

**ALABAMA GULF COAST RECOVERY COUNCIL  
FIVE RIVERS~ALABAMA'S DELTA RESOURCE CENTER  
TENSAW THEATRE  
SPANISH FORT, ALABAMA  
December 17, 2014 - 3:00 p.m. Central Time**

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

**ALABAMA COUNCIL (the "MEMBERS"):**

- 1) The Governor of the State of Alabama:  
**Robert Bentley, Governor**, Council Chairperson - ABSENT  
Franklin Johnson, Deputy Legal Advisor, PROXY to Governor - PRESENT
- 2) The Director of the Alabama State Port Authority:  
**James K. Lyons, Director**, Council Vice-Chairperson - PRESENT
- 3) The Chairman of the Baldwin County Commission:  
**Charles Gruber, Commissioner** – ABSENT
- 4) The President of the Mobile County Commission:  
**Connie Hudson, Commissioner** – PRESENT
- 5) The Mayor of the City of Bayou La Batre:  
**Brett Dungan, Mayor** - PRESENT
- 6) The Mayor of the Town of Dauphin Island:  
**Jeff Collier, Mayor** – PRESENT
- 7) The Mayor of the City of Fairhope:  
**Tim Kant, Mayor** – PRESENT
- 8) The Mayor of the City of Gulf Shores:  
**Robert Craft, Mayor** – PRESENT
- 9) The Mayor of the City of Mobile:  
**Sandy Stimpson, Mayor** – ABSENT
- 10) The Mayor of the City of Orange Beach:  
**Tony Kennon, Mayor** - PRESENT

**OPENING COMMENTS:**

Director Lyons (AGCRC Vice-Chairperson):

"I would like to welcome you to the Alabama Gulf Coast Recovery Council public meeting. First of all, we are going to go through our Agenda. It was posted on our website; some of you may have seen it or printed it out. We will complete our Agenda, and the meeting will last from now until 4:30 p.m. At 4:30 p.m., we will conclude. We will go ahead and get started. If you want to speak, we have forms. I know some people have picked them up and not filled them out, but if you intend to speak, please fill out one of these forms. I'll ask for them towards the end when we get ready to go and somebody will pick them up. First item on our Agenda is to give you an update on the Federal Restore Council. Patti Powell, who has been working with that on a day-to-day basis, will give you that update."

**AGENDA ITEM #: FEDERAL RESTORE COUNCIL (GULF COAST ECOSYSTEM RESTORATION COUNCIL) UPDATE**

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):

"Thank you, Jimmy, and I promised Jimmy that I would be very brief. I want to give you just a brief update and overview of some activities that have been occurring at the Federal Council level, the Gulf Coast Ecosystem Restoration Council, which we all just call "the Federal Council". So I wanted to update everyone on that. You may recall back in August, the Federal Council issued a request for proposals to the members of the Council, and again, that is the five Gulf States and six federal agencies that comprise the Federal Council, to submit for project suggestion proposals. Each member was limited to five proposals, and if there was a tribal proposal, that didn't count against the member's five, they could bring five plus any tribal proposal forward. The Council accepted those proposals for members through November 17<sup>th</sup>. Shortly after that, all the proposals were gathered, and they are posted on the RestoretheGulf.gov website, as well as a link from our Alabama Coastal Restoration website. You may also recall, that the Federal Council announced that it would be keeping its first Draft Funded Priority List (FPL). You will start hearing a lot of different names of plans or lists that relate to project ideas, the term FPL, Funded Priority List is the one that applies to the Bucket Two - Federal Council Restore Act money. The Federal Council said that it would look at drafting, ultimately, its first Funded Priority List in about a \$150-\$180 million dollar range. All of the Bucket Two money must go to Ecological Restoration Projects across the gulf. There is no allocation of that Bucket Two money basically, although, the work will obviously occur physically across the five states. It is to be gulf-wide restoration, overall, and there is not a breakdown by state. Actually, at the end of the day, the proposals added up that there were 50 received. Not every member submitted five, but there were some tribal proposals, so the total ended up being 50. I think the total was roughly \$750 million dollars of the proposals that were sent forward. The Federal Council staff, as well as all of the members, is beginning the review of the proposals that were submitted. The Federal Council posted its process with a description of that on its website. I will not go through all that, but I did want to announce the status of that. Alabama, as one of the members, submitted five proposals. I'll touch on each of those briefly, but I do want to make the point that to really get a picture of the work that potentially might benefit the State of Alabama, while benefitting the entire gulf coast or gulf-wide ecosystem, can be seen in submittals that actually came from others members. I'll talk about that in a second. But all of the proposals are posted on the website and can be viewed there. One that Alabama put forth was a Barrier Island Restoration Project through a beneficial use method. This would benefit the Dauphin Island Littoral System. That project is similar to work that the Corps had done in the past placing sand at Sand Island and the initial deposit of sand to return to the littoral system. And to jump start that, then it would fund the delta difference of the cost of the Corps putting the sand at the most beneficial location for the Island, instead of where they currently put it. So, that was one proposal. There was another proposal that would go to support efforts of the Gulf of Mexico Alliance (GOMA). Many of you may be familiar with that organization's work. It is comprised of the five Gulf States, governors of each state represented from the governors, as well as various federal agencies. They have been working on gulf-wide topics for many years. We have heard at many, many public meetings a concern of several types...that are the different states and different agencies aware of the projects through the different funding efforts that are occurring across the state. How are you going to be sure that you are not wasting money, duplicating efforts or frankly just missing opportunities to leverage funding and resources in work that is occurring? One aspect of the GOMA proposal would be to enhance the ability of that organization through its members to track the work occurring across the state to continue and finalize and actually build out the online tool they have already begun that would list, track and show projects that are occurring across the gulf. There is another aspect of that proposal that would continue and enhance GOMA's work funding some smaller type of beneficial use and estuarine research restoration projects that sometimes don't get traction in the larger efforts...so, although again, work would benefit the gulf as a whole. We also put forth a proposal that would finish out the still remaining watershed plans across the bay.

We've had some of that funding come through NFWF. This proposal would finish out the rest of them; go ahead and get the foundational type work done that we've seen benefit the D'Olive Creek project and enable it to get NFWF funding and funding from other sources. So, it's the very base work that we are trying to get all of them done now through that proposal. We have a living shoreline project that includes some design work and implementation work that has a very large component related to monitoring, to begin to better understand the living shoreline work, the impacts of that, different techniques and diverse conditions. We have had a lot of proposals, not just in Alabama, but across the gulf promoting living shorelines. We all know that those are better than bulkheads but truly refining those techniques and monitoring the ones that have already been done to build the science behind future projects is something that we thought was important. Finally, we included a submerged aquatic vegetation (SAV) project, that although lesser in dollar amount is very important, builds some monitoring and mapping work we have going on through NFWF which would be a much more significant effort and would be a focus on SAVs that we really haven't been able to secure through some other funding. One more pitch back for a second, talking about to truly understand the work that might benefit Alabama; when we sit on the Council, we will be reviewing all 50 proposals. We did have benefit of knowing some other members that would be submitting projects that would potentially benefit Alabama. So to understand the breadth of what you might see coming back to Alabama, you really need to look at all the proposals. A few examples: the Department of Army through the Corps of Engineers submitted beneficial-use projects that would benefit the State. The Mississippi proposal worked with the other states and includes opportunity for land acquisition dollars through their proposal, as well as some money for beneficial use planning for various projects across the gulf. The Department of Commerce worked with the National Oceanic and Atmospheric Administration (NOAA) – one of their proposals includes some hydrologic restoration that could occur in the State. All of these are good programs. Environmental Protection Agency (EPA) had a proposal that may seem similar to our watershed planning proposals, a little different, but giving it the same concept. I say all that to say that the projects that Alabama, as a member of the Council, will be reviewing ultimately, the support could actually be seen reflected in proposals submitted by other agencies. So, please do take a moment to go look at those projects, if you would like to see those. The Council's process of getting to a draft FPL, which will go out for public comment before being finalized by the Council, doesn't have a specific date; but we are aiming for around summer to get a draft out for the public to review. I wanted to make you aware of it so you could go to the website and look at it more, and Jimmy, thank you for this opportunity before we get into the Council business. Thank you very much."

Director Lyons (AGCRC Vice-Chairperson):

"The next item on our Agenda is to give you an update on Alabama's recent National Fish & Wildlife Foundation project awards by Eliska Morgan."

**AGENDA ITEM #II: UPDATE ON ALABAMA'S RECENT NFWF (NATIONAL FISH & WILDLIFE FOUNDATION) PROJECT AWARDS**

Eliska Morgan (Council Executive Director):

"Thank you all for being here today. As some of you may have heard recently back in November, the National Fish & Wildlife Foundation (NFWF) made their second announcement for Phase II projects for the Gulf Environmental Benefit Fund which are the criminal funds that are being administered by NFWF. And, as you can see on the screen, Alabama had four projects that were approved by NFWF. The first is our Alabama Barrier Island Restoration Assessment Project. We are really excited about this project. The Alabama Department of Conservation is the lead on this project, and we will be working with the U.S. Army Corps of Engineers and the U.S. Geological Survey to basically develop a feasibility study that is

scientific-based for Dauphin Island. As you know, there have been other studies, or engineering studies, for the island, but none have really done a complete assessment of all the different – the sediment transport, water quality, topography, bathymetry, different monitoring and mapping, the different assessments that need to be done on Dauphin Island to really figure out how the island functions and how we can best protect it for the long-term. Because, whatever projects we might implement on Dauphin Island or choose in conjunction with the stakeholders that live on Dauphin Island and have an interest in Dauphin Island...whatever projects we might implement, we want to make sure that they are the right projects and that they are sustainable and resilient. So, it's a three-year project which is a little bit longer than we had hoped for, but there will be an 18-month or interim report after 18 months, and we do hope that after that time will have some low-hanging fruit type projects that can be implemented with, obviously, working with stakeholders and making decisions. And then, of course, after three years when the final report is presented, there will be another opportunity to work with stakeholders and try to determine what projects might be best for Dauphin Island. This process throughout Alabama, the Department of Conservation is the lead. We will be getting regular updates to the stakeholders, and we will be the contact for this project. Another project is the Alabama Marine Mammal Conservation and Recovery Program. Many of you may be familiar with the Marine Mammal Stranding Network that operates out of the Dauphin Island Sea Lab. They have a very important program. They work with stranding response and research on marine mammals, so this will help keep their program funded and allow them to bring on additional staff and train additional researchers in which they obviously will provide a very important function, data collection-wise, for the future. The next project is the Coastal Habitat Restoration Planning Initiative. This is a grant that goes to the Mobile Bay National Estuary Program. Part of this project is to acquire high resolution mapping of our resources, our habitats, in Alabama's two coastal counties. Included with that, we will develop seven watershed management plans – Bayou La Batre, Bon Secour, Dog River, Fish River, Tensaw-Apalachee, West Fowl River and Wolf Bay (three on the Mobile County side and three on the Baldwin County side and then the Tensaw-Apalachee is the Delta, right in the middle). So, part of the importance of these watershed management plans are to identify stressors and then work to further identify projects that we can implement to help resolve some of the degradation that we might have in these watersheds or help conserve them if they are not already degraded. This was an important aspect with the D'Olive Watershed Restoration that was funded in Phase I, there was already a watershed management plan that had been developed and there was already some work being done in Joe's Branch, so it was very attractive to NFWF that that plan was in place and projects had been identified, so that's a very important first step for all of the other intertidal watersheds, that we start with the planning process and then identify projects. And then the last project is the Enhanced Fisheries Monitoring in Alabama's Marine Waters. This is a project that was awarded to the Marine Resources Division, Chris Blankenship's job down at Dauphin Island, and they have a place over at Gulf Shores, down Highway 59. So this will help them to do a stock assessment or expand the stock assessment of marine fish stocks. In the Gulf of Mexico, there is a blue crab fishery study, survey work that will be included in this plan. Part of this will help the State continue to manage and hopefully increase work to help manage our reef fisheries that certainly some of our commercial fishermen and charter boat fishermen are so dependent upon, and it's a very important part of our economy. So the other two Phase I projects that I want to talk about for a minute – Fowl River Restoration, that is a project that the Mobile Bay NEP is developing for that watershed – a watershed management plan and restoring the tip of Mon Louis Island. That project is underway. D'Olive, the restoration work there is ongoing, and they are making great progress. The rain event in April did set that project back just a little bit, but they have found ways to move forward and come up with some solutions to work around or to get help, and I think the Alabama Department of Transportation (ALDOT) has been involved with some of the emergency work there. And then the other



project, the Oyster Restoration Project, that was another project that went to Marine Resources, and they are well underway. That project has kind of been seasonal in nature, but so far, it has been very successful. That is a total of about just over \$22 million dollars for NFWF projects that have come to Alabama. They have announced their schedule for projects. They will do mid-April submissions from the states for projects, and their board will meet in November. That's when projects will be announced. So for the next three-or-four years, or however long it takes to distribute this money, they will be on that timeframe. Thank you."

### **AGENDA ITEM #III: ALABAMA COASTAL COMPREHENSIVE PLAN UPDATE**

Eliska Morgan (Council Executive Director):

"As far as the Alabama Coastal Comprehensive Plan that we've all talked about, the State is contracting with the Corps to develop that plan. They have got all of their background work done, and they are ready to move forward with their focus groups. So after the first of the year, they will begin working on those focus groups. I think they plan to do them in a period of about four-to-six weeks. You will hear about it after the first of the year, and certainly as to what was said before, if you have a chance to participate, please take that opportunity, because it is a very important plan for the State of Alabama. We certainly want all your input."

"Chairman Lyons is going to go through the rest of the Agenda items, but before he starts, I really want to thank the Council. We met last week, and it was over seven hours that we had them in a room, locked in, and I'm just telling you they had some really hard decisions to make. And they are really working hard to make the right decisions. They were very dedicated, and I know that at the end of the day, their brains were mush. But we appreciate their dedication to this process, and we look forward to working with them as we move through this. So thank you all very much."

### **AGENDA ITEM #IV: BYLAWS REVISIONS**

Director Lyons (AGCRC Vice-Chairperson):

"Thank you, Eliska. I'm going to go through a couple of things that were discussed at the work session, and some of these are mechanical things that we have to do. As you may recall, those of you that have been coming to these meetings and following this process as we are sort of trying to identify ourselves and determine how we organize what we are doing, we passed a set of bylaws. Of course, we had passed a set of bylaws before we had the benefit of seeing even a draft of the Treasury Regs, so it became necessary to go back through those bylaws and sort of realign some of the terminology and some of the phrases and whatnot in the bylaws. And that was done by our staff, by Eliska and Patti Powell and others in the Department of Conservation. They gave us a draft document, which we circulated. Outside of the things that we had to do to bring us in line with the Treasury Regs; the only other section of the bylaws that had any meaningful impact was to make one change. We had originally set it up where no member could participate via proxy. It was discussed that it is very difficult for a governor that has the responsibility for a state with four-and-a-half million people and a responsibility to be all over the state to be tuned in as much as he should be to the group that the rest of us can be. I know of at least two other places in the state that he was in the day that we held that meeting and things that he had to do. But in any event, we did insert a provision that allows the Governor to participate in the meetings via proxy, including voting. So that was discussed at length by the Council, and the bylaws were voted and approved. The new bylaws will be posted on the website...when today?"

Eliska Morgan (Council Executive Director):

"They have to be signed first. As soon as they are signed."

Director Lyons (AGCRC Vice-Chairperson):

“Okay. So as soon as we get them signed, then we will get them posted. They will be posted in short order, but that’s some effect of the changes.”

**AGENDA ITEM #V: MEMORANDUM OF UNDERSTANDING (MOU) REVISIONS**

Director Lyons (AGCRC Vice-Chairperson):

“We executed and voted as a Council to hire the Department of Conservation to be our fiduciary, or our agent, to provide a staff for the Council, since we don’t have any other ability to do that other than to start building an organization from scratch, and that seems a little impractical. So the decision was made to hire the Department of Conservation. We executed a Memorandum of Understanding (MOU) with the Department. It also became necessary again to align us with the federal regulations to make some modifications to the MOU. And that, too, will be posted soon. I just signed it today. So, I guess, as soon as the Governor signs it, then those will be posted.”

**AGENDA ITEM #VI: RELEASE OF CENTERS OF EXCELLENCE RESEARCH GRANT PROGRAM COMPETITIVE PROCESS DOCUMENTS**

Director Lyons (AGCRC Vice-Chairperson):

“Another thing that came up, and again this is a Department of Treasury thing, we, some time ago as you recall, decided to go ahead and select a Center for Excellence. We did it, Mississippi did it, and I believe Louisiana did it also - selected a Center for Excellence. Well, the Treasury came back to us and said, ‘No, no, no, you cannot do that. You have got to do a solicitation and a competitive process.’ So we are going to initiate that. We have come up with a solicitation for proposals which will be posted on our website, a competitive process for selection, and according to the federal regs, it will be out there for comment for 45 days. If you have an interest in looking at that and making some comments, it will be posted for 45 days and is already on the site. If you want to take the time and go look at it and if you have some comments or suggestions that will help us improve the solicitation or the process that we will use for selection, then, please give us your comments. But, it will be posted for 45 days. After we have had a chance to review the comments, we will finalize the solicitation, put it out, and it will be out for a period of, I don’t know how long, 45 days or something like that. Then, we will receive proposals, and then we will go through the process of selecting the Center for Excellence.”

**AGENDA ITEM #VII: RELEASE OF DRAFT FIRST ROUND MULTI-YEAR IMPLEMENTATION PLAN PROJECT SELECTION PROCESS, FRAMEWORK (RESTORE ACT [*Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act of 2012*] DIRECT COMPONENT/BUCKET 1)**

Director Lyons (AGCRC Vice-Chairperson):

“If you are aware, we’ve got the multiple buckets we all refer to, and I think we’ve talked about it so many times that I don’t think I have to go into great laborious detail on the buckets. But Bucket Two is the federal bucket which is what Patti talked about a little bit earlier. Bucket One and Bucket Three are the State Council. Bucket One, we know how much money or what percentage of the money will go into that and there is or will be about \$56 million dollars in that bucket by March when Transocean makes their last payment into the Oil Spill Trust Fund. Bucket Three, we don’t know. Treasury has not decided how they are going to do the allocation formula, so we don’t know, so there is really nothing that we can do on Bucket Three. At the meeting, we did discuss Bucket One, and should we go ahead and spend now or should we wait for additional funds. We know that additional funds will be coming in through the BP fine and perhaps some of the other responsible parties. And our decision was made, as a Council,

to go ahead and spend. Now we did not decide how much. We talked about 80%, and 85%, 90%, 100%, but never came to a conclusion. But one conclusion that we did make, as Eliska and Patti pointed out earlier, we've got a lot of environmental projects that have been awarded through these other processes, and one of the reasons that we hired the Department of Conservation is so that we could, sort of, monitor what's going on with other programs. And the decision was made by the Council that this first crunch of Bucket One, the multi-year implementation plan, which there will be several plans done over time; that would be dedicated to economic, infrastructure and related planning projects. We have not talked about any projects at this junction. We are making a formal call, in fact, there haven't been many submitted, quite truthfully. We are making a formal call for people to enter those projects and go on from there. Now we have come up with a flow chart that is a draft and is our selection process. I'm going to let Eliska walk through that flow chart as to how we are going to, sort of, walk through the selection process."

Eliska Morgan (Council Executive Director):

*(Presentation: DRAFT Project Selection Process Framework for First Round MIP Development - FLOW CHART)*

"Okay, so I want to start right here, and of course, this is only for the multi-year implementation plan development or this first round which will be only for the Transocean money, only for \$56 million dollars that is available to spend. This right here...on our Legend, you see the blue is basically Submitter action, proposal submitter action. The tan is Council Members action, and then the yellow is an actual Council Action, which would be the vote of the Council. And then the pink color is the Administrator, what we do, and then the purple is where there are Public Outreach efforts. So this first block says, '*Inform and basically communicate with the Public.*' We have done that, we have been doing that for quite some time. Our portal went live back in March. We have been accepting projects, reviewing projects, putting them online for other funding sources. So that has been in process. And then, the second box, '*Submitter enters Restoration Project Suggestion Form via online portal.*' So that has been happening. Many of you have already entered projects. The next box, '*Administrator determines if the project suggestion entry is complete.*' Again, we've been doing that. The next box, '*Administrator posts reviewed project suggestion on Project Suggestion portal*', as you know, we have done that. Many of you have reviewed the projects that are there. Let me stop here...if it's not complete, then basically '*Administrator notifies submitter of the need for additional information.*' The '*Submitter supplies all requested information in proper format by requested date*', and then they go back up here in the queue, and we start over again here to review it to make sure that it's complete. Next diamond, '*Administrator determines if project suggestion meets RESTORE eligibility criteria.*' So the first couple of boxes are kind of the general for a lot of the process that we will use for all the projects that are entered. But this is where we are going to get into determining if the project does indeed comply or fit into the Bucket One criteria. If it does not, then '*Administrator notifies submitter than suggestion does not meet criteria*', and then at that point, that project is what we consider '*Done.*' It would not move forward and be considered in the rest of the process. So, obviously if it's 'Yes', and it fits the criteria, then '*Administrator determines if project suggestion meets focus area(s) for first round MIP funding.*' Of course, there is a little cross up there that sends you down to this information, '*First round MIP will focus on Economic and Infrastructure projects, including related Planning Assistance.*' And, if that's a 'No', then basically it goes over here and it's put back in the queue for future opportunities for funding and for review by the Council, '*Project remains on hold for future consideration by Council.*' If it's a 'Yes', '*Administrator organizes and prepares project suggestions for Council members to review*', and then '*Council members review project suggestions*', and this is where we are right here. And as we move down, '*Council members recommend request for evaluation (RFE) to move the project suggestion forward.*' So if you look down here, the Council decided that in order to move forward, a '*Request for Evaluation (RFE) for first round MIP will require a*



*recommendation from four members.'* Because when we get to this box right here, where the *'Administrator initiates detailed project evaluation'*, this is where money will start to be spent on the project evaluation. So if we did a detailed evaluation on every project that was submitted, there basically would be no money to implement projects. After a detailed evaluation is done, *'Administrator posts list of RFE projects on website portal'*, and some of this will be done in conjunction with one another. So again, there's a purple line around that. That list will be available for the public to review. The *'Administrator provides report to Council on each RFE project'* that moves forward under request for evaluation, and then we get to the diamond here where the *'Council determines if project suggestion will be included in the Draft Multiyear Implementation Plan (MIP).'* The process to this point has been fairly defined by the Council. When we get to this point, this has not been defined. The Council wanted to see what was in the pool before they actually defined how this will actually work. So that information will be forthcoming as the call for projects or the deadline is set for... if you want your project to be reviewed, you will need to have it in before a certain date for this first round funding. And, then of course, it moves through the rest of the process. *'Administrator presents the Draft Multiyear Implementation Plan (MIP) to Council members for review.'* And then the yellow box, *'Council adopts Draft MIP'*, that's a Council action, and the *'Council releases Draft MIP and posts for 45-day comment period'* so obviously, another Public Outreach, a purple box around that. And that is the one action that is actually stipulated in the Treasury Regs, that we receive public comment on our draft multi-year implementation plan for 45 days. *'Administrator gathers and summarizes public comments'*, the *'Council members review and consider public input'*, the *'Administrator incorporates revisions and delivers draft Final MIP to Council'*, and then the *'Council finalizes and adopts MIP'*, which is, of course, another Council action. And then the round oval box at the top, *'Administrator submits first round MIP to Treasury for approval to submit individual project grant applications.'* So, that's the process; that's the framework. It is posted online right now, and public comment period is open. I believe it will be open until... we have a 30-day public comment period on this framework, and I believe the end date is January 18<sup>th</sup>."

#### **AGENDA ITEM #VIII: OTHER**

Director Lyons (AGCRC Vice-Chairperson):

"Okay. It looks kind of weird - these flow charts are complex. There has been a lot of thought that has gone into it, and it is actually been discussed during the course of several work sessions and including the work session where we drafted our strategy map that really started with our outside facilitator that came in and helped us with our strategy map. The federal regs do not require this go out for public comment, but we are putting it out for comment anyhow, because we want suggestions and anyway that we can improve. As I have told many of you before, is that we have been focused and we have not really, in all honesty, been talking about projects in these work sessions. We have been more focused on the process and trying to come up with the process, and this flow chart we are doing is really the first round which is the money that we think will be available in Bucket One by March. So there will be what is called a Multiyear Implementation Plan. We have to send the plan on how we plan to spend this bucket of money to Treasury for approval. We may tweak this further after we go through this round, and we get our public comments. After we go through this first round, we are going to be doing multiple Multiyear Implementation Plans. Because I expect that this is not going to be a one-or-two yearlong venture, this is something that is going to stretch on for a long time, and I expect that already just in the couple of years since the law has been passed, a year-and-a-half since the law has been passed, we have already had changes among the Council members by virtue of people changing offices and rotations amongst County Commissioners. We will have additional changes as we go forward. We are trying to build some blocks that those that follow us can work from that makes some sense that work and provides for fair distribution of the funds



that become available to us, understanding that this is a rare opportunity that we have to repair some damages that were done to the State of Alabama. The full name of the **ACT** is the ***Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coasts States Act of 2012***. That is what we have got to restore. But it is a very broad act; it is a very broad list of authorized uses, and it is going to be a real challenge, I think, for us to go through this process and decide. There are already a hundred and thirty-or-forty projects out there now, and we expect there will be a lot more added. Some of the projects will get knocked off and picked up by NRDA and NFWF and some of them will be knocked off and picked up by the Federal Council, but others will lie with the Alabama Council. I think before we get too far down the process of selection on Bucket One, we will know what is available to us in Bucket Three, and we will probably start a process on Bucket Three. And Bucket Three, as you may recall, only 25% of that fund can be spent on infrastructure and economics. So that is heavily weighted towards environmental projects. So, that is basically all I've got. If anybody wants to speak, please fill out a card and waive it above your head and somebody will pick it up."

"Eliska is going to talk about entry of projects into the portal. Apparently, there have been some questions, and she wants to maybe clear that up."

#### **AGENDA ITEM #IX: NEXT STEPS**

Eliska Morgan (Council Executive Director):

"I know many of you have probably heard this before, those that attended the last meeting. But I did want to remind you when entering a project to be very mindful of the character spacing limits, to be very mindful of the size limits on the documents that you can upload. The only document that is a required document to be uploaded with your project suggestion is a budget outline. I'm sure many of you have noticed that project numbering begins on 66; that's because we ran 65 tests before the site went live, and so the clock was not reset. There also are some gaps from within the projects, that as far as numbering goes, those are projects that may have been submitted and were incomplete in some way and inaccurate information was entered, and we were contacted by the submitter. So we do not post those, they resubmit, and so that's why there are gaps. You will continue to see those and certainly as projects are funded, and I think there are some on there that have been funded in some of the NFWF rounds. Those will probably be removed or we will find some way for our IT Department to help us indicate that those projects were funded. So, if you have any questions about the portal, please don't hesitate to contact me. My phone number is (251) 380-7944, and I'm the only help line that exists, and I'll be happy to help you anytime. Thank you."

#### **AGENDA ITEM #X: PUBLIC COMMENT (As Time Allows)**

Director Lyons (AGCRC Vice-Chairperson):

"Okay, we will start public comments. Has anybody got any other forms? Please when you do speak, wait for the mic. We are recording the meeting here, and we have someone taking notes, just so that we can be sure to get the comments accurately. We are trying to produce minutes as accurate as we can in these meetings, so please wait for the mic. First speaker is Glen Coffee."

Speaker #1:

Glen Coffee (Public Speaker):

"This is just really a question. I'm Glen Coffee. The question deals with the \$3.6 million dollar study with the NFWF fund for Dauphin Island. First off, when do you anticipate that study to get started? And I understood from your comments, that your Department would have the lien on

the study with assistance from the Corps and USGS. Which entity will actually manage the study? Thank you.”

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):  
“I’m sorry. What was the last question...when would the study finish?”

Glen Coffee (Public Speaker):

“The first one was when would the study start, and the second question is which entity of the three agencies that you mentioned will actually be responsible for managing the study?”

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):  
“Where we are with, and Eliska I came up here and I probably should let you, but correct me if I’m wrong...this state that we are at, although NFWF’s Board has announced the award, we are working through...we will have to issue and will have to sign an actual contract, an award contract, with NFWF. And I think we are working on that.”

Eliska Morgan (Council Executive Director):

“We are working on that now, and we certainly hope that by the first of the year that they can begin work, because some of their work is seasonal as I mentioned, and so we want to get started as soon as possible, and we have had several conference calls with NFWF and our partner agencies, so are moving forward and everyone is very, very anxious to get started.”

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):  
“But they won’t move the money without a document being worked out, and actually although they start with the form because each project is different, we will have to adapt the NFWF form to the project. As to the project, our Department of Conservation will be overseeing all the work. To give you an idea, it could have been done in different ways. To give you kind of an overview of the reason it was structured as it was, there are a couple of factors that I hope will help future work that may flow future projects from this initial work. Both the Corps...they serve as the representative of the Department of Army. Department of Army is a member of the Federal Council. They are one of the six agencies we referenced before. USGS is under the Department of Interior. Interior is a member, one of the six federal agencies serving as a member of the Federal Council. In addition, Interior is also a NRDA Trustee. So they cross lines there. In addition, Interior is one of the consults along with NOAA that NFWF staff flow through project ideas. So, between the Corps, through Army, and then USGS, as a division of Interior, they will already be familiar with the work when they possibly see future requests for projects come through those bodies. We thought that was a plus. Individually, USGS did the work that formed the basis of the Breton Island-Phase III NRDA project. Their work was instrumental in selection of that Barrier Island work as a NRDA project, because it did form the scientific basis to demonstrate the sustainability and the methodology to be used from that Barrier Island work. So we had an opportunity to review their work on Breton Island and thought that that experience and successful project was important. Also, both, as to the Corps and especially USGS, they possess a lot of modeling that has already been done in the past, not for this purpose. But it serves as a jumpstart to work that would reduce the ultimate timeline, because they already had some work in hand and begun. I would say also, one thing that USGS had work on Breton Island and other barrier island work but that was most direct. As to the Corps, you know frankly in the end depending on the type of work, not all work requires a Corps permit but a lot would, feeling that having them involved along the way and familiar with it ultimately, you are going to have to have their participation and agreement in the permitting that will ultimately be needed for the work. That was another reason for their involvement. I will tell you from a state perspective and the work that we do whether it is doing work with NRDA and the other NRDA Trustees and the federal agencies involved there or through RESTORE, I really

believe that having this work flow through the federal agencies with expertise is going to lend credibility to the ultimate work and that's on top of, again, the familiarity that will be inherent because of those agencies being involved. Again, it could have been structured different ways, but that was the thought process that led to the structure that we implemented; that our Department will be overseeing all of that work."

Glen Coffee (Public Speaker):

"Thank you."

Director Lyons (AGCRC Vice-Chairperson):

"Next up is Mark Berte."

Speaker #2:

Mark Berte (Alabama Coastal Foundation):

"Okay, thank you. This is Mark Berte, with the Alabama Coastal Foundation, and I do want to start off by commending you not only for honoring what you said earlier about posting the process but also giving the 30-day comment period for folks to give you all feedback, again, a very commendable thing and you all had committed to earlier investing as much time as Eliska said earlier. I would like to invite you all to unwind at Green Drinks in Mobile tonight from 5:00 p.m. to 7:00 p.m., right across the street from the Sanger Theatre entrance, and next month in Fairhope, for the Green Drinks there. But also, there is a great film that is showing at the Crescent Theatre this week at 6:00 p.m. called "The Great Invisible". The last showing is tomorrow night, again at the Crescent Theatre, so if you all have not seen that, it is a very powerful film. I want to encourage you all to do that as well. Two quick questions – the oval at the top, right corner... Do you have any sort of timeline for when that process would be there? I know you've got to wait for the comment period there, but does the Federal Council have any timelines for that first?"

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):

"You said the Federal Council, do you mean Alabama?"

Mark Berte (Alabama Coastal Foundation):

"The State Council."

Director Lyons (AGCRC Vice-Chairperson):

"The oval up at the top is actually the MIP, which is what Bucket One comes under, that goes to the Department of Treasury. The Bucket Three, when we do a similar process for Bucket Three, that goes to the Federal Council. We have to do a similar plan. What do we call that plan?"

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):

"A State Expenditure Plan or SEP."

Director Lyons (AGCRC Vice-Chairperson):

"Yes, the State Expenditure Plan has to go to the Federal Council, but Bucket One has to go to the Department of Treasury, so we don't know how long. I think the law has a specified timeline, what is it 90 days or something, they have to either approve or...?"

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):

"Let me start back a step. None of the money expires. It's not like the usual grant programs we're familiar with where if you don't have a certain piece of paper in or work started or work



concluded, there is no such deadline. The deadline that Jimmy (Director Lyons) is talking about is when you are dealing with Bucket Three, SEP. Once you get all the way to the oval and it goes to the Federal Council, they have a 60-day period within which they either have to accept it or reject it and give you some basis of why. But I think, Mark, if I understood your question from getting from here to that oval, I don't want to speak for the Council, but I think without even having any comment back that there has been no discussion of a timeline or even a goal to be quite frank. I think it's a little early."

Mark Berte (Alabama Coastal Foundation):

"Understood, and so my second question is the projects again that will be considered there, economic or infrastructure in nature. Is that...?"

Patti Powell (State Lands Director, Alabama Department of Conservation & Natural Resources):

"For the first round, the focus on economic and infrastructure projects, infrastructure is defined in the Treasury Regs and the related planning assistance for that type of work."

Mark Berte (Alabama Coastal Foundation):

"So my questions about the economics is... If there is a project that is environmental focused but, again, also impacts the economy, would those be considered for acceptance?"

Director Lyons (AGCRC Vice-Chairperson):

"We haven't really gotten that far. We are kind of relying on the way that they were entered into the system (I think it's about the second or third column from the left), so I think we are relying on that to look at that. And again, either Eliska or Patti referred to going and doing a detailed review on these projects... we really don't have the money or the people to go through and do a detailed evaluation on every project and sort of pick out whatever the side benefits and that sort of thing are."

Eliska Morgan (Council Executive Director):

"Mark, if I might add... the primary classification for the project in our portal; you have to list a primary and then you can list some secondary criteria that the project might fall into. But it's the primary classification that will drive whether it's economic or infrastructure."

Mark Berte (Alabama Coastal Foundation):

"Okay, thank you."

Director Lyons (AGCRC Vice-Chairperson):

"Okay, next is Melanie Baldwin."

Speaker #3:

Melanie Baldwin (City of Prichard):

"I'm from the City of Prichard, and I have a question. What are the checks and balances for projects? So, if you have an overabundance of projects leaning toward one area, how are you deciding which to fund or how many of them to fund?"

Director Lyons (AGCRC Vice-Chairperson):

"That's a good question, and I can't really answer it, but it is something that we have discussed. Mayor Craft, I think it was, came up with an idea that we, in some juncture, we get a big map of the area and start putting stars where there are projects. And again, one of the reasons that we brought in the Department of Conservation, so we can take a little bit of the money that we control and look at it in the grander picture of what the other, NRDA and NFWF, are doing so

that we can assure there is at least some balance, both geographical and financial, and use balance. That's one of those things that we haven't gotten that far quite truthfully, but we have talked about it. We recognize that there is importance there."

Melanie Baldwin (City of Prichard):  
"Thank you."

Director Lyons (AGCRC Vice-Chairperson):  
"Okay, next is David Underhill."

Speaker #4:

David Underhill (Mobile Bay Sierra Club):

"Was in that locked-in seven hour meeting, decided the decision to focus on economic development and infrastructure projects or whatever the site, what consideration went into that decision which includes the implication that environmental projects must wait?"

Director Lyons (AGCRC Vice-Chairperson):

"Well, one of the considerations was and that was not in the seven hours... I tell you the item that took us the longest was the bylaws, quite truthfully. There was a lot of discussion on the bylaws; that took out two of the seven hours. One of the things is the fact that a lot of the other money had been put into environmental things and nothing had really been gone into economics, so that was one of the considerations."

David Underhill (Mobile Bay Sierra Club):  
"Is that the only consideration?"

Director Lyons (AGCRC Vice-Chairperson):

"Well, the other consideration is that Bucket Three will probably, because of its nature, because of the restriction on infrastructure in Bucket Three, that it would go largely to environmental, so that was a consideration also."

David Underhill (Mobile Bay Sierra Club):

"Is this decision final? Could you revisit that and decide to include some environmental items in the first trench?"

Director Lyons (AGCRC Vice-Chairperson):

"We have voted, and it was not a split vote. It was a unanimous vote. No decisions are final. Even the things that we have done so far, like the bylaws and MOU and everything else are a living document and everything that we do is subject to a vote, even all the way down to the point where we make the decisions to what projects go in."

Director Lyons (AGCRC Vice-Chairperson):  
"Okay, are there any others?"

Speaker #5:

Jason Johnson (Lagniappe):

"I'm Jason Johnson. I just wanted to know if...looking at some of the rural projects that have been submitted, especially some of the economic development ones that are broken down into proposed phases...is it possible that a phase of a project can be approved, not the whole project being approved, or is it an all-or-nothing kind of deal?"

Director Lyons (AGCRC Vice-Chairperson):

"At this juncture, I'll speak for myself. If it's a standalone phase that was sustainable in and of its own, if it was something that really wouldn't work unless the other phases were done, I think it would be, from my personal standpoint, would be unwise to go forward with a phase where the whole project is relying on the other phases, unless we know the other phases can be funded."

Jason Johnson (Lagniappe):

"I just didn't know if it was stipulated in the legislation or bylaws that that was part of the project; that you had to accept everything that was submitted through the portal the way it was."

Director Lyons (AGCRC Vice-Chairperson):

"If they are standalone, I would personally consider something that was a standalone. If Phase I was standalone, and say if it's a living shoreline project, there's a giant scope. But if you could do six miles of it, it would be sustainable and have some measureable results; that as an example, could be something that could be done on a phased approach."

Jason Johnson (Lagniappe):

"Would that be up to the Council to decide? You know, we think one phase of this is doable but maybe we can't put all the money towards this one project. Is that just going to be an internal thing when you guys get to deliberating?"

Director Lyons (AGCRC Vice-Chairperson):

"Well, you know, at some juncture when we start looking, when we really get the big picture - which we don't have, the big picture. All we've got is...\$56 million dollars, which is a lot of money on one side but on the other side relative to what is ultimately coming here, it is a very small amount of money. So when we start looking at the larger picture, then we are going to start looking at can we do parts of something and have it work, depending on how the money is allocated, and that's part of the process. If you've got \$40 million dollars to spend and then you've got \$30 million of the \$20 million or a \$20 million dollar project, what do you do, and one of them can be phased. Can you do it that way?"

Jason Johnson (Lagniappe):

"Right, thank you."

Director Lyons (AGCRC Vice-Chairperson):

"Anybody else? Go ahead...would you state your name for the record?"

Speaker #6:

Carol Adams-Davis (Alabama Chapter Sierra Club):

"I just wanted to mention that I think we should stop segregating economic and environmental projects, because I think we all agree that environmental projects have great economic impact. Do you agree?"

Mayor Tony Kennon (City of Orange Beach):

"What I would like to see going forward is everybody lobby for their project, be concerned about their project and not worry about other people's projects. There is no reason to come in here and brow beat someone else because it's economic or environmental. Because when you start brow-beating someone else and what their wishes or needs are, if it's all legal, within what the law allows, everybody has a right to expect some of that money in their venue in whatever way



they see fit. But the last thing I want to do is get into the projects and come to the meeting and see people finger pointing at someone else about having projects not working.”

Carol Adams-Davis (Alabama Chapter Sierra Club):  
“What are you talking about?”

Mayor Tony Kennon (City of Orange Beach):  
“I guess, in general, I’m making a comment, how’s that? I was not addressing you. You brought it back to my mind, as simple-minded as I am.”

Carol Adams-Davis (Alabama Chapter Sierra Club):  
“But that’s not what I was talking about.”

Mayor Tony Kennon (City of Orange Beach):  
“I understand that. I understand that. My point being though, again, it goes back to, like I said, every project has a value. And as far as I’m concerned, I’m going to look at the return on the investment in that. If it is a phase and has a value, and it has a return for the dollars invested, then it has consideration from me. But the thing that I don’t want to see, and like I said, if you want my attention, it’s being constructive and everybody working together on their project and lobbying for their project. But when you start dividing environmental verses economic, then you start getting into a spitting match over it, and then I tune it out, and I’ll make my own decisions.”

**CLOSING COMMENTS:**

Director Lyons (AGCRC Vice-Chairperson):

“I think we’ve got everyone; that’s all the cards that we’ve got. I do want to thank you, and I do want to thank the Council members who took the time to be here and help participate in this session. The two that are not here both had very good, viable reasons for not being here, and we always do appreciate the participation. And to all of those of you in the audience, I want to thank you for taking your time to be out here. Thanks.”

**NEXT MEETING DATE:**

No future meeting date was announced.

**ADJOURNMENT:**

Meeting adjourned by Director Lyons – 4:20 p.m. Central Time.

**ALABAMA GULF COAST RECOVERY COUNCIL**

By: \_\_\_\_\_



Governor Robert Bentley  
Its Chair

**ATTEST:**

By: \_\_\_\_\_



Director James K. Lyons  
Its Vice-Chair