

OPEN OCEAN TRUSTEE IMPLEMENTATION GROUP 2018 ANNUAL WEBINAR – QUESTION & ANSWER TRANSCRIPT, NOVEMBER 14, 2018

Question: Are there only going to be two projects for birds? Or are there more projects still to come?

Answer, Ashley Mills (DOI): There are more projects to come. The two bird projects proposed for funding in the first Open Ocean Trustee Implementation Group (TIG) restoration plan would cost about \$14 million, if selected, and the Open Ocean allocation for the birds restoration type is \$70 million total.

Question: Are Trustees concerned about distribution of funds in non-U.S. locations or partnering with non-U.S. entities?

Answer, Laurie Rounds (NOAA): The Open Ocean restoration area is focused on the restoration of the species that we identified, which are highly migratory and have broad geographic ranges. The Open Ocean TIG is able to identify the best opportunities to restore for those species across their geographic range, and that may include some non-U.S. locations. In addition, when we find good opportunities, we certainly can look at the possibility of partnering with non-US entities, if that is one of the best ways to implement restoration. We are focused on finding the best opportunities to restore for these highly migratory species, wherever that might be, to provide the greatest restoration benefit and restore for the injury.

Question: When will the Restoration Plan 2 be final, and how long before projects to monitor the outcomes are funded?

Answer, Laurie Rounds (NOAA): As we mentioned, we're hoping to release the draft Restoration Plan 2 in early 2019. There will be a 45 day public comment period. After that, the Trustees will take time to review the comments that are received, incorporate any changes based on those comments, choose a plan, and then put out a final Restoration Plan 2. That process can vary in time depending on the comments that we receive and any potential changes to the plan that result from the public comment period. Generally, we are hoping that we can complete that process in 2019 and begin implementation of the projects that ultimately get funded through that process. All of the projects proposed for restoration include a project-specific monitoring and adaptive management plan. Those will be included in the draft Restoration Plan 2 for the public to see, and those projects will start with their implementation as the restoration projects begin. Each project will have a slightly different time frame and the monitoring, and adaptive management activities associated with that project will follow that timeline, as well.

Question: Is the Open Ocean TIG reviewing potential effects of Mid-Barataria Sediment Diversion on bottlenose dolphins? Any results?

Answer, Laura Engleby (NOAA Fisheries Southeast Regional Office): The Open Ocean TIG priorities are focused on restoring oceanic and continental shelf species of marine mammals. The Barataria Basin is home to basin and estuarine stock of bottlenose dolphins. They're not considered continental shelf or oceanic.

Question: Under the second round of priorities, will funds be allowed to research and quantify the reduction in barotrauma and dead discarded fish in the recreational and commercial fisheries?

Answer, Jamie Reinhardt (NOAA Restoration Center): There is a strong (Trustee) interest in understanding what the impacts of barotrauma are on the post-release mortality of reef fish and, in particular, we're interested in how that information can help us understand whether or not we're having restoration success.

Question: Will the next cycle dates follow the same timing as the current restoration plan (i.e., spring 2019 - request project ideas, fall 2019 - complete screening, winter 2019 - begin drafting plans, etc.)?

Answer, Laurie Rounds (NOAA): The Open Ocean TIG has not set a schedule for the next restoration planning cycle. We are working now to consider the public comments received on the draft Restoration Plan 1 for birds and sturgeon, to finalize that plan and begin implementation of the projects that are ultimately selected, in 2019. In addition, we're anticipating releasing our second draft Restoration Plan in early 2019 for 45 day public comment period. During the remainder of 2019, we will consider comments received on the second Restoration Plan and finalize that. Therefore, we will be focused on initiating project implementation in late 2019 – 2020. Following our efforts to complete the restoration plans and initiate the selected restoration projects, the Open Ocean TIG will then consider the most appropriate time to begin a new restoration planning cycle. We'll do this, as we mentioned earlier, using the cycle where we come out with a call for project ideas, and identify priorities that would be used to help develop any future restoration plans. We don't have a set schedule and it may take different time periods compared to what we did for these (current and upcoming plans). It may also result in restoration planning focused on different restoration types. We may not necessarily have our future restoration plans focused on all six restoration types. These are all decisions that the Open Ocean TIG will be making as we're moving forward and looking for opportunities to hear from the public about priorities and moving forward with additional restoration.

Question: Why were the recreation projects undertaken in Early Restoration considered Open Ocean? They would not seem to tie to public's ability to recreate offshore in open water.

Answer, Ashley Mills (DOI): The four recreational-use projects in the Open Ocean TIG address recreational loss on DOI lands, on federal lands, and at settlement, all of the Trustees decided to place those projects in the Open Ocean TIG – which is composed of the federal trustees – since that recreational loss was on federal lands. It can be sometimes confusing, the term 'Open Ocean'. It's important to know that the restoration conducted in the Open Ocean TIG will focus on restoration for migratory species throughout their geographic range, and address the multiple life stages injured by the (oil) spill. Some species are highly migratory and wide-ranging. We'll do work in the water, and we'll also do work on land.

Question: What are some potential projects that might be outside of the Gulf of Mexico? Particularly if they relate to open ocean marine mammals.

Answer, Laurie Rounds (NOAA): There certainly are good opportunities to consider what restoration is going to best meet the needs to restore for the injury to marine mammals. Those are highly migratory

species, and looking at the restoration benefit that might be achieved by working outside of US waters, or outside the Gulf of Mexico, is certainly an important thing to do. The best way to help understand this would be to refer to the Programmatic Restoration Plan and the strategic frameworks. The Programmatic Restoration Plan identified specific opportunities and restoration approaches to address the injury to marine mammals, and they guide the Open Ocean TIG's restoration decisions. In addition, the trustees developed the strategic framework for marine mammal restoration, which is also available on the Trustees' website. That provides additional information about potential restoration priorities that can be taken to restore for marine mammals. Those are two good sources of information to look at and identify opportunities for additional projects.

Question: Will the Preferred Alternative Bird Projects fully mitigate the damages to the two species?

Answer, Ashley Mills (DOI): The two preferred alternative bird projects are for common loons in Minnesota and for black terns in North and South Dakota. We don't know that the injury will be restored by those two projects, but will learn through doing the projects and monitoring their success.

Question: The December 2017 Sturgeon Open Ocean Restoration Planning Annual Report says that \$30 million was allocated to the Open Ocean TIG for sturgeon, and that the Open Ocean TIG has already spent nearly \$20 million on "developing restoration project ideas." This is confusing because the restoration plan says \$15 million was allocated for sturgeon restoration. Can you explain the discrepancy?

Editor's Note: The question above contains inaccurate figures. The 2017 Sturgeon Open Ocean Restoration Planning report states \$30,000 was allocated for planning, and \$20,000 of that was expended.

Answer, Laurie Rounds (NOAA): The allocation to Gulf Sturgeon was \$15 million to the Open Ocean TIG to conduct restoration for Gulf Sturgeon. There was also a separate allocation for fish and water column invertebrates, but that was for a separate injury category for those species that occur in the open waters and water column of the Gulf of Mexico. We do have two different restoration types and the Gulf Sturgeon restoration type was allocated \$15 million total for restoration under the Open Ocean TIG.

Question: In future plans, will you include the list of projects from the portal that made it through the first screening criteria for each resource?

Answer, Laurie Rounds (NOAA): When we are developing a restoration plans, we put out the request for project ideas (to be submitted) into the portal, pull all of those ideas together, and go through the process of identifying those that would be applicable to the Open Ocean restoration area, the restoration types, and to the priorities that have been identified in the particular notice or call for ideas. As we're developing the restoration plan, the Open Ocean TIG will include a description of the screening process that the trustees use to identify the projects that are being proposed in that draft restoration plan for public comment. One good place to look for information on the screening projects, as well as the types of alternatives and considerations that the trustees took to develop the proposed projects, is in the draft restoration plan. There are also opportunities to review the projects that have been submitted to the portal. Additionally, as we're developing information and responding to comments in the draft restoration plan,

we would also respond to any questions or comments concerning the selection of restoration alternatives in a particular draft restoration plan.

Question: As discussed, monitoring and adaptive management may occur at project, resource, and cross-resource levels. Can you repeat the timeline for rolling out Open Ocean priorities for resource and cross-resource monitoring?

Answer, Eric Weissberger (NOAA): We are hoping to release our process document, which we mentioned in the presentation, in early 2019. Then we'll actually go through our processes to come up with the monitoring and adaptive management priorities for the TIG, and hope to get those out in late spring (2019).

Question: Will there be scheduled times to formally open the portal for project suggestions for specific categories in preparation for future restoration plans?

Answer, Laurie Rounds (NOAA): The portal is always available for anyone to put in a restoration project idea. It is used by all of the trustees, so it can be an idea that would apply to any of the restoration types, or restoration areas across the Natural Resources Damage Assessment. The portal is open and available for you to put in any project idea at any time, however, there are specific times when TIGs will put out a call or a request for ideas to indicate to the interested public that we are starting to develop restoration plans and we're seeking ideas for what some of those priorities might be. We do that to let you know we're starting the restoration planning process, (that we'd like your ideas), and it is also an opportunity to go in and update your project idea information in response to a particular TIG and their priorities or restoration types. You can go in and (submit, or) update your project at any time in response to any call for project ideas. The trustees review the project ideas that are submitted to the portal. (The portal) is a good tool to provide ongoing input on any restoration ideas that you may have and want to share.

Question: How does the Open Ocean TIG coordinate with Bureau of Ocean and Energy Management (BOEM) regarding environmental impact statement (EIS) development for lease areas in the Gulf of Mexico?

Answer, Aileen Smith (NOAA): NOAA, where appropriate, works with BOEM and consults with BOEM on their EIS's leased area work, but the Open Ocean TIG does not have a role in that process. It's more of a regulatory role of the agency or agencies that are represented on the TIG. If there's a specific activity where it makes sense, where it would be appropriate for us to talk to BOEM, we certainly have the avenues to do that as the Open Ocean TIG. Right now, in the pure regulatory EIS coordination sense, that's an agency regulatory function.

Question: What projects in the Gulf are Trustees considering for heavily impacted pelagic species like shearwaters?

Answer, Ashely Mills (DOI): In the draft Restoration Plan 1 we have a couple of bird projects proposed for funding, one for loons, one for black terns. We couldn't get to all bird species in our first round of planning and we did want to get started. There's \$70 million allocated for birds in Open Ocean restoration area, so we have a ways to go on bird restoration. We were considering some seabird species with high injury, particularly Audubon shearwaters, some other Caribbean nesters, but during the planning process we all experienced a devastating hurricane season in 2017. We need to reassess some things there before we're ready to look again at Caribbean birds, but that will come in the future.

Question: As a follow up to the question about additional fish projects, when would these be announced?

Answer, Laurie Rounds (NOAA): The second Restoration Plan that the Open Ocean TIG is developing will include restoration projects proposed to restore for fish – fish and water column invertebrate injury. So, that restoration type is being included in the draft Restoration Plan 2 and we anticipate that will be released for public comment in early 2019. That's the next opportunity where we're going to have proposed fish restoration projects out for public comment.

Question: Have the funds for Administration primarily gone to funding the TIG staff (federal employee salaries)? Were any new positions created to undertake the work or were existing staff re-assigned?

Answer, Aileen Smith (NOAA): The administrative oversight funds were intended in the settlement primarily for the work of the federal Trustees – the Open Ocean administrative fund. The federal Trustee staff time supporting each of the Trustee Implementation Groups and that's where the bulk of that money went, is going, and will continue to support so that's right in keeping with the settlement. The question on new staff is a somewhat detailed question we'd have to ask across each of the agencies, so I wouldn't want to answer that here for just the NOAA perspective. If that's important for someone to know, we can certainly dig in and find that information. But, it's primarily re-assignment of existing personnel to support that work.

Question: When might bird species beyond the three considered in the Draft Restoration Plan 1 become priorities? That is, what is the timeline for additional restoration planning for Open Ocean Birds?

Answer, Ashley Mills (DOI): The Open Ocean TIG has not set a specific schedule for the next restoration plans beyond the first two plans that we're developing now. For Restoration Plan 1, we're working to consider public comments received right now, the close of that comment period was last Friday. We're working to review those comments and finalize the plan – and that one's for birds and sturgeon. Then we will begin implementation of any selected projects in that plan. Also, we anticipate releasing our second draft plan in early 2019 – so coming up in just a few months. We'll have a 45 day public comment period for that, and then we'll spend the rest of next year finalizing that plan. We have quite a bit of work ahead of us for these first two plans and we haven't set a schedule for our next round of planning yet.

Question: How will the work for the implementation phase of these projects be contracted out? Either through existing agency indefinite delivery/indefinite quantity (IDIQ) or multiple award schedule (MAS)

type contracts to existing contract holders, or through new requests for proposals (RFP) or requests for qualifications (RFQ) advertised by each individual implementing agency and in accordance with Code of Federal Regulations - 2CFR 200.

Answer, Laurie Rounds (NOAA): There are various mechanisms that can be used to implement the projects. The way that it works is that individual trustee agencies are designated as an implementing trustee for selected restoration projects. That individual trustee agency is then responsible for all the implementation tasks – including contracting – to complete the activities that are approved as a part of that project. That includes specific monitoring activities. (In total) it is implementation, monitoring adaptive management and maintaining projects in the long-term. The implementing trustee considers the most efficient and effective means to implement each phase of a project. In addition, while they're doing that, they follow their agency-specific requirements that are established in their respective contracting and grant regulations. We (Trustees) use those existing requirements and procedures, as an implementing trustee. Overall, the trustees ensure that projects are implemented in a cost-effective way. (To achieve that) we seek out opportunities to partner or to contract with appropriate entities through the mechanisms that the implementing trustee has available to them.

Question: The Alternatives presented in the Restoration Plan 1 appear to be well-developed (complete proposals), yet portal submissions were described as more broad-brushed. Did reviewers undertake consultations with some submitters?

Answer, Ashley Mills (DOI): When I hear this question I think more about the general process of restoration planning and what it means when we enter project ideas into the portal and how ideas may become developed into restoration alternatives proposed in restoration plans. I just want to note that our restoration planning process is different than some others. It's not an application process or a grant process, or a request for proposal, but more of a request for project ideas. When folks enter ideas into the portal, the Open Ocean trustees are responsible for taking that input and evaluating it, screening it against our goals and Oil Pollution Act (OPA) criteria – i.e. how it meets the injury, is it time sensitive. Then, those that rise to the top and meet all the screening criteria, we develop those ideas as a TIG into restoration alternatives that we then evaluate under the National Environmental Policy Act (NEPA), under a reasonable range of alternatives. In some cases, if we have questions about the project idea, we may go back to the person who submitted that idea. We have done that to get more information, so that is a possibility. We recognize that there is considerable knowledge out there from state partners, federal partners, non-profit agencies, fishery groups, contractors, all kinds of organizations. We as trustees consider the most efficient and effective means to implement the project, so sometimes we do reach out.

Question: How does the TIG coordinate with entities managing Gulf Coast Ecosystem Restoration Council (RESTORE)-related funds? (Given overlap in nature of projects.)

Answer, Laurie Rounds: That's certainly something that has been part of the Trustees' approach when we were developing the Programmatic Restoration Plan as a part of the settlement. We're moving forward in identifying ways that we can be working both together across our TIGs and with other *Deepwater Horizon* restoration programs. As the person who submitted this question indicated, there are opportunities to be able to identify where we can leverage resources and really understand the best opportunities for the different *Deepwater Horizon* restoration funding sources. We do coordinate. It's a high priority for all of the Trustees – and I believe this is true for all of the TIGs as well as the Open Ocean TIG – that we look for opportunities to coordinate specifically with RESTORE program. We do

that by having the same staff participate in both the RESTORE and NRDA programs, so often times it's the same people who participate in both programs, helping us with that coordination. We also take opportunities for more formal coordination where we meet specifically with the RESTORE staff, and the state and federal participants on the RESTORE council. We have regular meetings with them, as well. As we're going out and looking at project opportunities, we look at all of the projects being funded under RESTORE and consider that (information) as we're selecting our priorities for implementation and developing draft restoration plans. We're always looking for ways in which we can partner and leverage all of the good work that's going on across the *Deepwater Horizon* restoration programs and funding sources.