in-situ burns (ISB) of oil discharges in their RCPs. This planning has allowed consideration of chemical agent use on oil discharges as a viable response tool in combination with other mitigation measures.

Sincerely,



Mayor Robert Dixon
Chair



Councilor Jill Duson
Chairwoman, Cleaning Up Our Communities
Workgroup



Susan Hann
Chairwoman, Protecting America's
Waters Workgroup

Enclosure

April 21, 2011

Initial Recommendations Pertaining to Gulf Coast Restoration

Local Government
Advisory Committee
Gulf Coast Restoration
Workgroup

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Preface

Gulf Coast Ecosystem Restoration Task Force

From Executive Order No. 13554

We reaffirm the goals and objectives of the Task Force which are summarized as follows:

“To effectively address the damage caused by the BP Deepwater Horizon Oil Spill, address the longstanding ecological decline, and begin moving toward a more resilient Gulf Coast ecosystem, ecosystem restoration is needed. Ecosystem restoration will support economic vitality, enhance human health and safety, protect infrastructure, enable communities to better withstand impact from storms and climate change, sustain safe seafood and clean water, provide recreational and cultural opportunities, protect and preserve sites that are of historical and cultural significance, and contribute to the overall resilience of our coastal communities and Nation.

“In order to achieve these objectives, it is necessary that Federal efforts be efficiently integrated with those of local stakeholders and that particular focus be given to innovative solutions and complex, large-scale restoration projects. Efforts must be science-based and well-coordinated to minimize duplication and ensure effective delivery of services. This order establishes a Gulf Coast Ecosystem Restoration Task Force to coordinate intergovernmental responsibilities, planning, and exchange of information so as to better implement Gulf Coast ecosystem restoration and to facilitate appropriate accountability and support throughout the restoration process.”

Overall Goal of Ecosystem Restoration from a Local Government Perspective

The mission of restoration should be to create a model of intergovernmental cooperation for the 21st century driven by a goal to meet the long-term and short-term socioeconomic needs of Gulf Coast residents created or aggravated by the oil spill.

This does not diminish or suggest that environmental protection, cleanup, or habitat restoration is not important – it simply reminds us as to what we mean when we say that such efforts are critical to recovery.

The following “Initial List of Action Items” is based in large part upon information developed during a meeting of the LGAC Gulf Coast Restoration Workgroup held in New Orleans and a series of related conference calls between members which were held subsequent thereto. The report which follows that list of action items includes a summary of the comments from the participants. At the risk of overstating the obvious, time is of the essence in addressing these issues.

The omission of any item from the list of action items noted below should not be construed to mean that those issues or policies do not merit further action. The “Initial List of Action Items” is simply offered as initial steps in the restoration process from the local perspective. The Workgroup members hope that they can continue to work to support the efforts of the Task Force.

LGAC Gulf Coast Restoration Workgroup

Initial Recommendations Pertaining to Gulf Coast Restoration

Bottom up Approach

1. **Local governments know their own strengths and weaknesses**, as well as local talent and expertise. A localized planning approach is always important. Each community has individually specific needs that should be addressed proactively, and current efforts to address resiliency and action to reduce vulnerabilities should be recognized and not duplicated. **Address all issues as locally as possible.**
2. **Utilize local knowledge:** Many local governments already have recovery plans that haven't had the funding to be implemented. These plans outline specific problems in each community; these plans should work with, and in addition to, the federal and state restoration plans. Encourage local communities to develop their recovery plans and establish a peer to peer network of communities to assist each other in that effort.
3. **Equitable distribution:** Local governments endorse a policy that distributes funding and projects across the entire Gulf region. Problems vary tremendously from region to region; the most wide reaching impact on the Gulf would be projects that provide for diversification across the entire Gulf region and that make a positive impact on the region's environmental condition, public health or economic diversification as specified in the Mabus Report.

Barriers to Restoration

1. **Rules and Regulations:** Rules and regulations are often too confusing, conflicting, overlapping, inconsistent, and overly burdensome. The permit process must be streamlined, and regulatory duplication must be eliminated. See the attached report prepared by US Fish and Wildlife Service as an example of one agency's effort to identify interagency overlap and duplication of rules and regulations.
2. **Limit administrative expense:** Legislation and rules should specify that monies allocated for Gulf Coast restoration should be spent on project funding with only minimal administrative expense allowed. Additionally, the administrative expense should only be allowed to be taken by the specific jurisdiction that is overseeing the project and such overhead should be limited to a maximum administrative cost of 5% of the project. The administration required by federal rules and regulations is often an extraordinary cost that local governments cannot afford to absorb.
3. **Suggestion for eliminating barriers:** Provide local communities with best practice solutions and guidelines for rules and regulations. Find a way to merge and partner local, state, and federal programs and compliance requirements – leads to a more conducive, sustainable approach. Many local communities can assist in providing best practice solutions and guidelines.
4. **Beneficial use of dredge materials for wetland development:** Create incentives for coastal restoration by utilizing valuable land that is portable from federal dredging projects.
5. **Develop a workable set of rules and regulations** for the federal restoration/recovery effort, instead of rules and regulations for programs that were not originally intended to meet the critical recovery needs of the region both in terms of scope and timelines.

Solution 1: Create an Authority for the Gulf Coast Region, using the Tennessee Valley Authority as a model. The TVA has dealt with power production, navigation, flood control,

reforestation and erosion control using a strategy of integrated solutions. The new rules and regulations of the Authority would preempt those of other agencies where those programs are inconsistent with the Authority's purposes and programs. Each agency have jurisdiction over restoration/recovery issues should be involved in developing the policies, programs, and rules of the Authority.

Solution 2: Request Congress to instruct the United States Army Corps of Engineers to expedite the process of implementation of Louisiana coastal restoration projects by using the same expedited process that was implemented to fast-track National Environmental Policy Act (NEPA) design/planning/review and construction of the Hurricane and Storm Damage Risk Reduction System in the New Orleans Metropolitan Area.

Funding: Identify a Source of Restoration Funding

1. **Establish a Gulf Coast Restoration Fund (GRF)** made up proceeds of a substantial portion of the BP Oil Spill Recovery Proceeds. Include tax revenues from offshore energy and gas production to projects and away from the Land and Water Conservation Fund.
2. **Include proceeds from GRF from other sources-** Example: proceeds from tax credits issued to both businesses and individuals. This program could be similar to the New Markets Tax Credit program, except it would not be limited to low income communities. It could also include a local component; for example, the tax credit would be split between state, federal, and local taxes. It could include a cap on the credit and a component that would allow it to be applied to certain fees.
3. **GRF Funding** needs to include a means of financing the long term restoration needs of the Gulf Coast – including economic, environmental recovery and restoration of coastal wetlands and related marine habitat
4. **GRF** should include proceeds from fees and fines collected from permitting/environmental damages. The GRF should provide opportunities for utilization of those monies in areas of coastal and wetland distress.

Additional Needs and Priorities

The Initial Recommendations summarized above were determined as the primary areas of concern for local governments related to ecosystem recovery, as the Workgroup understands that the Gulf Coast Ecosystem Restoration Task Force is focused on ecological restoration strategies. However, local governments have many other needs and priorities that are related, though not directly, to ecosystem restoration.

Although the following issues are not the primary focus of the Gulf Coast Ecosystem Restoration Task Force, the Workgroup would still like to provide input on these topics, which have been identified as critical areas of concern for local governments.

As local governments work to implement restoration strategies, we believe these other issues must be addressed in a timely manner if we are to accomplish the directive set forth in the Executive Order to restore *“economic vitality, enhance human health and safety, protect infrastructure, enable communities to better withstand impact from storms and climate change, sustain safe seafood and clean water, provide recreational and cultural opportunities, protect and preserve sites that are of historical and cultural significance, and contribute to the overall resilience of our coastal communities and Nation.”*

Cleanup and Recovery Needs

The Workgroup understands that the recovery process is specific to the Natural Resource Damage Assessment and not within the jurisdiction of EPA or the Gulf Coast Ecosystem Restoration Task Force. However, the economic well-being and long-term viability of the Gulf Coast, both from an economic as well as an environmental standpoint, depends on the restoration and recovery of the various interrelated coastal ecosystems, which have historically enabled the region to evolve into such a vibrant socioeconomic area of the country.

Accordingly, we ask you to pass along the following **cleanup and recovery needs and suggestions** to the appropriate agencies and contacts, including but not limited to the Federal Natural Resource Trustees. These recommendations include environmental and ecosystem needs, as well as suggestions for regulatory changes. We greatly appreciate your assurances that there are no orphan issues in this restoration and recovery process.

1. **Beach re-nourishment** needs to be an integral part of Gulf Coast restoration.
2. **Restoration of coastal wetland areas** needs to be an integral part of the restoration and recovery effort as well.
3. **Sediment control upstream:** Waterways get clogged and have no way for water to move away from homes/farms/etc.
4. **Remediation of the environment to help support the long-term health and vitality of the Gulf of Mexico and its related coastal ecosystems:** e.g., BP should be made to fund the restoration of habitats that are critical to the long-term survival of the Gulf Coast marine resources and the seafood industry, which depend on those resources for economic survival. This means that coastal estuaries, oyster reefs, and other environmentally sensitive areas along the impacted areas of the Gulf Coast must be remediated and restored.
5. **Sustainable development strategies** should be adapted from other federal and state programs to address the unique challenges facing the restoration effort for effective and economical approaches to environmental, housing, and infrastructure requirements.
6. **Stafford Act:** Update to include man-made disasters and a funding system for cleanup.

7. **Cleanup (both short-term and long-term):** Oil on Gulf floor and on beaches could have long term environmental impacts not yet realized. Therefore, establish a consortium of research institutes/universities and state and local agencies along the Gulf Coast to monitor and test for long term effects of contamination.
8. **Address cleanup in its entirety:** While we recognize that the NRDA process is ultimately accountable to the full recovery of damages, we are concerned that it is not addressing the issues in their entirety (e.g., tar balls are still arriving on Florida beaches). We would appreciate the Task Force, in their coordination with NRDA, to recognize and help local governments address these issues and properly relay to the public the remedies they might expect to see address these issues.
9. **Emergency restoration protocols:** Consider restoration of deteriorating coastal wetlands a national emergency, and provide a streamlined process and consideration for public and private restoration solutions.
10. **Mitigation:** Eliminate mitigation requirements for environmentally beneficial projects, thereby reducing costs and time delays for restoration, and provide local and state incentives to complete restoration projects.
11. **The Socioeconomic Environment:** As noted in our mission statement, restoration must focus on the needs of the people of the coast and the businesses who employ them. All across the Gulf Coast are communities both large and small which have been home to generations of various ethnic groups and indigenous populations that in some cases date back to the 17th Century or earlier. The devastation suffered by those communities cannot be overstated or overlooked. Therefore the restoration process and the rules and regulations related thereto must include as part of its purpose and effect the preservation of the coastal region for the benefit of the people and their cultural heritage.
12. Local governments should be designated as part of the **Natural Resources Trustees** to get a seat at the table.

Economic Development

1. **Locally Administered Grants:** Invest in economic development in the region through locally administered grants (such as Community Development Block Grant funds administered by HUD; an SBA-type program to assist small business development along the Gulf Coast; revolving loan funds, etc). It is important to create and preserve jobs.
2. **Support energy production in the Gulf:** The Gulf Coast is a **working coast** anchored in some regions by significant energy and petrochemical production facilities. Restoration and recovery needs to incorporate into the mix of rules and regulations recognition of the need to support existing sources of energy as we seek to develop economical energy alternatives. That process should recognize the value to the nation of the energy produced by and through the Gulf Coast.
3. **Tourism:** While it has been established that the Gulf Coast is a working coast with a significant industrial component, and while it has been previously stated there is a need for economic diversification in the region, many areas across the Gulf Coast, especially in the eastern Gulf of Mexico, will continue to have a strong tourism component to their economy. Millions across the Nation, as well as across the world, enjoy visiting the Gulf Region to enjoy the seafood, climate, and environmental assets of the Gulf. Many communities are tied economically to this environmental resource. Additionally, tourism is an important component for small businesses throughout the region, and those small businesses are essential to the economic viability of the Gulf Coast. As Gulf Restoration occurs, it needs to be sensitive to maintaining a balance with regions that depend on tourism for both the jobs and economic creation vital to those communities and their businesses.

4. **Property and casualty insurance:** Develop a comprehensive plan for property and casualty insurance for the Gulf Coast. **Suggestion: Reevaluate and adapt the National Flood Insurance program** to meet the unique requirements and characteristics of the Gulf Coast region. Due to the varied nature of the coastal areas, a one size fits all set of rules presents practical problems that slow down the recovery process, if it is able to move forward at all.
5. **Local workforce development:** Provide trainings and re-trainings for the local workforce to support restoring the economy of the Gulf Coast region.

Education

1. **Public Awareness and “Buy-in” at the Local Level:** Provide trainings and awareness campaigns that can be understood by all. Local governments are best suited to work directly with the public to spread information, but local governments need a consistent message. Federal and state officials should provide support and direction for these efforts.
2. **Public Health:** Target trainings for health professionals and academics to address public health concerns.
3. **Use local research institutions:** Research and monitoring activities, especially in local and state waters, should be supported by local research and universities or consortiums created for restoration research and development specific to the geographic locations. This creates credibility and trust by the citizens, as these institutions have a stake in the long-term condition of the Gulf. Additionally, extended research opportunities can provide for economic diversification and restoration in those communities impacted by the spill.

LGAC Gulf Coast Restoration Workgroup

Meeting Records

LGAC Gulf Coast Restoration Workgroup Meeting in New Orleans, February 17, 2011

Emerging Consensus Items Regarding a Strategy for Recovery and Restoration

- Include early consultation with local governments (including tribal governments) in the Task Force's strategy development. Use a bottom-up approach and engage locals on the frontline.
- Need flexibility in addressing policy conflicts. For example, single-source permitting or a similar expedited permitting process. If waivers are necessary for timely response, then maybe there is a need for a special agency policy for emergency situations. Also, the length of time in planning to implementation, though common to all federal agencies, is critical in projects administered by the Corps of Engineers. Additionally, need streamlined approaches to projects and program implementation, especially between state and federal agencies.
- Encourage regionalism and coordination among local governments and outreach to/involvement with NGO's that are well suited by place, time, and experience to assist in outreach and delivery of services to the general public.
- Address balanced community and socioeconomic values, including economic (insurability), public health concerns, and jobs. Analyze projects holistically.
- Integrate local governments in the implementation process from the beginning (e.g., zoning, flood plain regulations, avoiding local ordinance conflicts, giving local governments resources and control over some projects)
- *Improve* and recover the Gulf Coast
- **Holistic Approach:** Balance different and sometimes competing needs; ecosystem, human health, economics.
- Communities need to think about having an economy that's not solely based on tourism.
- Communities should define their **values, priorities, and vision** for the future; these priorities and values should be partnered with state and federal restoration plans.

Discussion of the Gulf Coast Restoration Workgroup's Charge

How should local governments be integrated in the Gulf Coast Strategy?

For example: What is the role of local governments in Gulf Coast restoration as a whole, e.g. permitting process?

- Local governments should be consulted at the beginning of strategy development and also challenged to assess their own policies/procedures that may need to be changed to assist in the recovery effort. Integrate local governments at every step where a decision is made. Important to have local governments not only assist in developing the recovery strategy but in implementing it as well.

**One goal of the Task Force is to help Gulf Coast communities become adaptive and resilient.
What does that mean for your community?**

- Bottom-up approach: start with the local governments. Engage local on the frontline and utilize local knowledge of the issues and implementation barriers.
- Incumbent upon both federal and local governments to interact and educate one another on why they're approaching a problem in a particular way to help expedite the recovery process. Both levels are addressing problems from different perspectives and need to understand the unique role and perspective that each has in connection with recovery.
- Identify plans that already exist in a community but haven't made any progress. Local governments already have established policy and procedures. Bring forth collective guidelines already in place to move on to the next level of implementation. Leverage local plans to get to the issues quickly; many local agencies have already planned what they want to do; they just lack the resources to do it.
- How would the local governments' comprehensive management plans and zone ordinances be adopted?
- Need an active partnership of federal, state, and local goals.
- Work with local governments to come up with consensus of priorities with the federal government.
- Local governments should be able to participate in expedited permitting. Local governments need the ability to get exemptions from onerous permitting regulations for expedient projects.
- Establish block grant program for restoration projects (CIAP, CDBG, EECBG), but require sponsoring agencies to adjust policies to fit the objectives and time constraints of the recovery process.
- For example, during hurricane recovery, CDBG was the quickest way to get money down to the local level, but the programs were not designed to move quickly. Getting projects shovel ready requires permitting process that overlaps several jurisdictions. In some cases, had to complete multiple environmental reports that produced no new information. Often, federal regulations don't coincide, which causes local governments to spend more money and delays projects.

What are the special and unique concerns and abilities for local governments in this restoration effort?

- There's a concern that control has been centralized at the federal level, and federal level solutions are not always the best fit. After Katrina and the oil spill, processes were too inflexible. One-size fits all solutions don't work on a large scale.
- Areas within the Gulf Coast Region are in some cases vastly different jurisdictionally, environmentally, ecologically, culturally, and socioeconomically. No one-size-fits-all solutions are appropriate.
- How to address groups competing about what restoration means? (estuaries, economics, tourism, etc) Ecosystem versus economics dichotomy.
- Healthy coastlines require healthy coastal communities; this is about community restoration, not just ecosystem restoration. This is about the people.
- Local governments need the flexibility to do things the right way for their communities and still accomplish the federal recovery objective.
- Economic recovery for small businesses includes affordable insurance.
- Local governments have the ability to contact their own local citizenry through public meetings held by the locals; people are more comfortable talking to their own city/county representatives rather than federal officials.

What are the special and unique concerns for local governments as it pertains to the local economy and resiliency?

- **Regionalism** – understand role of local governments in a regional approach. Help deliver that message at home – environmental issues don't have jurisdictional boundaries.
- Some people concerned about the regional approach and party politics/divisions.
- Western communities set up Community Restoration Plans to protect against fire season. The process involved community collaboration, prioritization of projects, and identifying obstacles as projects and priorities are analyzed. Set up a parallel for coastal restoration plans?
- Collaborate at the local level and touch base with other entities involved. Coordination is key.
- Transparency in government is important, but transparency is not just about meetings and planning sessions. Citizens have been invited to tons of meetings but have seen little action. The result all too often has been the creation of unrealized expectations followed by a loss of hope, trust, and faith in the ability of governments to work in the interest of the people.
- Work with state associations (e.g. state associations of counties and city officials, school boards, etc.) to help integrate local governments along the Gulf Coast in the development and implementation of the recovery process.
- Accept the fact that tension between local responsibilities and national responsibilities is inevitable and resolve at the beginning of the process to work through such differences.
- Focus on skill sets that can be tapped locally (jobs). There will be economic and mental health implications as the process happens.

What could the federal government do to facilitate local government participation in all aspects of restoration?

- A typical Army Corps project takes 40 years from beginning to completion. We need a streamlined and balanced approach to address the sustainability of the Gulf.
- Coastal Impact Assistance Program – much of the funding should come directly to the parishes and counties.
- Need to communicate that communities are equal partners in the restoration process.
- Where do we need more flexibility? Identify rules that might get in the way of strategy so that projects don't take so long.
- Need an impetus for things to happen more quickly.
- Would like to see an effort to create consistency in plans across the Gulf Coast. For example, regulatory differences can adversely affect communities that are downstream, and building new levees in Louisiana could make areas of Mississippi more vulnerable.
- FEMA required each community to have a restoration plan in place in order to receive federal funds. This requirement should again be implemented for coastal restoration plans.
- Use offshore oil revenues (Land and Water Conservation Fund) to work on coastal restoration projects.
- Opportunity for EPA to use its sustainability partnership with HUD and DOT to figure out how to do single-source permitting.
- Anything to streamline the permitting process – single source permitting, defining timelines, defining smaller projects (don't need federal oversight on all projects)
- Environmental review focused on environment only – doesn't go to the community aspect. Should look at projects holistically.
- Make sure the funds allocated for projects actually get down to the projects.

- Set up a cooperative agreement with local governments, like cooperative agreements between states and the federal government.

Looking forward, what is the role of local governments in implementation of the Task Force strategy?

- Where is implementation going to happen? State-level plans may not trickle down effectively and efficiently to local communities. Local governments need control over the resources and specific tasks to complete at the local level.
- Intend to use 7 National Estuaries in the Gulf as vehicles of implementation.
- Local governments are best to become active stewards of what comes out of the Task Force strategy.

Action Items

- Read the Mabus report. See how we can implement into our plan, and express an opinion about its validity and completeness.
- Come up with top 5 issues we all have in common; develop goals from that to give to Administrator Jackson.
- Identify where conflicts might exist and how to streamline for unique concerns in relation to federal agencies' programs.
- Think of other models/plans that originate and/or are implemented at the local level (e.g. CDC influenza vaccine, National Fire Plan, Idaho Roadless Rule)
- Bring the Workgroup's charge and ask questions to other groups/associations. Use technology and listening sessions to identify specific examples and concerns. Let county and city officials have listening sessions of their own.
- Involve state associations to disseminate information and solicit their views. Make them aware of this workgroup and give them to opportunity to be involved.

**Post Meeting Observations relative to the Meeting LGAC Gulf Restoration
Workgroup Conference Call**

March 4, 2011

**Meeting Summary -- Including Comments Relative to Summary of February 17, 2011 Meeting of the
Workgroup**

- Local governments are a great resource for disseminating information to the public through city council meetings and other venues.
- Everything has a socioeconomic component. Must look at projects and plans holistically, e.g. tourism, gas prices, etc.
- How to handle the message of recovery? The biggest issue is perception. Need to let constituents know that we are making an effort and things are happening.
- Task Force strategy will include performance measures, and the Task Force would appreciate knowing local governments' perspectives on the best way to include those. It is vital to include local

governments before the benchmarks are set. We can't have the trickle-down effect, especially when money is involved.

- Give the Task Force your perspective on the best blend of ecology, economy, health, etc. and form a consensus on the highest priorities and actions in your regions.
- Workgroup to develop a questionnaire to ask local communities to rank their needs. The questionnaire can be distributed through state associations.
- The CDBG and CIAP programs could be adapted to facilitate recovery if the timeline is reconsidered and the process is streamlined among agencies. Delays and overlapping jurisdictions cost local governments more money. CDBG was the quickest way to get money down to the local level during hurricane recovery, but the programs were not designed to move quickly.
- Adapt federal programs and their funding mechanisms to the unique goals of restoration. Only use existing programs if the regulations are modified to promote a faster, streamlined process.

Action Items

- Involve state associations to disseminate information and solicit their views. Make them aware of this workgroup and give them the opportunity to be involved.
 - What are top 3-5 policy issues that should be addressed by the Task Force?
 - How should they be addressed by the Task Force?
 - Give examples of what local residents believe would be effective tangible action items with respect to recovery and restoration.
 - What areas have you experienced redundant or duplicative rules and regulations in the implementation of federal projects/programs?
 - In terms of restoration of the Gulf Coast: What are some short/long term benchmarks that would be best indicators of the success of the effort?
- Find out feasibility of developing a questionnaire along the lines summarized above. Does that fit the Administrator's charge to the Workgroup?
- Get additional guidance from the Task Force – what kind of information to focus on, and where?
- Develop a master calendar with all associated meeting dates (NEJAC, Task Force, and LGAC) and consider best place/time for an in-person meeting.
- Identify where conflicts might exist and how to streamline for unique concerns in relation to federal agencies' programs.
- Build a matrix of associations that can assist the Task Force/workgroup– identify the associations in your locality/state.

LGAC Gulf Coast Restoration Workgroup Conference Call

March 18, 2011

Meeting Summary

- At their May 6 public meeting in Mobile, the Task Force will present a discussion document outlining the direction that the input received has taken them. This document will be used to establish the draft strategy. The workgroup will have opportunities for iterative involvement at least until mid-July.

- The workgroup should use “restoration” in place of “recovery” in order to be more consistent with the Task Force’s objectives.
- Specifically tailor federal programs to deal with the unique goals and objectives of restoration. There are existing structures that work, but the rules and regulations must change to increase flexibility for local governments. For example, CDBG is a good vehicle for getting money to local governments, but the program isn’t designed for flexibility or expedience.
- Hall report is an example of what an agency did to identify overlapping/conflicting regulations.
- Eliminate layers of bureaucracy to get money directly to local governments instead of the state – saves money and time.
- It is essential that funding be patterned and devoted to priority projects and not diverted to overhead or diffusion of non-restoration projects.
- Administrative costs are too high; the process needs to be streamlined.
- Workgroup members will assist the Task Force with outreach for its local listening sessions.

Action Items

- Contact state associations and solicit their top priorities.
- Provide specifics of what works and what doesn’t in existing federal programs. Give examples and suggestions for a solution.