

January 14, 2011

Estuary Habitat Restoration Strategy
NOAA Fisheries Service
1315 East-West Highway, Room 14730
Silver Spring, MD 20910

Re: Comments on Draft Revision of the ERA Estuary Habitat Restoration Strategy

Dear Members of the Estuary Habitat Restoration Council:

On behalf of our 53 organizations, the millions of members we represent, and the work that we carry out in every coastal and Great Lakes state in the nation, we offer these comments on the Draft Revision of the Estuary Restoration Act's (ERA) Estuary Habitat Restoration Strategy. As you know, the nine-year-old Strategy is sorely out of date, and we greatly appreciate the time and effort that has gone into revising it. However, the current draft narrowly interprets the ERA with an almost exclusive focus on projects, thus significantly understating the role of the ERA Council and the full potential of the Act as originally envisioned by Congress. We believe the ERA has the potential to greatly enhance the effectiveness of, and complement, existing agency efforts to restore the health of estuaries nationwide through its forum that brings together the five primary federal agencies that conduct estuary restoration. The Strategy, with thoughtful and forward-looking revisions, will give the ERA and its agencies the tools necessary to achieve that outcome.

As you know, a great deal has changed at the national level concerning coastal habitat restoration and related policy since passage of the ERA in 2000 and development of its Strategy in 2002. Most notably, restoration programs at the five ERA federal agencies have matured, and last year the President issued Executive Order 13547 establishing a National Ocean Policy. A revised National Strategy must recognize these fundamental changes and move beyond business as usual.

The ERA establishes four key elements: the **Estuary Habitat Restoration Council**; the **Estuary Habitat Restoration Strategy**; the **Estuary Habitat Restoration Program**; and **Monitoring** of estuary habitat restoration projects. The Strategy, which is overseen by the Council and guides the Council's actions, has two distinct focuses: the **Program** (estuary habitat restoration projects and monitoring) and **coordination of Federal and non-Federal restoration activities**.

However, for the past nine years the Council has focused almost exclusively on the Program (projects and monitoring) side, paying no attention to how the Council can and is mandated to be the coordinating body of federal estuary restoration efforts. With the new National Ocean Policy providing an overarching framework for the Federal government, and a demonstrated backlog of 800 shovel-ready habitat restoration projects totaling \$3 billion, the interagency Council is needed now more than ever to strategically coordinate all Federal estuary restoration efforts. By revising the Strategy, the Council has an unprecedented opportunity to articulate its valuable coordinating role, and do so in a way that is distinct from its Program duties.

Below we offer our recommendations for the Strategy, categorized by Overarching Elements of the Strategy, Coordination of Restoration Activities, and Program. Some of these recommendations comment on specific provisions in the draft Strategy, whereas other recommendations are new and lack ties to the existing draft. We also recommend you review *A National Strategy To Restore Coastal and Estuarine Habitat*¹ as a model on how to approach a well-crafted National Strategy document. We hope that these comments will be incorporated into the final ERA Strategy and help to positively contribute to restoring the health of estuaries nationwide.

Overarching Elements of the Strategy

- **Establish a goal-oriented vision.**

As a body comprised of the five primary federal agencies that conduct estuary habitat restoration, the Strategy should articulate a goal-oriented national vision for estuary habitat restoration that provides direction and purpose to the participating agencies. The rest of the Strategy should flow from a common vision. This vision must have buy-in from, and align with, the missions of all five ERA agencies. Per the Act, the Strategy is designed “*to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.*” We, therefore, recommend this very language as a Vision Statement.

- **Express Overarching Principles in a consistent fashion.**

Although we generally agree with the intent of the three Overarching Principles contained within the draft, they need to be written as concise descriptive statements that provide clear guidance for implementing the Strategy. Also, while we agree with the climate change adaptation focus, the suggestion of viewing the principles through the lens of this focus is unclear and confusing. Rather, the projects themselves should be required to adhere to this focus.

- **Define clear Objectives with actionable items.**

The current draft states that the Council will create an Action Plan that will articulate what will be done moving forward. We disagree with this approach, as we strongly feel that specific actions should be linked directly to the Objectives within the Strategy. Further, by creating a separate action plan, this has the unintended effect of removing the ability of the public to comment on such items, as mandated by the Act upon revision of the Strategy. Instead, we recommend that the Objectives listed in the draft identify specific accomplishments the Council would like to achieve with each item supported by one or more actions the Council will take to achieve success. This will give clear direction and an end-point to the Objectives, which are merely descriptive ideas at this point. The agencies should then create an Implementation Plan (see next bullet) that outlines how these actions items will be implemented.

¹ Restore America’s Estuaries, *A National Strategy To Restore Coastal and Estuarine Habitat*, <http://www.estuaries.org/a-national-strategy.html> (April 2002).

- **Mandate creation of a 24-month Implementation Plan.**

We strongly endorse creation of a 24-month Implementation Plan, mandated by the Strategy biennially, which outlines how the Council will carry out the Strategy. This document will hold ERA agencies more accountable in carrying out their responsibilities under the Strategy and the overarching Act. The Implementation Plan should be made publicly available to improve transparency and accountability.

Coordination of Restoration Activities

- **Ensure that the ERA is incorporated into larger efforts.**

The Council must coordinate the ERA with other relevant federal efforts. As an example, the ERA could be an important tool to help implement the Administration's National Ocean Policy. A meeting of the five Council members with CEQ officials is necessary to ensure that the ERA is considered during these and other similar discussions.

- **Identify needs and prioritize actions.**

The Council should identify the nation's restoration needs that are currently unmet, and prioritize and act on those that will greatly enhance our ability to restore estuaries nationwide. As an example, answers to specific socio-economic questions (e.g. what is the return on investment of restoration) would allow for a better explanation of the benefits of estuary restoration, which in turn helps to justify the need to increase the pace and scale of estuary restoration. The ERA can help to fund studies that answer these important questions.

- **Create mechanisms for improved communication between all stakeholders.**

The ERA should be a forum that facilitates dialogue and discussion with all restoration stakeholders, including the five ERA agencies. The Chair of the Council should regularly meet with the four other Council members outside of annual ERA meetings, in order to strategize on interagency efforts to restore the health of the nation's estuaries.

- **Explore interagency staffing for personnel gaps.**

Current ERA working group members must split their time between individual agency tasks and the ERA, making progress difficult. Dedicated ERA staff would help to expedite all areas of the process and greatly improve the Council's effectiveness.

- **Increase visibility of the ERA through improved outreach and marketing.**

The ERA is an unknown program to many within the restoration community, both in the public and private sectors. Agencies should work to improve outreach and marketing of the ERA through word of mouth, participation at public meetings and conferences, online communications, publications, and the media to ensure that others are aware of its existence. Outreach also would increase the number of project proposals submitted by outside organizations.

- **Identify mechanism to pool funding.**

The ERA should identify a mechanism that allows it to pull in funds from other sources in order to increase the pace and scale of its restoration projects. As an

example, the ERA could be a repository for certain new funds that are allocated for restoration projects in the Gulf of Mexico.

Program

- **Give ERA projects a unique niche.**

One of the most prominent changes across the habitat restoration landscape is the number of Federal restoration programs that now exist. Each of these agency restoration programs works along a specific mission (e.g., restore federal trust species). The ERA lacks a specific niche that gives it direction and purpose unique among existing agency programs. We believe the ERA should be considered an incubator for projects that teach us more about how to use habitat restoration in more effective and informed ways to address climate change and socioeconomic challenges. Project solicitations should require a specific focus (e.g., climate change adaptation and mitigation strategies; small-scale/small community-focused projects). Solicitations also could require projects to use innovative techniques that individual agencies have been too risk-averse to fund but that have the potential to benefit the broad restoration community.
- **Complete or terminate approved projects to show tangible results.**

Since 2000, 21 projects have received ERA funding yet only 3 have been completed. The Strategy should outline how the agencies will increase project efficiency and improve the ease of cooperating with organizations in order to complete projects in a timely manner, such as improving the cooperative agreement process. Additionally, the Strategy should include criteria for project termination to prevent years of languishing funds that could instead be used on “shovel ready” projects.
- **Establish formal public-private partnerships through multi-year agreements.**

Organizations will be more likely to support the ERA and submit project proposals if their projects can be assured support for multiple years. Multi-year agreements also allow for more extensive projects that take several years to complete, as it is often very difficult to complete projects within a 12-month timeframe. The ERA Council should look to existing agency multi-year agreements (e.g. the NOAA Restoration Center) and seek to emulate these efforts.
- **Improve solicitation process.**

With funds now available through more than one ERA agency, a streamlined solicitation process is essential to ensure a smooth and rapid transition to project implementation. All funding agencies should require the same information of applicants, in order to prevent confusion and delay.
- **Streamline project selection process.**

All ERA agencies should use the grants.gov portal to improve the ease of project proposal submissions. In doing so, the Council would increase the quality of the proposal pool, while allowing submitted proposals to be eligible for funding through other government sources. Further, it would have the added benefit of decreasing the workload of ERA agencies as they will be able to take advantage of the existing grants.gov solicitation process.

- **Finalize mechanism to transfer funds between agencies.**
Transferring funds between ERA agencies would give the ERA a greater ability to support restoration projects (e.g., if one agency has better resources or expertise to take on a given project). A commitment on the part of all five agencies to seeing this through is critical.
- **Produce monitoring plan.**
All five ERA agencies should jointly develop and use project monitoring guidelines to ensure successful project outcomes.
- **Develop new project success indicators.**
The Strategy should require the Council to identify and, if feasible, adopt new project success indicators that emphasize project quality and output rather than the existing and often-misleading acreage indicator.
- **Improve function, incorporate all relevant data, and accelerate use of National Estuaries Restoration Inventory (NERI).**
The ERA required that NOAA develop and maintain a database of information concerning estuary habitat restoration projects. While NOAA's resulting database (NERI) does meet the requirements under the law, it is outdated, not comprehensive, and not user friendly. We view the database as having the potential to be an incredibly important and useful clearinghouse for all agency restoration information, including partner, project, program, and funding information. It also would reduce duplicative and competing databases used by the five restoration agencies, saving taxpayer dollars and helping to streamline restoration activities. A database expert should be hired to evaluate interagency database needs and solutions. Content should include not only ERA projects and the status of each for instant reporting needs, but also non-ERA estuary restoration projects that have been submitted to all five agencies in order to track existing project needs for future solicitations. It is important to note that the Act does not limit the work of the Council to ERA-funded projects, instead taking a comprehensive approach to estuary restoration across all agencies and programs. The database should be enhanced with improved data entry ability and GIS mapping technology that shows how restoration projects impact areas on a landscape scale (e.g., NOAA's Restoration Atlas using Google Maps; EKO-System's web-based project tracking system). Further, all information should be made available to the general public.

Thank you for considering our collective views and comments, and thank you for your work and commitment to restoring the health of the nation's estuaries.

Sincerely,

Gus Rassam, PhD
Executive Director
American Fisheries Society (AFS)

Tim Richardson
Director of Government Affairs
American Land Conservancy

Tim Dillingham
Executive Director
American Littoral Society

Nancy Rosa
Executive Director
Arntz Family Foundation

Holly Greening
Chair
Association of National Estuary Programs

Anne T. Roberts-Pierson
President
Avalonia Land Conservancy, Inc.

Steven J. Lutz
Executive Director
Blue Climate Solutions

Bill Anderson
Executive Director
Citizens for a Healthy Bay

Brett VandenHeuvel
Executive Director
Columbia Riverkeeper

Margaret O’Gorman
Executive Director
Conserve Wildlife Foundation of New Jersey

Steve Dubiel
Executive Director
EarthCorps

Charlotte Wells
Executive Director
Galveston Baykeeper

Phil Radford
Executive Director
Greenpeace

Stephanie Lindloff
Senior Director River Restoration Program
American Rivers

Kaitlin Truong
Chair
Asian Americans for Change

Maggie Geist
Executive Director
Association to Preserve Cape Cod

Jeff Turner
Executive Director
Blackwater Nottoway Riverkeeper Program

Roy Hoagland
VP of Env. Protection & Restoration
Chesapeake Bay Foundation

Steven Peyronnin
Executive Director
Coalition to Restore Coastal Louisiana

Peter Shelley
Senior Counsel
Conservation Law Foundation

Patrick Hester
Chairman
Corporate Wetlands Restoration Partnership

Thomas F. Ries
President
Ecosphere Restoration Institute

Robert Stokes
President
Galveston Bay Foundation

Carrie Kinne
Executive Director
Kennebec Estuary Land Trust

Bob Bender
Curator
Lowcountry Estuarium

Bruce J. Stedman
Executive Director
Marine Fish Conservation Network

Jeremy Wheeler
Executive Director
Mattole Restoration Council

Brian Moore
Legislative Director
National Audubon Society

Malia Hale
Director, National Restoration Campaign
National Wildlife Federation

Laura Rose Day
Executive Director
Penobscot River Restoration Trust

Franklin Nutter
President
Reinsurance Association of America

Storm Cunningham
CEO
REVITALIZ, LLC

Jay R. Leverone, Ph.D.
Sr. Environmental Scientist
Sarasota Bay Estuary Program

David Lewis
Executive Director
Save The Bay – San Francisco

Lalise Mason
Habitat Restoration Chairman / 2nd VP
SCENIC GALVESTON, Inc.

Terry O'Halloran
Executive Director
Malama Kai Foundation

Peter Phippen
Coordinator, Eight Towns and the Bay Committee
Massachusetts Bays Estuary Program

Beth Styler Barry
Executive Director
Musconetcong Watershed Association

Rebecca Roth
Interim Executive Director
National Estuarine Research Reserve Assoc.

Todd Miller
Executive Director
North Carolina Coastal Federation

Kathy Fletcher
Executive Director
People For Puget Sound

Jeff Benoit
President and CEO
Restore America's Estuaries

Brooke Langston
Center Director
Richardson Bay Audubon Center & Sanctuary

Jonathan F. Stone
Executive Director
Save The Bay – Narragansett Bay

Donald S. Strait
Executive Director
Save the Sound (Long Island)

Steven Koenig
Executive Director
SHARE

Maureen S. Hoffman
Executive Director
Sheepscot Valley Conservation Association

Dana Beach
Executive Director
South Carolina Coastal Conservation League

Carl Lindquist
Executive Director
Superior Watershed Partnership & Land Trust

Peter Clark
President
Tampa Bay Watch

Mark J. Spalding
President
The Ocean Foundation

Lisa Phipps
Executive Director
Tillamook Estuaries Partnership

Douglas Grann
President and CEO
Wildlife Forever