

ALABAMA GULF COAST RECOVERY COUNCIL
5 Rivers ~ Alabama's Delta Resource Center
31115 – 5 Rivers Boulevard, Spanish Fort, Alabama
August 15, 2013 - 3:00 p.m. Central Time

A meeting of the Alabama Gulf Coast Recovery Council was held at the time specified above in the Tensaw Theatre, Five Rivers~Alabama's Delta Resource Center, Spanish Fort, Alabama. Director James K. Lyons, Vice-Chairperson of the Council, presided over the meeting.

PRESENT: Director Jimmy Lyons; David Perry, representing Governor Robert Bentley; Commissioner Tucker Dorsey; Commissioner Merceria Ludgood; Mayor Jeff Collier; Mayor Robert Craft; Mayor Tim Kant; Mayor Tony Kennon; Councilwoman Kimberly Barbour, representing Mayor of Bayou La Batre.

ABSENT: Governor Robert Bentley, Mayor Sam Jones.

Director Lyons:

"Okay, good afternoon. Welcome to this meeting of the Alabama Gulf Coast Recovery Council. We have a copy of our Agenda out in the lobby, and we will follow through on our Agenda of Business. We are passing around a sign-up sheet for the members to sign in. We do have a quorum of the Council."

AGENDA ITEM #I: APPROVAL OF MAY 20, 2013 MINUTES

Director Lyons:

"First item on our Agenda, we distributed earlier copies of the minutes of our May 10, 2013, meeting to all the members, and I would like to call for discussion on the minutes, any comments, suggestions or changes? Otherwise, on the minutes of the meeting, can we have a motion to approve? Moved by Commissioner Dorsey and seconded by Commissioner Ludgood. The motion passed unanimously by all members present."

AGENDA ITEM #II: MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN ALABAMA GULF COAST RECOVERY COUNCIL AND DEPARTMENT OF CONSERVATION

Director Lyons:

"Next on the Agenda, at the last May meeting, we voted to name the Alabama Department of Conservation and Natural Resources (ADCNR) as the Administrator for the Council. Since that time, we have had our Attorney, Mr. Preston Bolt, draft a Memorandum of Understanding (MOU), and it was circulated back and forth with the Department of Conservation, and the board members have also been furnished this previously. What I'll do, just for a minute, is ask Mr. Bolt to discuss the highlights of the MOU between the ADCNR and the Alabama Gulf Coast Recovery Council."

Mr. Preston Bolt:

"When you approved the arrangement, Department of Commerce approved hiring them, I was asked to prepare a simple MOU, this is operative word 'simple' that sets forth the basis of the agreement which is basically the recitals and the reason for its existence. The most important section is the duties of the Department, and those are in three categories: First, to serve as the fiduciary agent to receive and assist in the preliminary screening and funding assistance of applications, to assist in the selection process of the selection of projects, to receive and process and oversee reimbursement requests, oversee audit processes, and to insure that the Council adheres to all the rules and regulations that apply to it under the Restore Act. The

Second: the second area is outreach, the Department is responsible for all the notices of meetings, facilitate public meeting sessions, maintain public records, to provide information for media and community and to administer the official website. And Third: the administrative function is to oversee the establishment of the office and oversee procurement of various items that need to be purchased for the good of the order, to hire an Executive Director and any successor and outside contractors and to hire administrative staff, as appropriate. Those are the bull point items and those are stated as being, not necessarily everything that the Department would do but are inclusive of those things. The Council, however, maintains overall responsibility for the development of the Plan and for the selection of projects. The term of this is that it continues in perpetuity and is terminated by either side within sixty days' notice. One of the important things, and last important thing here, is that it provides reimbursement of expenses. The Department agrees that it will be reimbursed only to the extent that monies are available under the Restore Act. We don't yet have regulations from the Treasury that may govern that. We know that there are limits on the amount that can be restored for administrative purposes under the Restore Act, and the Department agrees to that. They are to be reimbursed upon application once there are monies available. Of course, there are none as yet, but when there are some, they will be able to be reimbursed for actual out-of-pocket expenses and so forth. I will be happy to answer any questions, but that's pretty much it in a three-page document."

Director Lyons:

"Are there any questions on the MOU from any of the members of the Council?"

Motion was made by Commissioner Dorsey that we adopt the MOU and approve the Governor to sign on behalf of the Council. Motion was seconded by Mayor Kant. The motion passed unanimously by all members present.

AGENDA ITEM #III: UPDATES FROM COUNCIL WORK SESSIONS

Director Lyons:

"Next is the update on work sessions, and I'm going to take care of that. We had the third in a series of work sessions that we have done on our strategic planning, and we reported last time on our strategy map. At this time, essentially the work session, which was done with a facilitation from our consultants from Ascendant Strategy Management Group, and essentially what we talked about a lot was, and nothing was absolutely settled, but we talked a lot about process which right now that's where we are. We're not about projects, we're more about process and what is a project that we will ultimately settle upon when we begin to process, which we probably project to a very voluminous number of projects that will be submitted by the community. We also went through a draft template. Now we're beginning to make a little bit more progress now that we've got the Department of Conservation on board, but we went through a draft template, we're not quite ready to release that. It's going to take some additional work, but we will be releasing that document probably for comments. And it's essentially a template, very similar to what some of you who apply for grants online and are used to seeing like from NOAA grants and things like that, but we envision an online application process where information is available on the website. We've obviously got some development work to do, public comment and public participation very much a part of that discussion. The public will have very ample, as required by the law, ample opportunity to participate in the process through the submission, public comment, as well as public review, prior to any awards of anything. So, that's the essence of what we did at the work session."

AGENDA ITEM #IV: DISCUSSION OF EXECUTIVE DIRECTOR

Mr. Jim Lyons:

“As outlined in our bylaws and with our MOU with the Department of Conservation, the Governor appoints an Executive Director. With consultation from the Council, we are very pleased to announce that the Governor has asked Eliska Morgan, who everybody knows very well from her days with Jo Bonner and Sonny Callahan, and I think even back to Jack Edwards. But in any event, Eliska is well-known to all of us, and I don't want to date you that much, Eliska, but we think a perfect candidate to help us in having Eliska there full-time because essentially everything that has been done for this Council and by this Council has been by somebody who it's not their prime job. So the amount of attention that has been directed to it has not been as intense, so now we do have someone, that this is Eliska's job, she works for the Department of Conservation, but this is her job to watch the website, to get out and talk to people and talk to Council Members, and help us put these things together, so we think it's going to be a great addition for us.”

AGENDA ITEM #V: DISCUSSION OF LISTENING SESSIONS AND NEXT STEPS

Director Lyons:

“The next item is listening sessions and next steps and perhaps during the comment period and maybe as we make through over the next few weeks, we are going to be doing some listening sessions in different parts of Mobile and Baldwin County. We are wide open to suggestions as to where and when and how they might be done, but as part of our public outreach, these will be done. I guess now before we get into our public comment, Lynn Chronister would like to make an announcement about something they are planning out at the University of South Alabama.”

Ms. Lynn Chronister:

“Thank you very much. I'm Lynn Chronister, and I serve as Vice-President for Research and Economic Development at the University of South Alabama, and I, along with our scientists and engineers on campus have heard a lot of the programs that some of the non-governmental organizations are proposing and some of the other environmental groups, and so on October 17th, we are going to have a reception and a forum and an ability for you to interact with our scientists so that you can talk with the scientists about your plans, and we will be happy to provide you any feedback, because I know that one of the things that the Council was very interested in is assuring that the projects that are funded have a solid scientific or engineering basis. So we are very happy to make available our scientists, and also we will open up that invitation for the Dauphin Island Sea Lab. I have talked to John Valentine and so any other scientists from the members of the Consortium will also be invited, so we will be sending out an invitation and hope to see you there. Thank you.”

Director Lyons:

“Thank you, Lynn. Now we are into our Public Comment, and we have a half-dozen or so that have signed up here.”

AGENDA ITEM #VI: PUBLIC COMMENT AS TIME ALLOWS:

Speaker #1: Mr. Omar Smith

“Good Evening, Everybody. Most of the things that I've written down, you've basically already answered, but one of the things that I want to discuss or hear something about is the State Website. I've had a problem trying to getting on there to get information. I don't know if it's a problem with my computer, but I don't think so, but it's not on there. I want to talk about transparency and being informed about what's going on with that. The rest of the stuff you have already basically answered.”

Director Lyons:

“Okay, yes, back to the website, those of you who deal with state government know that the State has had some pretty monumental problems with the Information Technology (IT) in general, and so I’ve seen that myself in trying not only to get information out of this website and others, but yes, there have been IT problems and technical problems, but there have also been the issue that we haven’t had anybody working at this full-time. So the IT problems I think are getting solved, as we have got a new setup statewide for IT and a new IT Czar that’s hopefully going to make things a little bit better. And we have a person who actually works for us full-time, who will be working with the webmaster at the Department of Conservation to insure that we get more and more information posted so that you can go to our website and get meaningful information about what’s going on with the Council.”

Mr. Omar Smith:

“Have you set up a Citizens’ Advisory Board yet?”

Director Lyons:

“No.”

Mr. Omar Smith:

“Do you plan on doing so?”

Mr. David Perry:

“Jim, can I address that?”

Director Lyons:

“Yes, David Perry will address that.”

Mr. David Perry:

“I appreciate you asking that question. On behalf of Governor Bentley, we have received a letter from a number of organizations that are represented here in this audience asking for a couple of things and making recommendations with respect to the transparency issues that you just mentioned. We have spent a great deal of time among the Council discussing issues along those lines, and we all have committed to a high degree of transparency. We have been taking steps to increase that transparency. Governor Bentley, starting from the top...it’s a crucial issue for Governor Bentley that everything that we do is fully transparent for the citizens of the State and for Coastal Alabama, and that goes all throughout the Council Members. And what we have spent a lot of time discussing over the past couple of work sessions is how to best make the process as transparent as possible and give the public as much opportunity to notice and comment and make suggestions and being involved in the process as we possibly can without limiting those opportunities to a small group of the public. So what we have discussed most recently involves a number of steps in the selection criteria and the selection of projects down the road once we actually get money, and we don’t expect to have any funds available for projects anytime soon. And we are still waiting on the regulations from the Treasury Department to come out. We are expecting those sometime this fall, probably in the time frame of November or so. But what we’ve discussed specifically in terms of public involvement and public comment is that on the front end we will have some of these listening sessions around the Coastal counties, we will have an opportunity for the public to directly submit proposals for the Council’s consideration. Once we get all those proposals, we will have a process of sorting those proposals that the Administrator will help us with so the Council can have the materials a little bit more easily digestible. We fully expect that we can have hundreds of proposals to go through. Once that sorting has been done, the Council will go through a recommendation

process of sorting through those and prioritizing those and then putting out a list of recommendations that would include a notice and comment period for written comments and written feedback from the public. After that notice and comment period runs, we anticipate having a Council meeting to discuss the comments that have been received and have a full opportunity for a public hearing and interaction with the public on those recommendations. And our view and the consensus of the Council is that with all of those steps along the way, it's to the Council's and to the public's advantage not to have a Citizens' Advisory Panel, because the thought is that that might artificially limit the group of individuals or groups from the public who can provide the input, so we want to provide multiple steps along the way where the public can participate and provide that input, and we don't want to artificially limit where those sources of comments and the feedback comes from, so I appreciate the question and the opportunity to address it."

Director Lyons:

"Okay, next is Kara Lankford."

Speaker #2: Ms. Kara Lankford (Ocean Conservancy):

"Well, it's nice to be first especially after David's comment. I must say I'm disappointed. I'm Kara Lankford, with the Ocean Conservancy. I'm disappointed to hear that you guys will not be going down the road with a Citizens' Advisory Panel. I think taking a lead of other states like Mississippi who have done something similar to form a panel and in the end, it has worked well with a Gulf Coast 20-20 Committee, and I don't think it's limiting in any way. So I'll just offer those comments on that. You have received our letter and you kind of know how we feel. I think that you need to rethink that. Also, I'll just say that I think the time clock is not ticking right now on Pot One of the Restore Act, however, the Federal Council will be submitting their Final Comprehensive Plan next week, and we need to make sure that Alabama is in a good position to have projects ready and in the hopper for those two federal pots of money. I don't think we have done enough. I think we are a little bit behind the mark as far as other states. I think drawing on the expertise that's in this room would also behoove you guys, so I think that maybe an Ad Hoc Committee made up of experts in this room to focus specifically on the two federal pots of money."

Director Lyons:

"Thank you, Kara. Casi Calloway."

Speaker #3: Ms. Casi Calloway (Mobile Bay Keeper):

"Hi, I have to agree with Kara. I'm really disappointed as well. I know that some of the folks here recommended being on either a citizen or technical advisory committee represent large and vast groups in this community. Names I heard recommended include Dauphin Island Sea Lab as the scientists; you have members of Chambers of Commerce on both sides of the Bay who represent a vast array of businesses and groups of people who won't come to this meeting full of what - forty people? So we need a lot of public access and a lot of public involvement. So having organizations that have one hundred to five hundred to five thousand member representation is an ability to get one person who speaks for a vast group of people. We've submitted to both the Federal Council a list of people and priorities and ways to select members of a Citizens' Advisory Committee. We have submitted different ways for you all to look at it and think about it and keep it in mind and consider it. What you are doing is putting a burden on local folks to come forward and speak up at these hearings. Not a lot of people are here, not a lot of people know about it. I know we are still working on that, and I have high faith that Eliska will put that forward in a much better way to get this information out to the public so the press and media are here. We don't have that presently. So we are not having the citizen

engagement and involvement that we need to have putting some of us forward who know it and work it and do this all day long. These issues are challenging and difficult. The public-at-large may or may not get a full grasp of it, and I don't see you all doing... maybe this is going to be part of the process, but a significant education campaign for the community to understand it. And I'm doing that with everything in my power. We've spoken to hundreds of people about it, but I'm one person. Y'all need to be doing it as well, but frankly, the best way to do it is have representatives of the community who are sitting down and looking at these things. What y'all are doing is putting a challenging target on your own backs, and y'all are picking the projects by yourselves. I have to say we had a sixteen minute meeting on what y'all had a full day – a sixteen minute report out of the meeting that y'all had a full day of. So the transparency is not feeling evident. There, and again, I know the website has been challenging, but we don't have minutes from the last two meetings on the website, we don't have the RFP that you used with the strategic planner. We understood that what the RFP had from the strategic planner was that we were going to have a Citizens' Advisory Committee and that was part two of the three parter. So we have got a lot of concerns, the community has a lot of concerns about transparency and public access. And frankly, to follow up on Kara's point, we are behind the ball. Four states have a plan for public participation and a Citizens' Advisory Committee, if they don't already have one in place. Four states have project lists; we don't. Alabama needs to be leading this. We led getting the Restore Act passed with our Senators. I want to see that happening in our State. And you've got a group of people who are committed to backing you and helping you make that happen. Thank you."

Director Lyons:

"Thank you, Casi. Jordan Macha."

Speaker #4: Ms. Jordan Macha (GRN):

"Thank you. Jordan Macha with the Gulf Restoration Network. I'm basically going to be repeating a lot of what Casi and Kara said. The thing on the Citizens' Advisory Council, everything that they mentioned is really important. Having a group of folks who are representing these constituents and the people here in Alabama at your meetings, on an all-day meeting, is like Casi said – a sixteen minute report out is not sufficient and allowing that representative to be a part of these discussions, particularly as we are going through the project selection and making those recommendations for Alabama on the projects that we are going to be selecting. And then also, I would just like to hop on the train of saying that we really need to get on the ball with our project selection. The other four states have already listed those projects out and getting something on the website. I know that there is a button that says 'Submit your Projects' soon to be coming and that would be great if we were able to get that website up and running and being able to get those projects moving forward. Thank you."

Director Lyon:

"Thank you. Mark Berte."

Speaker #5: Mr. Mark Berte (ACF):

"Yes, I'm Executive Director of the Alabama Coastal Foundation, and we had a board retreat actually here a year ago, and the board had decided that our theory of change is inclusive in environmental stewardship. We just wanted to let you know that we, among a lot of different organizations, will be glad to help to get the word out and to do that public engagement. And I guess really, my only other comment is congratulations on selecting Eliska as your Executive Director. Anything that I can do to help or that we can do to help, just let us know."

Director Lyons:

“Great. Next, is Jill Mastrototaro.”

Speaker #6: Ms. Jill Mastrototaro (NWF):

“Hi Everyone, I’m Jill Mastrototaro with the National Wildlife Federation, and I’m the Alabama/Mississippi Policy Specialist for our Gulf Restoration Campaign. I’m actually not a newcomer to the gulf. I’ve been fortunate to be down here for fifteen years, and the National Wildlife Federation, as an organization, has had a long-standing history in this region. And we are very excited to be a part of offering our support to the State, and to our local as well as federal partners, and being a part of this solution of developing this vision for the future vision, but implementing this vision is critical. And I think as you’ve heard from some of my wonderful colleagues already, the commitment that our organizations have to stand alongside you and see this through and to offer our organizations as resources to help provide a constructive arm to get out to the public is what we want to offer to you. We have a very strong, small, but mighty coalition of organizations, very active here throughout the State, and we also have very strong activist and membership bases. And so, we can serve as an outlet, a communication outlet for the work you are doing. We are out in the community constantly, people ask us questions about what is going on with regard to restoration because people really hear about what’s in their backyard and why they choose to live in Alabama and make their home here and raise their family generation-after-generation. Here on the coast of Alabama, we are blessed with a bounty of resources, and it’s a beautiful place. And so, recognize that the commitment our organizations have made and the people of Alabama have made to put our trust and faith in you and our confidence that there will be meaningful recovery in this process. And so, I hope here that we are very serious about wanting to work with you recognizing that the internet is a critical part of how people get their message out these days. We really want you to set a higher bar moving forward, and we can help you be a part of that solution. I also just wanted to reinforce the environmental economic connection that we have heard at many meetings in this room, because we recognize as a coalition and as the National Wildlife Federation that what is good for the environment is good for the economy. Now, fishing alone in Alabama brings billions of dollars and so if we can restore the resources and if we can get the water right, and we can restore our estuaries, and we can continue to put people to work, and continue to build our economy here, as well as draw people through tourism. So we really challenge you to think outside the box, but also to put first and foremost the priorities of the people who choose to live here that work off the waters and our lands first and foremost. And I’ll just say that I am based in Jackson, Mississippi, but I’m often on the coast. And I travel, and so I get to cover Alabama and Mississippi with regard to restoration, and I’m happy to meet with you. Also, bring our membership of supporters, as well as our coalition of allies together to try and figure out some of the solutions to some of our communication challenges but also with regards to transparency helping get the word out about your efforts. Thank you.”

Director Lyons:

“Thank you. Alright, that’s all of the comment sheets that I have. I would like to thank the members of the Council for being here today. We’re just about 100%, we’ve lost one member at a conflict and couldn’t be here, but I would like to thank the speakers that have spoken in the public session. Thank you for your input, and I would like to thank everybody else for being here and for caring. I would also urge you to please be patient with us, we are still a little bitty baby organization, and we’ve got a lot of growing pains. We have no real precedent to go from. There is no other organization we could look at that has ever been really set up by federal statute with people who are nominated by positions that hold within a city or county or state, and who might have known each other before or might not but had never worked together, and we

don't have any real precedent. We can't really look across the border and say, 'Oh gee, look what they're doing over there in Mississippi.' We can copy what they're doing and learn something. So we really are in a formative stage. We have been operating without staff; we've got that fixed now to a degree. We've got no money but with the help of the Governor's Office and a few others, we have been able to get what we needed to do as far as legal help and otherwise, everything else has been a volunteer effort. But we are a baby organization, and we're trying to grow up, and we do have the best intentions. We recognize that we've got a heck of a responsibility, both individually and collectively, and I can tell you from my personal standpoint - that weighs on me. It's a big responsibility, and I recognize that we have a chance to do something here that will change South Alabama for the better for a long time. And I think we all recognize that, and we have just got to figure out how to get there. Please bear with us and work with us, and we do listen, and we do want your input. Thanks.
Do we have any other comments from any members of the Council?"

PUBLIC QUESTION:

"Excuse me, I came late, but I just have one simple question. It's pretty 'Yes - No'. Are we having a question/answer period after this?"

Director Lyons:

"I suppose we could. Would you identify yourself, please?"

Mr. Richard Walsh (owner of a restaurant downtown):

My name is Richard Walsh. I own a restaurant downtown, so it's difficult for me to get down here. It's really a simple question. When I was at the debate on Tuesday night, and a citizen asked the question about restoration money, about the Restore Act. And they asked the Mayor what he would do with the money. And he said that he would put it towards the new I-10 bridge. And then after that, I was just confused because some people were telling me that's not possible and a lot of people were telling me that's possible. And what I wanted to know was - Is it possible that Restore Act money could go towards the I-10 bridge, like Mayor Jones said he wanted it to do?"

Director Lyons:

"Yes, the answer is...it's not an absolute yes, but infrastructure projects are eligible. There is a certain pool of the Restore money that's up to this Council to allocate. There is 35% of the money that comes on an even basis to the States. That part of the money can be used for infrastructure. Will it be done; it's going to take six votes of this Council to make that happen. But yes, infrastructure is eligible for that pool of money and also for up to 25% of another pool within that so the answer is yes, it could be directed towards the bridge."

Mr. Richard Walls:

"Does that seat on the Council belong to the Mayor, or if Mayor Jones lost the election, would it belong to the new Mayor?"

Director Lyons:

"All of the seats are ex-officio so every seat - Tucker Dorsey has the seat because he is the Chair of the Baldwin County Commission. He won't have the seat at the first of January, because they will rotate. Mayor Craft holds his seat as the Mayor of Gulf Shores, as I hold my seat as the Director of the Alabama State Port Authority, so it is not specific to the person but to the position."

Mr. Richard Walls:
"Okay, thank you."

Director Lyons:
"We have already had a number of changes, a few changes anyhow, since the Council was really first – we had our first meeting. We have one seat that is open right now in Bayou La Batre. We have a Mayor ProTem right now in Bayou La Batre. We'll have a mayoral election in late September that will change that seat again in Bayou La Batre."

Mr. Richard Walls:
"Thank you again for answering my question."

Director Lyons:
"Sure. Okay, anything else from the Council Members? Do we have a motion to adjourn? So moved by Mayor Craft, seconded by Mayor Kennon. The motion passed unanimously by all members present. Adjourned, thank you."

Meeting adjourned by Director Lyons – 3:40 p.m.

ALABAMA GULF COAST RECOVERY COUNCIL

By: Robert Bentley
Governor Robert Bentley
Its Chair

ATTEST:

By: 
James K. Lyons
Its Vice Chair