

1 UNITED STATES OF AMERICA  
2 Department of the Interior  
3 Department of Defense (Navy)  
4 Department of Commerce  
5 National Oceanic and Atmospheric Administration  
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8 Gulf States of FL, AL, MS, LA, TX  
9 Deepwater BP Oil Spill  
10 Draft Phase I Environmental Restoration  
11 Plan/Environmental Assessment Public Meeting  
12  
13

held on Tuesday, January 17, 2012

14 commencing at approximately 7:00 p.m.  
15

at Gautier Convention Center

16 2012 Library Lane  
17

Gautier, Mississippi  
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25 Transcribed By: Tara S. Sims, RPR, CSR

## 1 REPRESENTATIVES

2 TRUDY FISHER, Director - Mississippi Department of  
3 Environmental Quality (MDEQ)

4 BRIAN SPEARS, Restoration Program Manager -  
5 Department of the Interior (DOI), U.S. Fish  
6 and Wildlife Service (FWS)

7 RICHARD HARRELL, Director - Pollution Control and  
8 Mississippi Department of Environmental Quality  
9 (MDEQ)

10 BRADLEY ENNIS, Legal - Mississippi Department of  
11 Environmental Quality (MDEQ)

12 MIKE BEISLER, Lead Biologist - Mississippi  
13 Department of Environmental Quality (MDEQ)

14 DEBORA MCCLAIN, Deputy Case Manager - Department  
15 of the Interior (DOI)

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1 (The following meeting was held:)

2 PERRY FRANKLIN: Good evening. My name is  
3 Perry Franklin and I will be serving as your facilitator  
4 for tonight's meeting.

5 I would like to welcome you to the third of  
6 twelve public meetings for the Deep Water Horizon oil  
7 spill Natural Resource Damage Assessment, or NRDA, as  
8 you will commonly hear tonight. But I would like to  
9 start off with that definition of that acronym for those  
10 who do not know what the NRDA term means: Natural  
11 Resource Damage Assessment Early Restoration Process.

12 In addition to the meeting held tonight,  
13 there have been two meetings held in Florida already,  
14 and there will be eight additional meetings held over  
15 the next three weeks. There are two more meetings in  
16 Mississippi this week: Tomorrow night in Gulfport and  
17 Thursday evening in Bay St. Louis. Additional meetings  
18 will be held in the states of Alabama, Texas, Louisiana,  
19 and the District of Columbia.

20 The objective of tonight is to receive your  
21 comments on the proposed projects included in the Draft  
22 Phase I Early Restoration Plan. There will be a  
23 dedicated comment period following tonight's  
24 presentation, which will give you updated information on  
25 this process. Please hold your comments until the

1 second portion of tonight's meeting.

2 Okay. I think everyone has found their seats  
3 and silenced their cell phones, so let's get started.

4 If you would like to learn more about the  
5 Draft Early Restoration Plan or the projects proposed  
6 specifically for the State of Mississippi or have come  
7 to provide additional input, you are in the right  
8 location. If you have any conversations, we would  
9 greatly appreciate if you could take those into the hall  
10 so that we can minimize noise levels to respect your  
11 fellow neighbor.

12 Providing tonight's sign language  
13 interpretation services are Jerry and Margo Buisson.  
14 Providing tonight's Vietnamese translation services are  
15 Mr. Christian Albert. Providing tonight's court  
16 reporting services are Ms. Tara Sims. And this is very  
17 important, because this is an official meeting and we  
18 want to ensure that we have these proceedings accurate  
19 in the record.

20 First, hopefully everyone picked up this  
21 informational packet when you walked in. This is a good  
22 reference document to hang on to, to understand what's  
23 going on, to have the website addresses where you can  
24 plug into and stay informed throughout the process. It  
25 also talks about the various projects that are being

1 proposed, specifically the projects for the State of  
2 Mississippi. And so if you did not pick up one of these  
3 handout packets, I invite you to pick up one on your way  
4 out. It's very important and it has the agenda on the  
5 top page.

6           You also may have noticed the open house in  
7 the adjacent room. This open house is being staffed by  
8 subject matter experts that have come to the State of  
9 Mississippi to give you firsthand information. Also,  
10 you have your state leading officials from the  
11 Mississippi Department of Environmental Quality to  
12 ensure that you understand what's going on in the state  
13 and to get your questions answered.

14           The format of tonight's meeting is not to get  
15 into a dialogue in this facility or in this room, but to  
16 really get your comments in this room. The space next  
17 door, if you have a specific question, that's where we  
18 invite you to take that specific question, because we  
19 have experts on-hand who can get down and get into the  
20 weeds with you about your specific question.

21           So the meeting has two parts. The first part  
22 will be presentations where you will get very detailed  
23 information about the process and to bring you up to  
24 speed. And the second part of tonight's meeting is to  
25 give you the opportunity to give comment to the plan,

1 which is the most important part of tonight's meeting.

2 This card is very important. If you would  
3 like to make a verbal comment at this evening's meeting,  
4 please raise your hand if you have not had the  
5 opportunity to put your name on one of these cards.  
6 This is the way that we will call you forward in the  
7 order in which you have signed up to make a verbal  
8 comment. So if you want to come forward to the  
9 microphone in Part II of tonight's meeting, please just  
10 raise your hand and we will get one of these cards to  
11 you.

12 There are three other ways to offer your  
13 comment, as well. We have an input station in the room  
14 right behind you where our staff will help you input  
15 your information. You can also pick up one of these  
16 forms tonight and mail this form in, and the address is  
17 right on the middle of this form where you can write in  
18 your comments about the early restoration projects and  
19 mail those in. And of course, you can go to the website  
20 and we will have the Powerpoint presentation from  
21 tonight on those website addresses, as well as in your  
22 informational packet.

23 So tonight, you will learn more about NRDA.  
24 You will also learn a lot about the background  
25 information of what goes into that process, the Draft

1 Phase I of the Early Restoration Plan, the proposed  
2 projects, and then most importantly, the public comment  
3 component of this meeting. That's a high-level overview  
4 of what's going to take place tonight.

5 Most importantly, if you don't make a verbal  
6 comment tonight, please remember that Valentine's Day,  
7 February 14th, is the deadline to submit your comments.  
8 So please just kind of put that date in your mind. If  
9 you leave tonight and you are thinking about -- I've  
10 spoken to many of you, and you have said I want to spend  
11 more of today about learning about the process; I'm not  
12 prepared to comment. That's great. Thank you for  
13 coming. But February 14th is that deadline to get those  
14 comments into the system.

15 Tonight's trustees who are sitting in front  
16 of you make up tonight's listening panel. In Part II of  
17 this meeting, these are the individuals, the trustees,  
18 who will listen to your comment, and those comments then  
19 become part of the process of the projects that will be  
20 rolled out in the State of Mississippi.

21 We have Mrs. Trudy Fisher, Executive Director  
22 of the Mississippi Department of Environmental Quality,  
23 also a Mississippi Trustee. We have Mr. Brian Spears to  
24 her left, Restoration Manager, Department of Interior.  
25 To his left, Mr. Richard Harrell, Director, Pollution

1 Control, Mississippi Department of Environmental  
2 Quality. To his left, Mr. Bradley Ennis, Legal,  
3 Mississippi Department of Environmental Quality. To his  
4 left -- well, skip over Debora -- Mr. Mike Beisler, Lead  
5 Biologist, Mississippi Department of Environmental  
6 Quality. And then second in from the left is  
7 Mrs. Debora McClain, Deputy Case Manager, Department of  
8 Interior.

9 Now, to formally bring this meeting to a  
10 proper starting point, I would like to ask Mrs. Trudy  
11 Fisher to say a few words.

12 TRUDY FISHER: Good evening. Thank all of  
13 you for being here. Let me try that again. Good  
14 evening. There we go; let's get some energy in the  
15 room. Thank all of you so for being here. It's a  
16 little drizzly out tonight; it's a school night. We've  
17 all been working during the day. It means so much to me  
18 so see this room full with all of you interested and  
19 caring about what we are here to talk about tonight.

20 Tonight, Perry, as you so well said, it's  
21 about you; it's about what you have to say. We want to  
22 hear from you about the projects that we are going to  
23 talk about tonight. We want your input; it is so  
24 important.

25 Now, Perry did a great job talking about the

1 different ways that we have to hear from you. And I  
2 don't know about you, but a lot of times, I come to  
3 meetings like this and I'll be driving home and I'll go,  
4 "Oh, I wish I would have said that." If that happens to  
5 you, we've got some forms for you to please take home.  
6 And you can mail it to us; you can do it the  
7 traditional, old-fashioned way, which I still like to  
8 do, and mail it to us, or you can do it in the comfort  
9 of your own home on your own computer and e-mail it to  
10 us. We've got e-mail addresses, everything we've got  
11 has been handed to you. If you are not comfortable  
12 coming to the microphone and you'd rather go in the back  
13 room where we have computers set up, we would love for  
14 you to submit your comments by e-mail with computers we  
15 have set up here tonight.

16 Now, I know most of you in the room, and we  
17 don't have a whole lot of shy people in here. So I look  
18 forward to those of you who are here who do want to come  
19 to the microphone and comment and let us hear in person  
20 what you have to say.

21 Now, tonight is not going to be the only  
22 night to have comments. Like Perry said, it's February  
23 the 14th, and that's just on this one phase of early  
24 restoration. This is just Phase I of other phases to  
25 come. So when we talk through these projects, please be

1 ready to give your comments in any way that you are most  
2 comfortable. And when you go home, if you like what  
3 you've heard, if you like this format, if you know that  
4 you've got neighbors, friends, family members who you  
5 think want to know more about this, please tell them  
6 about the meetings tomorrow night in Gulfport and then  
7 the following night in Bay St. Louis. We'd love to have  
8 them. We'd love to have the next two meetings with this  
9 attendance just like we have here tonight. So please  
10 feel free to tell other people about the meetings if you  
11 find these informative and would like to share the  
12 information.

13 Now, I am going to turn over the meeting now  
14 to Brian Spears. A part of this meeting format -- I  
15 think it was great to have the open house. I've heard  
16 some great conversations, some great exchange of  
17 information. I know I had some great conversations with  
18 several of you about the projects, about the NRDA  
19 process as a whole. And so to kind of set the stage,  
20 Brian Spears, who was just introduced with the  
21 Department of Interior, he is going to go through a  
22 presentation. He's going to go over, basically, the  
23 Natural Resource Damage Assessment Process. So we all  
24 talk about it and we talk about it a lot, but we haven't  
25 all lived through a NRDA process before, so we thought

1 it would be helpful to kind of set the stage again for  
2 the NRDA process. And then also, the early restoration  
3 part of this process, which brings us here tonight with  
4 the Early Restoration Project.

5 So with that, again, welcome. Thank you so  
6 much. And, Brian, I am going to turn it over to you and  
7 I'm going to let you do your presentation so we can get  
8 right to the public comment aspect of our program.

9 BRIAN SPEARS: Thank you, Trudy. Thank  
10 everybody for coming. It's great to be in Gautier. As  
11 Trudy said, my name is Brian. I work for the U.S. Fish  
12 and Wildlife Service, which is part of the Department of  
13 the Interior in our Fairhope, Alabama office right down  
14 the road here. And as Trudy said, I am just going to  
15 give a brief overview of NRDA and the Oil Pollution Act  
16 and the Early Restoration process. It's important, as  
17 Perry and Trudy said, to leave as much time as we can  
18 tonight for public comment, but it's important to go  
19 over this stuff just a little bit to put the Early  
20 Restoration Plan in context here and provide a little  
21 bit of a background about how this process is moving,  
22 where it's at, and where it's going next.

23 As Perry mentioned, there is a lot more  
24 information in your packets. The Draft Early  
25 Restoration Plan is online, and that will cover a lot

1 more information I'm here to present tonight. Of  
2 course, the Oil Pollution Act itself is incredibly  
3 exciting to read and is available publicly. You can  
4 pull that up online if you feel so inclined.

5 So anyway, the Oil Pollution Act itself was  
6 developed and enacted in 1990 following the Exxon Valdez  
7 spill and it provides general guidance on how to respond  
8 to an oil spill. Within OPA, there are these  
9 regulations called Natural Recourse Damage Assessment.  
10 And what those regulations do is they provide us law for  
11 holding people accountable for injuries to natural  
12 resources caused by oil spills.

13 The job and the goal of NRDA is to help  
14 compensate the public for those injuries. So in the  
15 United States, natural resources are a public commodity;  
16 they are owned by all of us. And this gives us an  
17 attitude -- an attitude, we already had an attitude --  
18 this gives us an avenue for being compensated for the  
19 losses. In simplest terms, if somebody spills oil and  
20 kills a bird or kills a dolphin, they owe us a bird or  
21 dolphin, so that's what it's all about. And legally,  
22 this is taken straight out of OPA, and again, it's  
23 designed to make the public whole and compensate the  
24 public for losses.

25 The NRDA Regulations under OPA designate

1 affected state, tribal, and federal agencies as trustees  
2 for the public. And those trustees' job is to help  
3 ensure that the public is justly compensated and the  
4 injured resources are restored. So in regards to the  
5 Deep Water Horizon oil spill, all five states along the  
6 Gulf of Mexico were affected. And so you see as  
7 trustees, all five states up here are represented. And  
8 in some cases, several -- one or more agencies within a  
9 state represent that trustee, and so you see that's the  
10 case here.

11 As far as the federal trustees go, the  
12 Department of Commerce, represented by NOAA, and the  
13 Department of the Interior, represented by Fish and  
14 Wildlife Service, the National Park Service, and the  
15 Bureau of Land Management are represented because  
16 resources that we manage and look after were affected,  
17 also.

18 Okay. So the process of NRDA -- there are  
19 three main stages. The first is the Pre-Assessment  
20 Stage. There is a spill, and so it's our job to go out  
21 there as soon as we can and evaluate whether injuries  
22 are occurring or whether they are likely to occur. And  
23 sometimes, that's a complex issue. For example, in this  
24 case, chemistry in the water column 150 feet down. Or  
25 it's a simple case, oiled birds or dolphins washing up

1 on the beach. So once the trustees figure out whether  
2 it's appropriate to go forward with more investigation,  
3 the Natural Resource Damage Assessment moves into the  
4 Injury Assessment Phase, and that's where we are right  
5 now with the case as a whole.

6           There are a lot of people still out there to  
7 this day collecting more data and evaluating what was  
8 injured and what the scope of that injury was to  
9 different types of resources, including human use of  
10 those resources, which I will hit on again here in a  
11 second. As well as evaluating the assessment, this is  
12 also the Restoration Planning phase. So a part of NRDA  
13 is right away figuring out what is appropriate  
14 restoration for the public. And this happens early and  
15 often, as I will hit on here a couple more times.

16           And then, finally, the goal of NRDA is to  
17 restore the resources, and that's where we are starting  
18 tonight with this first draft plan. And as I said,  
19 restoration ideas start early and often. Way back in  
20 the fall of 2010 when a lot of us were still running  
21 around cleaning oiled birds, the trustees of the spill  
22 were already having public meetings, already going out  
23 to folks like you all and soliciting ideas about what we  
24 can do to restore resources in the Gulf that we knew  
25 were already injured.

1           Moving on, next spring, there were several  
2 meetings involved with this Programmatic Environmental  
3 Impact Statement. Now, that's a whole other meeting or  
4 series of meetings, and I'm not going to get into that.  
5 But basically, that's involved with this broader  
6 restoration planning idea. And then in April 2011, the  
7 trustees negotiated this early -- the framework for  
8 early restoration with BP. And this is a big, big deal  
9 in the NRDA world. The last case I worked on, the  
10 trustees were party to the largest environmental  
11 settlement in the history of the U.S., and then this  
12 happened. As I will mention more in a moment, this is a  
13 one-billion dollar settlement to get a meaningful  
14 acceleration on restoring resources here on the Gulf.  
15 So this was a big, big deal, and our trustee negotiators  
16 did us a really good job on this one. So we'll hit up  
17 more on that process here.

18           "Insert State" would be Mississippi. So  
19 following this agreement, the trustees held specific  
20 meetings like this one on the Early Restoration  
21 process. Now that we had this framework in place, we  
22 wanted to go out to you all and evaluate the public's  
23 input on what projects we can do early and get things  
24 moving on the Gulf here. And those happened in  
25 Mississippi, as well.

1           And finally, this process is ongoing, which  
2 I'll hit on more in the next slide. This, by no means,  
3 is the finalization of the NRDA process or the  
4 restoration process. As Trudy said, this is just the  
5 beginning. And in fact, you can consider this a very  
6 small part in a down payment on BP's involvement on  
7 restoring these resources. So it's the very start of  
8 the very start of this restoration process, so more to  
9 come on that.

10           Somebody asked me the other night: "When is  
11 the window for submitting new projects?" And we want to  
12 be clear that it's still open. It's always open; it's  
13 ongoing. So as you visit some of these websites you'll  
14 find in your packets, we're still soliciting ideas;  
15 we're still evaluating new ideas and evaluating how  
16 those ideas fit in not only to this Early Restoration  
17 process, but also the broader picture of restoring the  
18 Gulf as it relates to the BP spill. And we don't have  
19 this up here; that's a mistake. But you can find that  
20 in some of your information packets you got here  
21 tonight.

22           Okay. So take a breath; that was a lot to  
23 digest, I know. But that all leads us to where we're at  
24 today with this BP spill and this idea of early  
25 restoration. So again, there was this legal framework

1 that was signed between BP and the trustees, and the  
2 whole idea is to get a jump-start on restoring the  
3 Gulf. NRDAs are typically a complex process and can  
4 take a while, so the trustees are really interested in  
5 being able to do something here proactively for the  
6 community before that process ended. So that was the  
7 point of the agreement. And again, we are still  
8 continuing full-fledged in the assessment process and  
9 you probably spoke to some people tonight that are  
10 actually doing that still.

11 This is a quick snapshot of the agreement  
12 itself. So within the agreement, it splits out  
13 allocation of money to be prioritized by different  
14 trustees. And as you can see, it equally splits out  
15 \$100 million dollars for each of the trustees to take  
16 the lead on prioritizing projects with that money.

17 Now, that being said, we don't do this in a  
18 vacuum. All the trustees are working together  
19 consistently and constantly and talk about their  
20 restoration goals and priorities and how that fits into  
21 the broader picture. But this framework does lay out  
22 the ability to help prioritize some of those in each  
23 state and within the federal agency.

24 And then, finally, there is some money left  
25 over, just a bit of money left over here. And the

1 agreement lays out that the federal agencies will help  
2 to prioritize -- use this money to prioritize projects  
3 that the states come forward with. So again, it's a  
4 really collaborative process.

5           So how did we go about picking the projects  
6 and how do we go about picking the projects that you all  
7 see in this Phase I Draft Plan? Well, there are a  
8 number of criteria that the trustees used, a stepwise  
9 process to get through. If you go on the Deep Water  
10 Horizon Restoration website, you'll see something like  
11 700 to 900 proposed projects on there. So it's a big  
12 job just to tear those down and see what's relevant and  
13 see what we can implement now and in the future.

14           The Oil Pollution Act helps us get started  
15 there. There are a number of regulations -- criteria  
16 within those regulations that we have to consider. The  
17 Early Restoration Framework Agreement has some more  
18 similar, but additional criteria that we use to call out  
19 projects. And then finally, because of the situation  
20 we're in here in the state of the process, the trustees  
21 use a number of other practical considerations, and I'll  
22 call on those here in just a second.

23           So these are some of the Oil Pollution Act  
24 criteria, just to give you a feel of what it says. We  
25 evaluate how expensive projects will be, how they

1 address injuries to the resources for that spill,  
2 likelihood of success. Will it work? We evaluate that  
3 before we embark on restoration, and then there are a  
4 couple of others here.

5 Here are some for the Framework Agreement.  
6 Again, it does doesn't address specific injuries from  
7 the BP spill. Is it feasible, cost effective? It's  
8 similar to OPA. And then finally, how does it fit into  
9 long-term restoration planning effort that's ongoing?

10 And then there are some of the other  
11 practical considerations. What the trustees want to do  
12 as part of this plan, specifically, was to try to get a  
13 suite of projects in that hit on a broad array of  
14 injuries here. So that's why you'll see the Dune  
15 Restoration Project; that's why you'll see the Oyster  
16 Project; that's why you'll see the Human Use Project in  
17 the form of boat ramps. So we did take that into  
18 account right out of the gate here.

19 And then finally, again, the whole point of  
20 this is to go out and do stuff now and start seeing  
21 benefits quickly. So we want to choose projects that  
22 were fairly close to implementation, and soon after the  
23 finalization of a plan like this, we can go out and get  
24 started on it. So that was a consideration.

25 As I said, this is a stepwise process.

1 First, solicitate projects, screen those projects. The  
2 negotiation part is an important stopping point as it  
3 pertains to this Early Framework Agreement process. So  
4 right now, we're still evaluating the injuries; we're  
5 still evaluating what our claim is going to be with BP.  
6 We are still trying to get a handle on the total extent  
7 of injury.

8 So because of that, in coming to BP and  
9 asking them to fund projects, we have to develop an  
10 estimate of what those projects are going to do for us,  
11 what they are going to produce. So at the end of the  
12 day, when we say, okay, BP, you owe us 10 birds or you  
13 owe us 15 fish and we want you to fund this early  
14 project, they say, okay, how many birds is that worth  
15 and how many fish is that worth? So there is this  
16 negotiation process that goes on with these projects and  
17 the trustees and BP need to come to an agreement about  
18 the cost and about the benefits of the project before  
19 they go into a plan like this.

20 So it's -- I think I'm going to leave the  
21 explanation at that. So it's not a situation where BP  
22 is telling us what to do; NRDA is a trustee process.  
23 But it's important to understand that, again, for a plan  
24 like this, that comes into play. And that may affect to  
25 an extent what you see in the Early Restoration

1 Framework Plan.

2           And then finally, we are doing this right  
3 now, review and comment. And after we go through this  
4 process, we're going to review all of your comments and  
5 take all of those in consideration and come up with a  
6 final plan. So it's important to know that this is  
7 really a draft plan. Your comments can affect what this  
8 final plan looks like. So that's the Early Restoration  
9 process.

10           Now, the plan itself, you'll see there are  
11 two alternatives, two proposed alternatives. The first,  
12 Alternative A, is what we call a No-Action, or a Natural  
13 Recovery Alternative. It's important to clarify that  
14 this is not what the trustees are proposing in this  
15 plan; we are proposing this one. But the No-Action  
16 Alternative is a requirement under OPA. The trustees  
17 are required to evaluate what would happen if we do  
18 nothing and how the resources would restore themselves.  
19 So you will see that in the plan.

20           Alternatively to that, the trustees are  
21 proposing a suite of eight projects that have gone  
22 through all of the selection criteria process and BP  
23 negotiation process. So you can read more about those  
24 in the fact sheets and in the plan itself. I want to  
25 note there that each project, while they all do good

1 things for the Gulf, they are all independent projects  
2 and they are all independent proposals. So while they  
3 are all included within one alternative, the final plan,  
4 depending on public comment, may include all of those or  
5 a combination of those. So you are more than welcome to  
6 come up and comment on one project. It's not an  
7 all-or-nothing approach here.

8           So we want to leave more time for the  
9 Mississippi-specific projects tonight. So I'm just  
10 going to graphically here show you -- this is an excerpt  
11 from the draft plan. This is the location where all the  
12 projects are, and again, there's more information in the  
13 plan about that stuff. In Florida, you'll see some  
14 proposed boat ramps addressing human use. That was a  
15 lost resource under NRDA. And you'll see some dune  
16 restoration, as well as Alabama, dune restoration and  
17 marsh restoration. In Mississippi, some oyster reef  
18 restoration and marsh restoration. And in Louisiana,  
19 you'll also see oyster restoration, as well as the marsh  
20 restoration. And this is just a quick snapshot. This  
21 is just a summary of what you see in the plan, as far as  
22 the costs for those projects.

23           Okay. For the Mississippi stuff, I'm going  
24 to defer to Richard Harrell to go through those more in  
25 detail for you. Thank you.

1           RICHARD HARRELL: Thank you, Brian. Again,  
2 I'm Richard Harrell, the Director of MDEQ's office of  
3 Pollution Control. You're going to hear a common theme  
4 throughout here that you've already heard, and I'm going  
5 to reiterate it. Again, this is the start of this  
6 process. In Mississippi, the response is still  
7 ongoing. We still have a whole lot out there that we  
8 are recovering every day. The assessment is still  
9 ongoing. We have scientists out there still studying  
10 this every day.

11           In addition, you have heard our project ideas  
12 are still open. We are still soliciting comments and  
13 project ideas to put on this list for evaluation and  
14 review and consideration in additional rounds or in  
15 final restoration.

16           And thirdly, we are here tonight mainly  
17 comment about this, this Early Restoration Plan, Draft  
18 Early Restoration Plan. So this plan is still very much  
19 fluid. You can comment tonight on Mississippi's ideas.  
20 You can comment on any of the proposed ideas. Like  
21 Brian said, it's not one or all. You can comment on our  
22 ideas or other people's ideas. This is a public hearing  
23 for the entire Draft Early Restoration Plan, not just  
24 Mississippi's ideas. So I wanted to reiterate that.

25           What you see here is the first of two of

1 Mississippi's project ideas we are putting forward to  
2 the public for the Phase I Draft Early Restoration  
3 Plan. This is an oyster cultch restoration. It's  
4 located, you can see, on the map here at the mouth of  
5 Bay St. Louis, or St. Louis Bay. It encompasses 1,430  
6 acres in the Mississippi Sound. Brian talked about what  
7 is the nexus; what are we trying to do? This is  
8 proposing the resource benefit is oysters in the  
9 Mississippi Sound.

10           How do you do that with oysters? Oyster  
11 larva floats around, oyster spat floats around in the  
12 Mississippi Sound. It's always out there, especially in  
13 the spring and fall. How do you promote oyster growth?  
14 Well, you provide a substrate for this spat to land on  
15 to start growing. What we would propose is deployment  
16 of oyster cultch. That can be a combination of actual  
17 used oyster shells, limestone, or crushed concrete.  
18 We've proposed a density of about 100 cubic yards per  
19 acre, and that gives us a good base for this material to  
20 land on and start growing. We talked about how long  
21 this may take; when is the resource going to be  
22 recovered? And in this estimate, it will take up to  
23 about five years to get back up to a harvestable oyster  
24 size in these areas.

25           Again, we have a schedule in here, and this

1 is really up to the public and the public comment  
2 period. If they like this idea, we'll go forward with  
3 it. We would like to meet the intent of early  
4 restoration. We would like to be able to do our first  
5 cultch placement in the spring of 2012, which is pretty  
6 ambitious, and continue all the way to the spring of  
7 2013 for subsequent placements of cultch material. You  
8 can see this project consists of a total of \$11 million  
9 dollars. It's \$10.1 million dollars for placement,  
10 operation, maintenance and monitoring. And then we have  
11 a contingency of \$0.9 million dollars to go in there and  
12 tweak this project as it's ongoing, if needed.

13 Offsets, Brian talked about this real  
14 briefly. And I'm trying to go through this fairly fast;  
15 I hope I'm not too fast. You hear often that BP put up  
16 \$1 billion dollars. Well, that's good and that's great  
17 news, we think, for a down payment. But in the NRDA  
18 process, we don't use money, generally, as our currency.  
19 We're talking about the damaged resource. So we have to  
20 first agree on a currency. We have to first agree on  
21 what was damaged, how much potentially, and then a  
22 currency of what we are going to trade in.

23 If it's a bird, it's very hard -- for  
24 instance, if you have a damaged sea gull, you can't go  
25 out there and buy a seagull. You have to go out there

1 and try to restore the habitat that encourages sea  
2 gulls. With oysters, it's the same way. You can't go  
3 out there and buy oysters to restock an oyster reef.  
4 What you can do is provide the habitat for them to grow  
5 on and flourish. So in developing this metric, we use  
6 what we call a Resource Equivalency Analysis. How you  
7 are going to provide a background for this resource to  
8 grow on and recover or restore it back to what it was  
9 pre-oil spill?

10 The second thing we looked at is the life  
11 span of the project. How long is it going to last? How  
12 long are they going to continue to get credit for this  
13 project? We've selected for negotiation in this project  
14 a 10-year life span. Why 10 years? Because this  
15 cultch, it's gradually used up; it's harvested in some  
16 cases. And in some cases, it subsides into the mud of  
17 Mississippi. So even though you put it out there and  
18 you think it's going to be out there forever, it  
19 gradually degrades or it's used up or becomes entranced  
20 into the mud. So we give a life span of about 10 years  
21 for this project.

22 The second -- the last bullet we have is  
23 exactly how much credit are we proposing for this  
24 project? Again, the metric we came up with was  
25 discounted kilograms of oyster biomass. How much

1 biomass is this going to produce back into the Gulf of  
2 Mexico? And for our credit for this project, we  
3 proposed to BP to give them two million discounted  
4 kilograms of oyster biomass.

5 And I think we've talked to a lot of y'all in  
6 the audience about this. I don't want to get into this  
7 too much in this presentation, but we are available for  
8 additional questions if people have questions about  
9 offset and biomass and what that means. I think we have  
10 talked a lot of y'all about this.

11 The second project that Mississippi is going  
12 to go forward with is the Artificial Reef Habitat  
13 Project. You can see, this project is spread across the  
14 entire Mississippi Sound. It would add about 100 acres  
15 of nearshore artificial reef habitat within the  
16 Mississippi Sound. Again, what is the resource benefit  
17 in here? How do we meet those OPA guidelines that Brian  
18 talked about? And what we think it provides is some  
19 nearshore habitat in the Mississippi Sound. The  
20 estimated costs, you can see, is about \$2.6 million  
21 dollars.

22 Again, the location is there, the nearshore  
23 habitat in the Mississippi Sound. This just gives you a  
24 little bit bigger map view to see where these proposed  
25 areas are. In this case, there are 67 areas, I

1 believe. All of these are existing areas already  
2 permitted and being operated as artificial reefs by the  
3 Mississippi Department of Marine Resources. What we are  
4 talking about doing with this project is finishing out  
5 those already permitted existing areas. So in many  
6 cases, the area may be permitted or designed to be, for  
7 instance, three acres in size, but currently, they are  
8 only utilizing one acre of that. So we are proposing to  
9 finish out that existing three acres. How is it done;  
10 Very similar. We are using the aggregate material. We  
11 are deploying it nearshore, crushed lime stone, or  
12 concrete, in this case. If you remember, oysters were  
13 about 100 cubic yards per acre. For artificial reefs,  
14 you're providing a little bit more relief, about 500  
15 cubic yards per acre. This is still designed such to be  
16 a low profile reef. It's not some big structure that  
17 you are putting out there that would be a hazard to  
18 marine or vessel traffic. So it's a low 4 to 6 inch  
19 reef along the bottom of the Mississippi Sound.

20 This gives you, again, a little bit of a  
21 breakdown of time frame deployment. Again, one of the  
22 reasons we pick these projects were these other  
23 considerations, projects we thought we could implement  
24 in a timely manner so that we could see some results  
25 very quickly for early restoration. So we're looking at

1 deployment in 2012. Construction costs are about \$2.3  
2 million dollars with some contingencies, again, to tweak  
3 the project as it goes forward.

4           Offsets, again, this is another very similar  
5 discussion about how we came to these. The project  
6 life span is very similar. Again, we use the Resource  
7 Equivalency Analysis to look at that. It compares the  
8 lost resources as a result of the incident to also what  
9 we would gain by doing this project. We've proposed a  
10 credit of 763,000 discounted kilograms of infaunal and  
11 epifaunal biomass. And I think I have answered that  
12 question a lot about what that means in there. It's on  
13 a lot of our fact sheets out there about what it means.  
14 But basically, this is kind of a secondary production  
15 within that reef, the worms, the shellfish, the crabs,  
16 most of the time in their larval or post-larval stages.

17           Next steps, again, reiterating what you have  
18 already heard: We welcome your comment; we want to hear  
19 from your comment; we want to be able to address your  
20 comments and incorporate them into this plan. The  
21 public comment period closes on February 14th, 2012. So  
22 any comments that we are to consider have to be in our  
23 possession by that time frame. The trustees will  
24 consider all public comments. So again, you can make  
25 comments on projects in Mississippi or projects proposed

1 for other states or areas. The final Early Restoration  
2 Plan will include the agreed upon projects, a summary of  
3 public comments and trustee responses, and the National  
4 Environmental Policy Act Analysis for each project,  
5 NEPA -- we should have defined that for you, but that's  
6 what that stands for -- and then when the project  
7 implementation begins.

8           Once we get our public comment of these  
9 public processes, we will then go back and finalize our  
10 negotiations with the responsible parties. So none of  
11 these projects are final yet. They are all still  
12 subject to change, tweaking, or some could fall off the  
13 list entirely. We think they are a good first round of  
14 projects and we think they are a good way to go forward  
15 to see some results in Mississippi and the Gulf of  
16 Mexico. Again, we will continue to accept project  
17 submissions for additional rounds of early restoration.  
18 So continue to visit that website and provide those  
19 comments.

20           The last thing that you have also heard  
21 before was where the additional hearings are for this  
22 matter. Today is January 17th, here in Gautier. We  
23 will have additional rounds tomorrow night, January  
24 18th, in Gulfport, Mississippi, and January 19th in Bay  
25 St. Louis, Mississippi. So again, I encourage you, if

1 you've got friends, family members, or others that could  
2 not come and participate tonight, or if you want to come  
3 to another one tomorrow night, we encourage you to do  
4 that. Your opinion matters to us in this matter.

5 I think that's all I have for my piece, so  
6 I'm going to turn it back over to Perry. I have tried  
7 to go through it quickly so we'd allow as much time as  
8 possible for your public comment period. Perry is going  
9 to take it back over and we are going to start the  
10 second half of this where you will be allowed to make  
11 comments. Thank you, Perry.

12 PERRY FRANKLIN: Thank you, Richard. And  
13 thank you, Brian; that was a lot of information.

14 Now, we're at the phase of the meeting that  
15 some of you have come for. I just want to remind you,  
16 and you have heard this several times, the point of  
17 tonight's meeting is to make sure that you know how you  
18 can give a comment if you want to give a comment. And  
19 so there are multiple ways to do that and we have talked  
20 about those already. I just wanted to reiterate those.

21 And just to reintroduce the group that's in  
22 front of you, we have removed the table. This was  
23 formerly called a listening table, but we moved the  
24 table; we've put the table behind them. So this is the  
25 listening group of trustees for tonight. And there,

1 again, if you want your comment to be a part of the  
2 record, we will ask you to fill out one of these cards.

3 Is there anyone who now wants to make a  
4 verbal comment at the microphone who has not yet filled  
5 out one of these? If you would, just raise your hand,  
6 and we'll get a card to you. And if something comes to  
7 you, just raise your hand and we'll get a card to you.  
8 This isn't the final bite at the apple. If you don't  
9 care to do it in this manner, there are forms to take  
10 with you and mail in. There are input stations in the  
11 adjacent room, and there is also a website that you can  
12 go to and do it at your leisure.

13 So let's go ahead and get started. Let me  
14 bring up Victoria. We will have some timelines. We are  
15 giving everyone roughly three minutes. We won't hold  
16 you exactly to that, but we reserve the right if you to  
17 continue to go on and on, to please ask you to wrap up.  
18 So we have a fair number of commentators tonight, and so  
19 if you would, just kind of help us move the process  
20 along. If you have something long and written, and we  
21 get to the one-minute -- she'll give you sort of a  
22 little signal here. When there is one minute remaining,  
23 she'll hold this up, and then when you get to the end of  
24 your three minutes, she'll hold this up. But no one  
25 will have a major problem with us. Let's just move

1 along and we will be very respectful of your time if you  
2 will be respectful of ours.

3 First up: Mr. Randall Hines, Vice President  
4 of the Wildlife Care and Rescue Center. Mr. Hines?

5 RANDALL HINES: Hi. Thank y'all very much.  
6 I do want to say thank y'all. It's great to see so many  
7 different organizations, departments, agencies, offices,  
8 boards, commissions, governments, and nonprofit groups  
9 working together so well. And I hope that attitude and  
10 sense of patience continues when the checks really start  
11 coming in. I hope y'all can just keep that together. I  
12 wish you all that patience and cooperation; that would  
13 be great.

14 I'd like to get across to all of you that in  
15 reviewing all of these worthwhile projects -- there are  
16 so many good ones that I saw -- that someday, we are  
17 going to need to protect our shores, our wildlife, and  
18 our livelihoods again. And that's why I believe that  
19 some of this reparation should definitely be used for  
20 preparation. If we ever see a threat like this spill  
21 running in on the tide one more time, I hope that some  
22 of these projects that we are looking at that are being  
23 reviewed and projects that haven't even been submitted  
24 yet, will provide the know-how and the resources to meet  
25 that threat. Remember, if we build it next week, we may

1 have to protect it next year.

2 And finally, I really love the analogy of  
3 they owe us a bird. The organization I work with, the  
4 Wildlife Care and Rescue Center, we can't create a bird,  
5 but if we end up with a bird that can be saved, we do  
6 that. Thank y'all very much.

7 PERRY FRANKLIN: Thank you, Mr. Hines.

8 Next up is Mr. Lynn Rouse with the HAPP  
9 Environmental Organization. Mr. Rouse?

10 LYNN ROUSE: Thank you. I'd like to commend  
11 Trudy Fisher and her commission on holding these public  
12 meetings and a chance for the public to comment.

13 One of the things that we learn is that  
14 during the oil spill, the cleanup, the vast majority of  
15 boats that were out there in the Mississippi waters were  
16 from Louisiana. Unfortunately, the people that worked  
17 those boats were Louisiana people. The Mississippi  
18 people really didn't get a fair chance. There was a  
19 chance to use Mississippi boats and there was actual  
20 cases of the boats changing names at the Louisiana State  
21 line and being passed off as Mississippi boats.

22 What I would encourage is that this is  
23 Mississippi money that is allocated for Mississippi, and  
24 that a best effort be used to use Mississippi companies  
25 who better knows the land, and Mississippi employees.

1 Thank you so much.

2 PERRY FRANKLIN: Thank you, Mr. Rouse.

3 Next, we have Thao Nguyen with the Asian  
4 Americans For Change.

5 THAO NGUYEN: Hello. First of all, I want to  
6 say thank you for everything you do for the community.

7 My name is Thao Nguyen. I am here on behalf  
8 of Asian Americans For Change. I would like to speak up  
9 on behalf of the 7,000 Vietnamese people and all other  
10 fishermen living along the Gulf Coast. Eighty percent  
11 of them rely on the seafood industry to feed their  
12 families, and right now, most of them are out of jobs  
13 and very depressed. Some of them -- most don't speak  
14 English in order to learn another trade. That's very  
15 hard right now. I strongly recommend that NRDA consider  
16 hiring these fishermen for the new restoration projects  
17 that are coming up instead of hiring out-of-state.  
18 Please give them a chance to rebuild their lives since  
19 they have made a home here for the past 30 years. Thank  
20 you.

21 PERRY FRANKLIN: Thank you, Ms. Nguyen.

22 Next up, Mr. James Miller, Mississippi  
23 fisherman.

24 JAMES MILLER: How are y'all doing tonight?  
25 I'm a local fisherman. I've been fishing since I've

1     been four years old. It's a scandal and a disgust that  
2     I've got to sit up here and trade off on these birds. I  
3     worked and got sick, and I'm still sick today, a year  
4     and a half later, puking and vomiting, falling around  
5     like them birds on the beach.

6             And there ain't one thing in this thing out  
7     here that's restoring the human's health, and I'm very  
8     disturbed, I am. I'm just overwhelmed. It's tradeoff;  
9     we can laugh about it. But it's my health. Now, I've  
10    got cancer from benzene gas and ethylene just from  
11    breathing it. Imagine what our birds and our sea life  
12    are going through on the bottom.

13            When I troll, dispersants are all behind my  
14    boat every night. This ain't worth it, people. We are  
15    all failures here. Failures. I don't care how much  
16    money they shove at us. Our reefs are dead. Our  
17    species are deceased out there. I don't care what y'all  
18    tell the public here today, but I troll out there; I  
19    spend 80 percent of my time out there. And it's sad  
20    that I've got to go out there -- and I'm depressed, just  
21    like the Vietnamese Community. I'm depressed. I'm on  
22    Paxil, Xanax. I'm nervous now; my heart is beating 100  
23    miles an hour.

24            I've been to so many meetings and listened to  
25    this, you know. We're dying. Our fishermen, our

1 animals are dying. I don't care what you dump in the  
2 water. The DNA is dead. It's destroyed our animals.  
3 It's destroyed me, everybody on the coastline. And  
4 there is no restoration up there for humans. Where's  
5 our decon at to clean us up? DEQ, they have done a poor  
6 job. I had DEQ guy on my boat -- disturbing news. He  
7 chose not to come back on my boat no more. I kept  
8 smelling the aerosol, got me sick, passing out. Today,  
9 I'm doing the same thing I done then. I've got a  
10 minute. I'm used to dealing with the minute,  
11 three-minute deal from my local officials.

12 DMR up here, DEQ, I brought you out on my  
13 boat, too. And I'm really disappointed you're going to  
14 sit up here, because I brought the DEQ out on my vessel,  
15 and I got a bad response from you people. And I tried  
16 to bring you out there professionally, just like a lot  
17 of other people. That's disturbing not to see what's  
18 really going on with the Gulf where you sprayed those 59  
19 dispersants that's killing us.

20 I troll out there around my barrier islands  
21 from Alabama, Mississippi, Louisiana, and, buddy, if you  
22 want to come on and get your eyes full and then call me  
23 a liar at the end of the trip -- I've brought a lot of  
24 important people out there: Sea Shepherds, Jacques  
25 Cousteau's group, Huffington Press, Boston Massachusetts

1 Press. We all ain't liars.

2 You have to come to the conclusion one day,  
3 people, this ain't a tradeoff; it's human life and what  
4 you've done to our environment. So whoever is going to  
5 pay -- I hope your billions of dollars are really spent  
6 well. I'll probably be dead in five years. In another  
7 six months, I've got to have a blood transfusion because  
8 I got the benzene gas and all that ethylene, can't get  
9 it out of me. Y'all have a nice day.

10 PERRY FRANKLIN: Thank you, Mr. Miller.

11 Next, we have Mr. Mark Stewart, Captain.

12 MARK STEWART: How are y'all doing? I am  
13 also a fisherman, third-generation fisherman. I also  
14 worked the oil spill. I have several health issues. No  
15 answers from anybody anywhere for anything. Doctors  
16 will tell you you've got bronchitis, your nerves are  
17 bad, give you some nerve medicine, you know.

18 But this stuff is something that's working on  
19 all of our bodies. Some people are dead that worked the  
20 oil spill, and we are very disappointed that there is  
21 nothing going on concerning the health of the humans,  
22 you know. The turtles and the birds and all of that,  
23 that's all good. But if we're dead, that ain't too  
24 good. There is nothing concerning the humans or the  
25 people that were out there and working the oil spill

1 with no training, no equipment, no suits, no gloves, no  
2 nothing, just go out there and get it. And we did; we  
3 went out there and got it. But after we worked out  
4 there for about a month or two, then they want to give  
5 us training and the suits and all of that kind of  
6 stuff. It's a little late.

7           But now we need some health care, and there  
8 is none of that, either. And I've also got two oyster  
9 boats that are sitting on the dock and I'd like for them  
10 to be working on some of the oyster restoration  
11 projects. So far, there hasn't been anything come down  
12 the tube for the fishermen to go to work with their  
13 boats. Steady having bills; you steady have to check  
14 them every day; you have to pay rent on them; you have  
15 to put them up on the shipyard every year. There ain't  
16 no money coming in. This is two years. We haven't  
17 gotten one penny from anybody, BP, state, government,  
18 nobody. We are farmers of the sea. Farmers, when they  
19 lose their crops or whatever, a lot of times, they're  
20 compensated. But fishermen are farmers of the sea, and  
21 nobody is helping us at all. We would appreciate some  
22 help. That's all.

23           PERRY FRANKLIN: Thank you, Mr. Stewart.

24           Any new individuals who would like to make  
25 comment tonight? I would like to remind you that in the

1 adjacent room, we would do have subject matter experts  
2 on various topics that may be of interest to you outside  
3 of the Early Restoration process, and those subject  
4 matter experts will be here throughout the evening until  
5 the last person departs.

6 Next, we have Ms. Cindi Tarver, Steps  
7 Coalition.

8 CINDI TARVER: Good evening. I'm Cindi  
9 Tarver with Steps Coalition. I'm the Moss Point  
10 Community Organizer. And my concern is proposals done  
11 in the Jackson County area. What kind of assessments  
12 have been done around the wetlands in Moss Point? So  
13 that's my concern tonight, is the proposals. Have there  
14 been any proposals for that area, and if so, I'd like to  
15 get information on them, because that is a crucial area,  
16 as well. We've talked about Jackson County, Pascagoula  
17 beaches, the area in Moss Point, and you have areas in  
18 Gautier, as well, and I didn't see any of those areas on  
19 your charts. Thank you.

20 PERRY FRANKLIN: Next, we have Ms. Melanie  
21 Allen.

22 MELANIE ALLEN: Good evening. I am Melanie  
23 Allen. I am a resident of Ocean Springs and I am  
24 recreational fly fishermen. I was one of the two people  
25 who organized oilspillvolunteers.com, where we organized

1 over 7,000 people willing to volunteer to help our state  
2 and our coast.

3 I have a few comments, and I will be very  
4 brief. One, I wish there would be some information  
5 shared with us regarding any disincentive for any of  
6 these projects to be delayed. I see that there is a  
7 commitment of \$1 billion dollars for these projects, but  
8 I know many of the people sitting here are concerned  
9 about their claims that are in. I believe everybody --  
10 that you all are acting in good faith; I'm just  
11 wondering if there is built into this process an  
12 incentive for these projects. Obviously, for us, it's  
13 the incentive to have them completed. If I had \$1  
14 billion dollars and I could collect interest on it and I  
15 was BP, I might consider it would not be an incentive  
16 for me to spend that. So I'm just wondering if there is  
17 that built into this plan.

18 Also, I thank you for this organization this  
19 evening, this meeting, and the other opportunities for  
20 public comment. Just as a comment as someone who spent  
21 my career doing professional technical writing, I have  
22 some concern about the level of information that is  
23 presented to the audience here. We have a translation  
24 for folks who don't speak English as their primary  
25 language. We have sign language for those who have

1 hearing difficulties. Some of us here have been to  
2 graduate school; some of us did not graduate from high  
3 school. And I am concerned in looking at the  
4 information that describes the Early Restoration Project  
5 drafts that they are written in a manner that may not be  
6 comprehended by everyone who is going to attend these  
7 meetings, and it makes it less likely for them to give  
8 you good comments.

9           So I just want to offer that. Probably, you  
10 have your printing all done for all of your meetings,  
11 but if you sincerely want good public comment, I think  
12 it would be great to have the items prepared in a manner  
13 that's readable by everyone who comes to these  
14 meetings. Thank you.

15           PERRY FRANKLIN: Thank you, Ms. Allen.

16           Next, we have Ms. Celina Tran, Mississippi  
17 Coalition of Vietnamese American Fisher Folks and  
18 Families.

19           CELINA TRAN: Good evening, everyone. Thank  
20 you for the presentation earlier. My question goes out  
21 to, I believe, Brian. You spoke about the \$11 million  
22 dollars for the Mississippi oyster cultch restoration.  
23 And 80 percent of our Vietnamese American Fisher Folks  
24 are affected not only in the shrimping, fishing, but the  
25 oyster industry.

1           My first comment is to make sure that those  
2     have been impacted will be employed with this oyster  
3     cultch restoration. And the other thing is if we are  
4     doing this restoration for the oyster, can we make sure  
5     that the oyster gets cleaned out completely before we  
6     contaminate and grow future oysters? Thank you.

7           PERRY FRANKLIN: Thank you, Ms. Tran.

8           Next forward, we have Ms. Jennifer Vu, who  
9     will make comments and place comments into the record on  
10    behalf of several individuals. And if you would, prior  
11    to each person's comments, if you will just state their  
12    name and go to their comments. Thank you very much.

13          JENNIFER VU: Okay. Good evening. First of  
14    all, I would like to welcome everyone here, particularly  
15    folks who are maybe new to the Coast and some of the  
16    federal trustees who haven't had the opportunity to come  
17    down and try to become more engaged with impacted  
18    population and communities.

19          My name is Thao Vu, and I work Mercy Housing  
20    & Human Development, and I am also a member of the  
21    Mississippi Coalition for Vietnamese American Fisher  
22    Folks and Families.

23          On behalf of the Mississippi Coalition for  
24    Vietnamese American Fisher Folks and Families, I would  
25    like to strongly request that there is a process that is

1 developed whereby the federal trustees, the State,  
2 that's MDEQ, working with MRG as their partner in this  
3 coastal restoration project and community-based  
4 organizations, where we can actually put in place a  
5 process where we can ensure that there is some  
6 compliance in terms of federal requirements and targeted  
7 participation of resident population, impacted  
8 communities, and minority individuals to specifically  
9 address language access, jobs, wages, workers' claims,  
10 workers' health, and workers' safety. Thank you.

11 And the next person behind me is -- first of  
12 all, I would like to request that some additional time  
13 beyond the allotted three minutes because of language  
14 access and having to translate or interpret the comments  
15 from the fishermen. So if I could be allocated  
16 additional time, I may need an additional minute or two  
17 per individual, if that's all right.

18 PERRY FRANKLIN: Sure. You will be given the  
19 time for each of the individuals, and more time if  
20 needed.

21 JENNIFER VU: Okay. I'm reading from his  
22 comments earlier that he wrote down.

23 My name is Bien Do. He's Bien Do, and he's  
24 been a commercial fisherman on the Mississippi Gulf  
25 Coast for 23 years. The BP oil spill has not been a

1 spill, but a disaster that has greatly impacted my  
2 livelihood. It has devastated my livelihood, in fact.  
3 In fact, last year, the 2011 shrimping season was one of  
4 the worst that I could ever recall, and many fishermen  
5 all throughout the Gulf Coast, not only Mississippi, can  
6 attest to that, as well. They are very concerned. I'm  
7 very concerned and many others in the community are very  
8 concerned about livelihood sustainability issues, and we  
9 want to be a part of this process where we want to help  
10 ensure that proper coastal restoration projects are  
11 ultimately selected and implemented to help restore and  
12 rebuild our livelihoods.

13           And an additional comment that I have is that  
14 I want to be able to -- not only myself, but other  
15 Vietnamese American fishermen would like to request that  
16 a process is developed where we could work with the  
17 State and MRG and scientists and other experts to  
18 further develop some of our proposed projects and  
19 ideas. We were not actively engaged in this process  
20 earlier because of language barriers, but we have become  
21 more informed and educated and would like to be more  
22 engaged with the State in terms of sitting down and  
23 meeting for some of our proposed projects, as well.

24           My second is comment is that I would greatly  
25 request that impacted fishermen are prioritized for

1 coastal restoration jobs. Thank you.

2 PERRY FRANKLIN: And, Ms. Vu, I'm going to  
3 give you a card for each of the individuals that you are  
4 speaking on behalf of so that we can get them into the  
5 record properly. Thank you.

6 JENNIFER VU: She is Thuat Nguyen. My name  
7 is Thuat Nguyen, and I am also a commercial fisherman on  
8 the Mississippi Gulf Coast for over 20 years, as well.  
9 And my first comment is that this BP oil spill has also  
10 devastated my livelihood and caused a severe hardship.  
11 I am very depressed right now because my boat and other  
12 boats are idle. We should have been working since last  
13 year, but it's been such a terrible season since after  
14 the BP oil spill that we couldn't afford to make these  
15 continuous trips, because it's all been a loss. We're  
16 spending way more on fuel than what we are being able to  
17 catch up in the Gulf.

18 And my other comment is having the ability  
19 and the opportunity to work with scientists and the  
20 State to further develop some of my proposed projects.  
21 One of my proposed projects includes forming a fishing  
22 (inaudible) at maybe one of the local harbors and docks  
23 and getting that idea further developed.

24 And my other comment is that -- also  
25 prioritizing us to work on coastal restoration jobs

1 because we have the necessary skills. Thank you.

2 This is Mr. Hoang Tran. My name is Hoang  
3 Tran and I am also a commercial fisherman, actually,  
4 since I was a child. This BP oil disaster has caused a  
5 tremendous hardship and economic loss on my family. I  
6 would like to strongly request that the government  
7 prioritize impacted Vietnamese American fishermen for  
8 early coastal restoration jobs, such as hiring us to  
9 restore damaged oyster reefs.

10 This is Mr. Hao Nguyen. My name is Hao  
11 Nguyen and I am also a commercial fisherman from the  
12 Mississippi Gulf Coast. And just like the other  
13 fishermen, my livelihood has been greatly impacted by  
14 the spill. I have many concerns about livelihood  
15 sustainability.

16 I would like to greatly request to the  
17 government that for shrimpers such as myself and other  
18 shrimpers, we would like the State to prioritize  
19 programs or projects around helping to rebuild or  
20 restore the shrimping population, which we think has  
21 been devastated by the BP oil spill. We are very  
22 concerned because of last year's terrible season that we  
23 have not caught the typical shrimp that we would  
24 normally catch, and that's why we are proposing projects  
25 that would help with the shrimp population. And we are

1 also very interested in land acquisition to possibly  
2 establish a shrimp agriculture project and other shrimp  
3 programs. Thank you.

4 PERRY FRANKLIN: Thank you, Ms. Vu. Are  
5 there any others who would like to make verbal comments  
6 tonight?

7 (There was no audible response.)

8 PERRY FRANKLIN: The subject matter experts  
9 will remain for your questions. The trustees will  
10 remain for your questions following tonight's  
11 presentation. And to close us out, I would like to ask  
12 Ms. Fisher to come back and close out.

13 TRUDY FISHER: Just a brief thank you again  
14 for being here, wonderful comments. I hope you all join  
15 us in the adjacent room if you have any more questions  
16 to follow-up on any of the questions that you may have.  
17 We will be around to talk to you as long as you want to  
18 be. Again, thank you.

19 (Whereupon the public meeting was concluded at

20 8:08 p.m.)

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CERTIFICATE OF REPORTER

I, Tara S. Sims, Registered Professional Reporter,  
Certified Shorthand Reporter and Notary Public, do  
hereby certify:

That on the 17th day of January, 2012, the foregoing  
meeting proceedings were held in public forum;

That the foregoing statements were taken by me in  
shorthand and by recorder and thereafter reduced to  
typewriting under my direction, and the foregoing  
forty-eight (48) pages contain a full, true, and correct  
transcription of all the proceedings in said public  
meeting;

IN WITNESS WHEREOF, I have hereunto set my hand and  
seal, this the 1st day of February, 2012.

\_\_\_\_\_  
Tara S. Sims, RPR, CSR

MY COMMISSION EXPIRES:  
June 18, 2013

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UNITED STATES OF AMERICA  
Department of the Interior  
Department of Defense (Navy)  
Department of Commerce  
National Oceanic and Atmospheric Administration

Gulf States of FL, AL, MS, LA, TX  
Deepwater BP Oil Spill  
Draft Phase I Environmental Restoration  
Plan/Environmental Assessment Public Meeting

held on Wednesday, January 18, 2012

commencing at approximately 7:01 p.m.

at Westside Community Center

4006 8th Street

Gulfport, Mississippi

Transcribed By: Tara S. Sims, RPR, CSR

REPRESENTATIVES

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TRUDY FISHER, Director - Mississippi Department of  
Environmental Quality (MDEQ)

BRIAN SPEARS, Restoration Program Manager -  
Department of the Interior (DOI), U.S. Fish  
and Wildlife Service (FWS)

RICHARD HARRELL, Director - Pollution Control and  
Mississippi Department of Environmental Quality  
(MDEQ)

TERI WYLY, Legal - Mississippi Department of  
Environmental Quality (MDEQ)

MIKE BEISLER, Lead Biologist - Mississippi  
Department of Environmental Quality (MDEQ)

DEBORA MCCLAIN, Deputy Case Manager - Department  
of the Interior (DOI)

1 (The following meeting was held:)

2 PERRY FRANKLIN: Okay. I have 7 p.m. and  
3 we're going to go ahead and get started.

4 Good evening. My name is Perry Franklin and  
5 I will be serving as this evening's facilitator. I  
6 would like to welcome you to the fourth of twelve public  
7 meetings for the Deepwater Horizon Oil Spill Natural  
8 Resource Damage Assessment Process, or NRDA, as you may  
9 commonly hear tonight, which is the Natural Resource  
10 Damage Assessment Process.

11 In addition to the meeting held tonight,  
12 there have been two meetings already held in Florida and  
13 one held in Gautier last night. In addition, there will  
14 be seven additional public meetings held over the next  
15 three weeks with one more meeting in the State of  
16 Mississippi, which will take place tomorrow night in Bay  
17 St. Louis. Additional meetings to be held in the states  
18 of Alabama, Louisiana, Texas and the District of  
19 Columbia. There will be a slide further in tonight's  
20 presentation with those dates. We invite you to share  
21 those dates with your neighbors or friends who were not  
22 able to make it last night or to tonight's meeting.

23 The objective of tonight is to receive your  
24 comments on the proposed projects included in the Draft  
25 Phase I, Early Restoration Plan. There will be a

1 dedicated comment period following a presentation, which  
2 will give you an updated overview of the Early  
3 Restoration process. We ask that you please hold your  
4 comments until that portion of tonight's meeting.

5           During the comment period, each commentor  
6 will be given three minutes to prepare and to deliver  
7 their comments for the record.

8           All right. It looks like we have just about  
9 everyone in. Let's get started.

10           If you would like to know more about the  
11 Draft Early Restoration Plan or the projects proposed  
12 specifically for Mississippi or have come to provide  
13 additional input and comment, you are in the right  
14 location.

15           Providing tonight's sign language  
16 interpretation services are Jerry and Margo Buisson, to  
17 my right. Tonight's Vietnamese translation services are  
18 provided by Mr. Christian Albert to the rear of the  
19 room. And also, doing the court reporting tonight is  
20 Ms. Tara Sims to the front, to ensure that all comments  
21 are accurately recorded.

22           Before we begin tonight's presentation, let  
23 me draw your attention to a couple of the handouts.  
24 There is an informational packet that had the agenda  
25 attached to it. That's very good reference information

1 not only for tonight, but as this process proceeds.  
2 There are a few websites addresses in that information,  
3 and I invite you to please pick that up if you have not  
4 already.

5 Also, you may have noticed to two information  
6 open house sessions. While that is not the primary goal  
7 of tonight, we thought that would be very helpful  
8 information, and we invite you to attend or visit those  
9 again post-this meeting. Those subject matter experts  
10 have come in from all over the State of Mississippi, as  
11 well as the Department of Interior and the federal  
12 government for your convenience. We invite you to visit  
13 those areas if you have not taken that opportunity.  
14 Those stations will be open until the last person leaves  
15 tonight.

16 Additionally, located in the same area to my  
17 right, there is an input station where if you are not  
18 one to give your comments on the microphone tonight for  
19 the record, you can also go to one of the input stations  
20 and a member of the staff will assist you with that.

21 Tonight, there is going to a lot of  
22 information given to you with the hopes that this can  
23 help you to greater understand and to better understand  
24 what's going on. You will see that we will give an  
25 overview of the NRDA process, more background on early

1 restoration, going into a little bit deeper detail into  
2 the Draft Phase I Early Restoration Plan, talk about  
3 some of the proposed projects, specifically the proposed  
4 projects for the State of Mississippi. And then the  
5 most important part of tonight's meeting is to get your  
6 public comment.

7           Again, there are four ways to give comment.

8 If you would like to give comment at the microphone in  
9 Part II of tonight's meeting, we will need you to fill  
10 out of these cards. If there is someone who is seated  
11 right now who has not filled out a card who would like  
12 to give verbal comment tonight, if you will just raise  
13 your hand and we will get one of those blank cards to  
14 you. And I will ask this a few more times this evening.  
15 So if you have not done this, but maybe after the  
16 presentation there is something that really hits you,  
17 please just your hand and we will get one of these cards  
18 to you.

19           And when you come forward to make your  
20 comments, just remember that we do have some time  
21 structure. And if you come forward, if you will state  
22 your name clearly for the record, as well as if you were  
23 representing an organization, please state the name of  
24 the organization for the record, as well. One date to  
25 remember is that the comment period ends February 14th,

1 and so please remember that, as well.

2           Seated in front of you are members  
3 representing the trustees that are guiding this  
4 process. To my right is Ms. Trudy Fisher, Executive  
5 Director, Mississippi Department of Environmental  
6 Quality. To Trudy's right is Mr. Brian Spears,  
7 Restoration Manager, Department of the Interior. Seated  
8 to Brian's right, Mr. Richard Harrell, Director,  
9 Pollution Control, Mississippi Department of  
10 Environmental Quality. Sitting to Richard's right is  
11 Mrs. Teri Wyly, Legal, Mississippi Department of  
12 Environmental Quality. Sitting to the right of Teri is  
13 Mr. Mike Beisler, Lead Biologist, Mississippi Department  
14 of Environmental Quality. And on the end is Ms. Debora  
15 McClain, Deputy Case Manager, Department of the  
16 Interior.

17           These are the individuals that have been  
18 assembled tonight to receive your comments in Part II of  
19 tonight's meeting. This is a listening session for  
20 these trustees. This is not where we are going to  
21 engage in debate or rhetoric or answer questions. The  
22 purpose of the two rooms to your left will be where we  
23 have subject matter experts if you want a deep, detailed  
24 answer to a specific question. That is the format of  
25 the Early Restoration Draft process, and we thank you

1 for that.

2 Now, to formally begin tonight's proceedings,  
3 I would like to ask Trudy Fisher to open the meeting.

4 TRUDY FISHER: Thank you, Perry. Good  
5 evening. Thank all of you, again, for being here  
6 tonight. I appreciate everyone making the effort to  
7 come out on a Wednesday night, work night, school night.  
8 This is something that is important to all of us, and  
9 obviously, your attendance is very much appreciated.

10 Mayor Schloegel, Peggy, thank you for being  
11 here. It means a lot with you being here at this great  
12 facility that we're in tonight. It's the first time  
13 that I've had an opportunity to be here and actually be  
14 in this facility; it's great to see this nice facility.

15 As Perry was saying, tonight is about you and  
16 the public comments, what you have to say. You know,  
17 "public comment" is such a formal word. The bottom  
18 line, the way we talk in Mississippi, we want to know  
19 what you have to say. And that's why we had the meeting  
20 last night; that's why we're having the meeting tonight;  
21 that's why we're having the meeting tomorrow night in  
22 Bay St. Louis.

23 Now, we're going to have some presentations,  
24 as Perry was saying, before we get to the public  
25 comments before we hear what you have to say. Brian

1 Spears, with the Department of the Interior and U.S.  
2 Fish and Wildlife is going to give us a great overview  
3 of the Natural Resource Damage Assessment Process, this  
4 thing called Early Restoration Agreement that all of you  
5 have heard about, that brings us here tonight. That's  
6 why we're here tonight.

7 There are eight projects gulf-wide that are  
8 in a draft plan; they are draft projects. There are two  
9 projects for Mississippi. Brian is going to talk about  
10 that process. And then our own, Richard Harrell, is  
11 going to talk about the two Mississippi projects. And  
12 when Richard concludes his part of the discussion, then  
13 Perry will resume so we can hear from you and hear what  
14 you have to say.

15 Now, Brian -- when we talk about Brian's  
16 introduction, it's a long introduction about where he  
17 works, but he's just a good 'ole soul right across the  
18 state line in Alabama, so he's one of us. He's from the  
19 Gulf; he knows the Gulf, and we look forward to what he  
20 has to say.

21 Now, Perry did an excellent job talking about  
22 the different ways that we have to hear from you. Now,  
23 if you are like me sometimes, I don't like getting in  
24 front of this microphone and talking in front of a lot  
25 of people. And if you get home and you want to mail us

1 your comments, please do so. If you want to get on  
2 your computer and send us your comments, please do so at  
3 a later time. You don't have to do it tonight on these  
4 two projects, just on where we are on this phase of this  
5 process. We even have computers set up here in one of  
6 these rooms that you can put your comments in tonight if  
7 you are more comfortable doing that. I know several of  
8 you in here, and you're not shy and you're comfortable  
9 coming to this microphone tonight and talking to us, so  
10 please do. But we want to hear what you are to say.

11 And the most important thing is for just this  
12 phase of the process, tonight isn't the only night. We  
13 have until February the 14th to hear about the  
14 Mississippi projects. I wore red tonight to remind you  
15 of the date, Valentine's Day -- funny how that worked  
16 out -- for the comments for these particular projects.

17 But the most important thing I want to leave  
18 with you is this: When you hear Brian and when you hear  
19 Richard's presentation, this is the first phase; we are  
20 just beginning. The comments tonight are just on this  
21 part of the draft plan. You can comment on the eight  
22 projects from across the five states and the Department  
23 of the Interior projects; you can comment on just our  
24 projects; you can comment on anything you want to. You  
25 can comment on anything you want to. But once this

1 comment period ends on this part of the plan, there are  
2 other opportunities. This isn't the end-all to hearing  
3 from you. There are going to be other public meetings;  
4 there are going to be other opportunities, other steps  
5 in this process. So just please know that this is just  
6 the beginning of the process.

7           Again, thank you for being here. We want to  
8 hear what you have to say. And with that, Brian, I am  
9 going to turn it over to you so you can go through your  
10 presentation. And we're going to sit here on the front  
11 row so we can actually see the presentation with you,  
12 and then Richard will do the presentation on the two  
13 Mississippi projects. Thank you.

14           BRIAN SPEARS: Thanks, Trudy. So as Trudy has  
15 mentioned, my name is Brian Spears. I work for the U.S.  
16 Fish and Wildlife Service in Fairhope, Alabama. And I  
17 have to tell you have very quick story that Trudy  
18 mentioned living across the state line.

19           So my family and I visited New Orleans over  
20 the Christmas break, and my kids had a chance to see  
21 some street jazz. And one of the musicians asked over  
22 the crowd, "Where are you from, sir?" And I said,  
23 "Alabama." And he thought for a minute, and as politely  
24 as he could, said, "It's okay to be from Alabama." That  
25 was great.

1           So tonight, we want to leave as much time as  
2 we can for you all to provide public comment, but we  
3 thought it was important for me to come up and give just  
4 a little bit of background information about the Oil  
5 Pollution Act and the Natural Resource Damage Assessment  
6 regulations within that act and how this whole Early  
7 Restoration Plan process fits into that framework and  
8 the trustees' Restoration Plan across the Gulf as a  
9 whole to help frame what we are talking about here.

10           So I'm going to go ahead and start with the  
11 Oil Pollution Act itself, which was developed and  
12 enacted in 1990 following the Exxon Valdez spill. And  
13 its main goal is to provide some guidance in responding  
14 to oil spills. Within that act are these regulations  
15 called Natural Resource Damage Assessment. And what  
16 those do is provide us law for holding folks accountable  
17 for injuries to natural resources caused by oil spills.  
18 Within the United States, natural resources are a public  
19 commodity; they are owned by all of us. So what these  
20 regulations do is allow us to be compensated for  
21 injuries to our resources, our property.

22           And so as the regulations state, they are  
23 intended to make us whole, bring back what belonged to  
24 us before a spill. And to put it in simplest terms, if  
25 someone spills oil and kills a bird or kills a dolphin,

1       they owe us a bird or a dolphin. So that's -- in a  
2       nutshell, that's what we're doing here. There are  
3       pretty powerful regulations that allow us to do a pretty  
4       good thing for ourselves.

5                 So these regulations designate federal,  
6       state, and tribal agencies affected by a spill as  
7       trustees for the public charged with ensuring that they  
8       are compensated appropriately for restoration to injured  
9       resources. So along the Gulf and in regards to the  
10      Deepwater Horizon spill, all five gulf states were  
11      affected. So that's why you'll see for the Deepwater  
12      Horizon trustees, all five states are represented. And  
13      sometimes, as in this case here, more than one agency  
14      represents that trustee. So you'll see within the  
15      states, sometimes there are a number of agencies there,  
16      all working together.

17                The federal agencies within the spill include  
18      the Department of the Interior, who I work for. I am  
19      represented by U.S. Fish and Wildlife Service, Bureau of  
20      Land Management, and the Natural Park Service. And we  
21      are all a trustee representing the government, because  
22      we manage resources that were affected, as well as NOAA.  
23      NOAA also manages resources that were affected, so they  
24      are also the trustees for this spill.

25                There are three main stages of a Natural

1 Resource Damage Assessment. The first is called the  
2 Pre-Assessment Stage. Early after a spill, trustees go  
3 out and collect data to evaluate whether injuries are  
4 occurring or are likely to occur, and given that  
5 information, whether we should move on to the next  
6 stage, which we call Assessment. Sometimes, the  
7 Pre-Assessment Evaluation is complex. For example, in a  
8 case like this, taking water quality data from 150 feet  
9 down in the ocean evaluating chemistry. Sometimes it's  
10 simple, oiled fish and wildlife washing up on the  
11 beach. And so in this case, we had both. So it wasn't  
12 too hard of a decision for us to move on to this Injury  
13 Assessment and Restoration Planning Phase.

14           And that's really -- in the big picture of  
15 things, now, that's where we are now as a group. We are  
16 still out there collecting a lot of data. There's folks  
17 that have probably talked to you tonight. They are  
18 actually out still doing this, evaluating how big the  
19 injury really is, what type of resources it affected,  
20 how much of those resources it affected, and at the end  
21 of the day, coming to the big answer what our total  
22 claim of injuries are going to be and what we are going  
23 to be talking to BP about how much they owe us.

24           So I want to hopefully reiterate for y'all a  
25 couple times in this presentation that that's all still

1 going on. It's all a major effort that the trustees are  
2 taking on and it's going to be continuing throughout the  
3 course of this case as this restoration starts going.

4 Okay. So also, while we are out there  
5 calculating injury, we are also doing restoration  
6 planning. The whole point of Natural Resource Damage  
7 Assessment is to get to restoration, to compensate the  
8 public for injuries. That's how this early restoration  
9 process fits in, and I'll hit on that again here in a  
10 second. That starts pretty early in the process -- and  
11 I'll hit on that, also -- and moves all the way through  
12 implementation, which, again, you will see on the  
13 right-hand side of that slide, Restoration  
14 Implementation, which is the whole point of this whole  
15 regulation process.

16 Okay. As I just mentioned, public  
17 involvement is very important, not only to the  
18 regulation process, but also to the BP trustees here  
19 talking to you tonight. And it often starts very early  
20 in the whole damage assessment process. Way back in the  
21 fall of 2010 when a lot of us were still going around  
22 picking up and cleaning oiled birds, for example, this  
23 trustee group was already having public meetings  
24 soliciting ideas from the public on what they would like  
25 to see as far as restoring those resources, and those

1 continued until the spring of 2011. PEIS is just a  
2 fancy acronym for part of the larger restoration  
3 planning process that's still ongoing.

4 And then the third bullet there talks about  
5 the actual Early Restoration Process. Back in April of  
6 2010 -- I'm sorry, 2011 -- the trustees signed an  
7 agreement which we refer to as the framework for early  
8 restoration. And this was a really, really big deal not  
9 only in this case, but in the NRDA world in general.  
10 Just to put that in a little bit of perspective, the  
11 last NRDA case I came from, the trustees were privy to  
12 the largest natural resource settlement in the history  
13 of U.S. until this happened.

14 As I'll mention here, this agreement here  
15 that the trustees negotiated for us was a \$1 billion  
16 dollar settlement agreement. In my last case, we would  
17 have been pretty happy with \$1 million or so to get  
18 restoration kicked off. So our trustee negotiators did  
19 really well for us with that agreement.

20 Following that, we had specific public  
21 meetings continuing the restoration process to solicit  
22 ideas as part of this process that we're talking about  
23 tonight. And again, as I mentioned, that process is  
24 ongoing. There is a website there at the bottom. You  
25 will probably see some more information in some of your

1 packets and the plan itself about how you can continue  
2 to solicit projects, because the trustees are always  
3 going back and reiterating our look at what's on the  
4 table as we evaluate how to move forward.

5           Okay. So narrowing things down, now, to  
6 where we are tonight with the Early Restoration Plan, as  
7 I mentioned, the restoration framework provided an  
8 avenue for the trustees to work with the public and BP  
9 in moving forward with meaningful restoration now while  
10 the assessment case is still ongoing, with the whole  
11 goal of accelerating meaningful restoration of those  
12 injured resources in the Gulf. And again, the last  
13 bullet, they are just reiterating that this process is  
14 still ongoing and where we are at tonight by no means is  
15 any indication that we have come to a stopping point in  
16 that process as we move forward.

17           Within the agreement, it's publicly  
18 available; you can actually pull this off the web and  
19 read it. It allocates a split of money across the  
20 trustees, giving each trustee representative \$100  
21 million dollars to use to prioritize projects that they  
22 would like to see move forward in this process.

23           So for example, Florida has allotted \$100  
24 million dollars, Mississippi has been allotted \$100  
25 million dollars to bring forth priorities for these

1 sorts of projects, within which the trustees will  
2 collaborate and corroborate on moving forward.

3           The last I looked on the restoration page for  
4 the Deepwater Horizon spill, there was something like  
5 700 to 900 restoration proposals on what to do here.  
6 And so it's a big job, even for the trustees, to work  
7 through those and evaluate how best we might go about  
8 this process. So it's really a stepwise process, and  
9 there are a number of selection criteria that we  
10 consider and use in looking at those different lists.

11           The first bullet on top, the Oil Pollution  
12 Act itself provides criteria that we look at; we are  
13 mandated by law to look at, and I'll show you those here  
14 in a second. On top of that, the Early Restoration  
15 Framework itself provides more guidance that we use.  
16 And then finally, I will hit on here in a second, other  
17 practical considerations we like to call other factors  
18 that the trustees want to take into account on top of  
19 these mandated threshold criteria that we want to be  
20 able to use to try to evaluate what best to do here.

21           Again, these are just some of the Oil  
22 Pollution Act criteria that we look at. How much do  
23 projects cost? Will they will be successful? One of  
24 the things we want to do in this process in particular  
25 is to hit on a broad suite of injured resources. So

1 you'll see that reiterated here in a second on practical  
2 consideration slide; it benefits more than one  
3 resource.

4           And again, here is an example of the  
5 framework criteria with some of the other selection  
6 criteria that we use. An important point to make about  
7 NRDA is that the projects that you put forward and  
8 implement must benefit the injured resources. So we  
9 don't use it up on this slide, but you may see the term  
10 "nexus" in some of your material in the plan. There has  
11 to be a real strong link between what we're going doing  
12 and how it compensates the public for injuries. So  
13 that's one thing we really take into account.

14           And finally, here are some of the practical  
15 considerations. Again, that nexus: How do projects  
16 proposals link into some of the injured resources?  
17 Again, likelihood of success and how much stuff costs is  
18 important to us, and I'll hit on that more in second  
19 here.

20           And finally, because the whole point of the  
21 Early Restoration framework was to get stuff on the  
22 ground now, we really want to see projects that can be  
23 implemented relatively quickly, may have been relatively  
24 ready to go for one reason or another, and also, start  
25 providing benefits right away. So that's a really

1 important consideration of the suite projects that you  
2 all see, not only in this first round draft plan, but  
3 also in upcoming plans as we move forward.

4           And this is just a graphical representation  
5 pulled straight out of the draft plan showing that  
6 process. The important thing I wanted to show here are  
7 these big arrows pointing down. The arrow in the  
8 middle, the big blue arrow, is our Restoration Planning  
9 Process, and you can see at the bottom it's still going.  
10 Right now, we are in those white squares in the middle  
11 where we have solicited public comment; we're putting  
12 them together; we've put out a plan to y'all that we're  
13 talking about tonight.

14           You'll see going off to the right here, there  
15 is a little blue arrow with the word "Negotiation" in  
16 it, and I just wanted to pause on that real briefly. An  
17 important part of that Early Restoration framework is  
18 the negotiation with BP about what we should do. That's  
19 not to be said that BP is directing what we should do  
20 here. NRDA is a trustee process, but it's important to  
21 recognize that the trustees are in negotiation with BP  
22 about two main things in each project. First, how much  
23 do they cost, how much are we asking BP to fund them  
24 for, and given how much they cost, what benefits are  
25 providing to the injured resources.

1           Richard, in a couple of minutes here, is  
2 going to talk a little bit about offsets or credits. So  
3 as we're building this whole case, how many birds do you  
4 owe us, BP, or how many dolphins do you owe us, or how  
5 much recreation do you owe us, because the oil spill has  
6 prevented people from recreating for a time. We have to  
7 negotiate how much we are willing to give them in those  
8 regards in terms of credit. So again, there's a lot  
9 more information about that in some of these factors,  
10 but just keep in mind that that's an important part of  
11 this early process.

12           And then finally, on the far right, just an  
13 indication that we are not done with this plan tonight.  
14 We are accepting public comment and we take all of that  
15 into account when we move forward with the final plan.

16           Okay. So to the plan itself, if you pull the  
17 plan off the web or you received a CD tonight or a hard  
18 copy, you'll see in Chapter 3, there are two  
19 alternatives that we are evaluating. The first one,  
20 Alternative A, is called the No-Action Alternative or  
21 Natural Recovery Alternative. Now, that's not something  
22 within this plan the trustees are proposing. That's  
23 something that the Oil Pollution Act requires of us to  
24 evaluate. What would happen to the injured environment  
25 if we do nothing? So that's why you'll see that in the

1 plan.

2 As an alternative to doing nothing, the  
3 trustees are proposing Alternative B, a suite of eight  
4 projects across the Gulf, hitting on a number of those  
5 injured resources, including human use resources.

6 Now, while those are all grouped into one  
7 proposal, keep in mind as you comment that you each of  
8 those projects are considered separate projects. The  
9 final plan may include all eight of those or just a  
10 combination of those, depending on the public comment we  
11 receive and the final decision made on those projects.  
12 So it isn't an all-or-nothing approach, but that's our  
13 current proposal.

14 Okay. So to leave a little bit of extra time  
15 tonight's on Mississippi projects, I just want to pull  
16 out this graphic from the draft plan showing the  
17 locations of the projects, again, stretching from the  
18 Florida Panhandle all the way into western Louisiana,  
19 consisting of oyster projects, dune restoration  
20 projects, boat ramp projects in Florida, and some marsh  
21 projects. And this is just a quick snapshot on those  
22 projects, which are estimates, best guess estimates in  
23 the plan based on a number of historic factors  
24 conducting that type of restoration, and again, lots  
25 more information about the plan itself about these

1 things.

2 Okay. So for Mississippi projects, I'm going  
3 to kick it over to somebody smarter than myself on  
4 those, Richard Harrell. Thanks a lot.

5 RICHARD HARRELL: Thank you, Brian. Again, I  
6 am Richard Harrell, Mississippi Department of  
7 Environmental Quality. Thank you for coming tonight.  
8 We appreciate everybody's time; we know everybody's time  
9 is important. I apologize; I'm going to be a little bit  
10 redundant in here on a couple of points, because I think  
11 they are important.

12 The second thing I am going to ask you is to  
13 also help me, last night I had trouble; I kept  
14 forgetting to advance my slides. I got too busy  
15 talking. If I forget, I'm sure somebody will remind me  
16 tonight a little better.

17 The first part I want to talk about -- you've  
18 heard us say the assessment is not over. That is one  
19 important piece to remember. The second piece to  
20 remember that the others haven't brought up yet is that  
21 the response is not even over in this. We are still in  
22 the response activities across the Gulf of Mexico, so we  
23 realize there are still things out there and we are  
24 still trying to address those from a response  
25 standpoint.

1           Additionally, this is -- as you have heard  
2           many times, this is a draft restoration plan. It is  
3           draft, because this is what we are proposing for the  
4           first round of restoration and we're asking for your  
5           comments now about this. So what you provide to us will  
6           help us tweak this plan, change this plan, do the things  
7           so we get a meaningful, effective restoration going  
8           forward.

9           So with that said, we will go into what our  
10          first project is in Mississippi. As you can see on the  
11          screen, it's an oyster restoration project. We received  
12          a lot of public comment recommending this project to go  
13          forward; we think it will help. As Brian said, this is  
14          a project we think we'll start having some early  
15          benefits to the Mississippi Sound and the Gulf of  
16          Mexico. This project that is proposed is 1,430 acres of  
17          cultch placement in existing oyster beds within the  
18          Mississippi Sound. The resource benefited, as we said,  
19          what's the resource? It's oysters. We think there was  
20          oyster damage. We think there was damage that we've not  
21          fully assessed yet, but we think that this will start us  
22          to restoration on these projects.

23          The key aspects of this plan are: What we  
24          are going to do? How we are going to do that? We can't  
25          go out and buy oysters and stick them back out there.

1 So what do we try to do? We try to provide a habitat  
2 that is suitable for oyster development and growth. How  
3 do you do that? We put out cultch. What is cultch?  
4 It's simply -- it can be old oyster shells that have  
5 been shucked. It can be mined oyster shells from  
6 historical deposits. It can limestone or crushed  
7 concrete. This provides a substrate for the oyster spat  
8 to settle on here and start growing. So in some period  
9 of time, you will have adult oysters growing in the  
10 environment.

11 We talked about earlier, what is our  
12 schedule? We have what we proposed -- depending on how  
13 public comment goes -- an aggressive schedule. We would  
14 like this to meet that definition of early and start in  
15 the early spring 2012. Depending on how things go, we  
16 may push it back. But there will be a couple of  
17 deployments either starting in the spring of 2012 or  
18 hopefully the fall of 2012.

19 You see here the costs, and you saw the full  
20 table of costs. Again, this is an estimate based on the  
21 way the project is structured currently. Depending on  
22 public comment, these costs could change. They can go  
23 up; they can go down. The project can be expanded or  
24 scaled down. Again, this is just an estimate based on  
25 the best information we have now.

1           You see an important piece. Initially, it's  
2     \$10.1 million dollars and we have an additional \$0.9  
3     million dollars we save for the contingency. What does  
4     that mean? It means so we can modify or tweak the  
5     project as we get into it, if needed. If conditions  
6     change, if we see some things, we've got some  
7     flexibility there to adjust this project for the  
8     changing environmental conditions.

9           Offsets gets back to what Brian eluded to.  
10    What is the nexus? Here, it's biomass. Or  
11    specifically, for this case, it's oyster biomass within  
12    the Mississippi Sound. How do we do that? Earlier, I  
13    talked about you can't go out there and buy oysters. So  
14    how do you develop this? It's done through what we call  
15    a Resource Equivalency Analysis. And that's our fancy  
16    way of saying we estimate based on what we're doing and  
17    how much benefit we are going to get. How much habitat  
18    we are going to restore and how much oysters are going  
19    to grow in that habitat over the project life span.

20           We gave this project a life span of 10 years.  
21    That seems kind of short to some people; it seems kind  
22    of long to others. But you put the material out there,  
23    you put the cultch out there, it doesn't last forever.  
24    You get a lot of different pieces that come into play  
25    here.

1           The second piece I want to talk about with  
2           this slide, as you see, are the credits. And what we  
3           are proposing to give BP is two million discounted  
4           kilograms of oyster biomass. And as Brian alluded to,  
5           you hear the money, the \$1 billion dollars, the \$100  
6           million dollars for Mississippi. But typically in a  
7           NRDA, you don't talk about dollars; you talk about the  
8           resource. And what is the currency for this resource?  
9           How you are going to trade in that? So we think in this  
10          one, this is a good starting point for that currency and  
11          we think this is a fair and equitable amount to start  
12          with for the amount of credit for both the State and  
13          BP.

14          The locations are the typical oyster reefs  
15          that you see. They are deployed off barges. And this  
16          is a historical time-proven methodology that we think  
17          will work. It has worked in the past, and that's one of  
18          the reasons there's other considerations that Brian  
19          mentioned on why we picked this project.

20          The second project that we have proposed for  
21          Mississippi is an Artificial Reef Habitat. Again, many  
22          people ask why we pick these projects; why are these the  
23          first two projects Mississippi came forward with? We  
24          have agreed to that both of these projects will provide  
25          good, early restoration benefits. We believe they meet

1 all of the criteria of OPA and the Early Framework  
2 Agreement.

3 The other consideration we talked about is  
4 both of these projects -- thanks to our partner, the  
5 Department of Marine Resources -- were already permitted  
6 and pretty much shovel-ready to go. So that saved us a  
7 lot of time to do something quickly and effectively.

8 This one here is just a little bit larger  
9 slide of what you saw, so you can see the locations a  
10 little better of what we proposed. We are proposing  
11 about 100 acres of nearshore artificial reefs. These  
12 are in locations where they are already permitted,  
13 already active artificial reefs. For instance, they may  
14 have a permitted three-acre site at one of these.  
15 Currently, they may only have one acre of that being  
16 productive as an artificial reef. This project would  
17 expand that to the permit limit of three acres in this  
18 area, and that that's just an example.

19 Key aspects -- and most people think  
20 artificial reef, and they picture structures we're  
21 putting out there. The Artificial Reef Program in the  
22 Mississippi Sound is very different in that what they  
23 are providing is a hard substrate of crushed material,  
24 very similar to oyster reefs, of limestone or concrete  
25 and providing a relief of rise of this material, about 4

1 to 6 inches on the sea floor. We are going to do this,  
2 as I mentioned previously, in the permitted 67 sites and  
3 we're going to place about 500 cubic yards per acre of  
4 this material. And it's going to provide that material  
5 for organisms to adhere and grow in.

6 The way this is done -- again, I will be  
7 redundant -- but it's already permitted areas. We've  
8 got some questions about is this going to be a marine  
9 hazard, those type things. Again, they are very low  
10 relief structures. They are in already permitted areas.  
11 Many of them are already on the marine maps that you  
12 get, so we don't believe it would pose additional  
13 hazards that way, and we think it will provide a  
14 significant and additional benefit in the ecology  
15 system.

16 Schedule -- again, similar schedule. We  
17 would like to get this project started in 2012. It's  
18 not quite as time-sensitive as the oyster projects;  
19 we've got a little room there. It's not quite as big a  
20 project as the oysters. So you're looking at a  
21 construction budget of about \$2.3 million dollars,  
22 again, with a contingency of about \$250,000 to give us a  
23 total budget of about \$2.6 million.

24 Offset is very similar. What is the nexus?  
25 What is the injury? We considered the biomass

1 productivity within the Gulf of Mexico as what's injured  
2 here, and are proposing in this restoration project to  
3 add additional biomass productivity within the Gulf of  
4 Mexico. We used a method within the Resource  
5 Equivalency Analysis. Similar life span is about 10  
6 years, and we're offering up 763,000 discounted  
7 kilograms of infaunal and epifaunal biomass for this  
8 project.

9 That's the summary of the two Mississippi  
10 Projects. Like I said, we'll try to answer your  
11 questions beforehand. We will be available afterwards.  
12 I do not want to get into too much detail to allow as  
13 much time for public comment, because that's what we're  
14 here about, what we're really here for tonight. We want  
15 to give you a base education and hear back from you  
16 about these projects and what you think about them.

17 Next steps, again, February 14th, keep that  
18 in the back of your mind. If you are going to provide  
19 comments that we are to consider for these projects for  
20 this Phase I of the Draft Early Restoration Plan, we  
21 must have those by February 14th. Trustees will  
22 consider all public comments. Once we have those, we  
23 will finalize our responses and finalize our  
24 negotiations with BP for this Phase I.

25 Just to mention -- again, redundant, but we

1 think it's important for you to see these dates over and  
2 over. We've got one more public meeting tomorrow  
3 night. So if you have friends, families, others that  
4 you know who couldn't be here tonight, please encourage  
5 them to come to our meeting tomorrow night in Bay  
6 St. Louis. It's our last meeting we have in  
7 Mississippi, so it's one of our last opportunities. You  
8 could still participate in Louisiana meetings. They are  
9 not exclusive to the state, so any comments you provide  
10 in any state will be considered for the public record.

11 And with that, I'm going to turn it back over  
12 to our facilitator, Perry. I thank you for your time  
13 tonight. We're going to move up here, as well, so we  
14 can listen to your comments. Thank you, Perry.

15 PERRY FRANKLIN: Okay. So there are four  
16 ways to make public comment. You can come forward and  
17 make verbal comments tonight; you can take a form that  
18 looks like this, and there is an address on it, and you  
19 can mail this in by February 14th; you can go to an  
20 input station that is right next door, or you can go at  
21 the leisure of your home or office or library and go  
22 online and do the same. So there are four ways to put  
23 forward your comment. And so the purpose of tonight,  
24 again, is to hear from you. And so the trustee  
25 representatives that are before you, we have already

1 introduced them, they are here to listen very intently  
2 on what you are saying and what you want to comment  
3 about.

4 And so without further adieu, are there any  
5 individuals who have not filled out a card on to speak  
6 tonight? We will get you a card. Any hands pop up?  
7 One over here, please. At any time, if you just pop  
8 your hand up, we have blank cards and we will get those  
9 to you.

10 So once again, if you will come forward and  
11 state your name. If you are representing an  
12 organization, please state the organization you are  
13 representing. Try to keep your comments within three  
14 minutes. And to try to give you a little bit of  
15 assistance with that, Victoria will hold up a sign.  
16 When there is one minute remaining of your three  
17 minutes, she'll just kind of gently hold that up. And  
18 when the three minutes are expired, she'll flip that  
19 around and it says your three minutes have ended. Now,  
20 unless you just continue to go on, and on and on, we  
21 won't have an issue. But if you do, we reserve the  
22 right to please ask you to wrap up.

23 First off, Mr. George Storrs, Mississippi  
24 Fisherman.

25 GEORGE STORRS: Thank you for letting me

1 speak to you tonight. I am a fisherman. I've been a  
2 fisherman for approximately 36 years. My living is  
3 mainly shrimp and oysters and we had gill nets at one  
4 time, but primarily just oystering right now. And  
5 obviously, we're in a bind; we're not even doing that  
6 these days. I'm a member of the Oyster Task Force of  
7 DMR, and we are made up of dredgers and tongers. And  
8 what we do is we meet, like, two or three times -- or  
9 maybe even more times per season and we give them input  
10 and they give us input and it works out real good. DMR  
11 does really good about folks letting us have our say, as  
12 you are doing, and I appreciate it.

13 I noticed that when you went through this  
14 thing with the oyster plan, the cultch deal, there was  
15 nothing over on the Bay St. Louis side or the Waveland  
16 side. And I want you to consider putting some over  
17 there, because I am a tonger and that would be an area  
18 that I might could use if there was oysters over there,  
19 is the Waveland-Bay St. Louis area. I guess we can  
20 discuss this at another time, and DMR, too, to do some  
21 of that tweaking stuff.

22 But other than that, I would ask that you --  
23 maybe when you give the money to the people that you are  
24 going to give the money to and they do the projects and  
25 hire the people to do this and hire the contractors, so

1 to speak, could you maybe get these people to make sure  
2 that they're not just going to throw a few of their  
3 cronies out there on that barge and shooting these  
4 shells off? I want the fishermen to be able to be in  
5 involved in this from the very get-go. Whether you are  
6 planting sea oats or doing the oyster stuff that we  
7 do, we want to be involved in restoring this whole place  
8 and getting it back to where it was. Mainly, you know,  
9 I am interested in the oyster part. We need to work  
10 together -- I've worked with them for a couple of  
11 years -- and it would be fabulous if you guys could help  
12 us have a hand in doing this, as far as us participating  
13 and restoring this place. Thank you.

14 PERRY FRANKLIN: Thank you, Mr. Storrs.

15 Next up, we have Mr. Tom Becker, Mississippi  
16 Charter Boat Captain Association.

17 TOM BECKER: Good evening. My name is Tom  
18 Becker and I'm the President of the Mississippi Charter  
19 Boat Captain Association and Vice President of the  
20 National Association of Charter Boat Operators.

21 Now, looking at your maps that you are doing,  
22 I have worked hand-in-hand with the Department of Marine  
23 Resources on restoring artificial reefs offshore. I am  
24 glad to see it, because the fishery impact to the State  
25 for these guys to go out means jobs onshore and the

1 fishermen have someplace to go. Restoring these areas  
2 that need it that they have already there and added to  
3 them gives it -- you don't have to fight for a place out  
4 there. And I applaud that they are restoring the reefs  
5 inshore. Thank you.

6 PERRY FRANKLIN: Thank you, Mr. Becker.

7 Next forward, we have Ms. Yumeka Rushing,  
8 Oxfam America.

9 YUMEKA RUSHING: Good evening. I am Yumeka  
10 Rushing. I'm with Oxfam and I am the Gulf Coast Policy  
11 Advisor and I am going to read from our prepared  
12 comments.

13 We would urge the NRDA trustees to prioritize  
14 projects, which increase the resiliency of our  
15 economical and socially vulnerable communities who  
16 suffer the most after these disasters. We urge the  
17 trustees to promote projects and develop policies which  
18 integrate restoration with the work force development  
19 and job creation benefiting coastal communities,  
20 especially under-employed and disadvantaged populations;  
21 to collaborate with state work force agencies, to  
22 develop training programs for our local residents,  
23 including under-employed and disadvantaged workers, and  
24 jobs created by restoration programs using existing  
25 funds, including the DOL's Oil Spill National Emergency

1 Grant dollars which were awarded to Mississippi in the  
2 sum of \$5 million dollars and are currently at MDES, and  
3 to develop procurement policies for projects which  
4 promote and encourage contractors to hire local  
5 residents, and to utilize local work force training  
6 programs to prepare new and incumbent workers.

7 And finally, just to continue what you are  
8 doing, to engage us in these public forums. And we  
9 would like that to include the number of jobs created in  
10 terms of your transparency and accountability measures.  
11 Thank you.

12 PERRY FRANKLIN: Thank you for your comments,  
13 Ms. Rushing.

14 Next, Mr. Howard Page, Steps Coalition.

15 HOWARD PAGE: Good evening. I am Howard Page  
16 with the Steps Coalition. And I would also like to ask  
17 about the jobs, that there be an effort to hire as many  
18 local people as possible and local companies and to  
19 remember that that's two separate things. We want local  
20 contracts, but we also want local workers.

21 And in the interest of transparency, if we  
22 could have a tracking system that shows where the money  
23 went, you know, from each pool of money that's as  
24 reasonably as possible where we can track and see that  
25 these were local companies and that there was some

1 record that we were hiring local people. That would be  
2 really good in kind of the two-fold effort of having  
3 environmental restoration, but also helping the people  
4 that were economically harmed.

5           So those are my comments. I think these are  
6 actually two very good projects that look like they can  
7 come on line rather quickly. It looks like they will  
8 help local folks. One of the things that was lost is  
9 people -- our sustenance fisher people. And that's  
10 never really been -- I've made that comment at just  
11 about every meeting I've been to, and BP or whoever is  
12 doing this just doesn't want to kind of acknowledge that  
13 the people that fish and eat that is a big part of their  
14 economic activities. And so this will do something to  
15 recover that. Thank you.

16           Oh, I did have one technical question. What  
17 is discounted oysters or cultch? I know that's got to  
18 be a biological term; that can't mean they're getting  
19 cheap oysters. But what does "discounted" mean? If  
20 someone could help me? In the presentation, there  
21 were --

22           BRIAN SPEARS: We'll talk about that  
23 afterwards, if that's all right.

24           TRUDY FISHER: We'll get that information.

25           PERRY FRANKLIN: Don't leave at the end.

1 We'll get it. Thank you, Mr. Page.

2 Next forward, Kris Van Orsdel, Ocean  
3 Conservancy.

4 KRIS VAN ORSDEL: How are y'all doing this  
5 evening? Kris Van Orsdel with the Ocean Conservancy.  
6 The Ocean Conservancy will be making formal written  
7 comments across the entire spectrum.

8 Tonight, first, I'd like to lead by saying we  
9 really applaud the entire trustees for getting on with  
10 the restoration. We also really applaud the effort that  
11 you guys are doing to negotiate firmly with BP so that  
12 we can get some real good projects moving. And we also  
13 understand very distinctly that in Mississippi -- we  
14 were crushed over here. It was not just an economic  
15 issue, but it was also a natural resource issue.

16 And so to the staff of DMR, Trudy's staff,  
17 MDEQ and others, we really appreciate your willingness  
18 to speak with the (inaudible) communities and to really  
19 listen to our concerns and our views as how we look at  
20 the projects.

21 The Ocean Conservancy believes that the suite  
22 of projects that were brought forward were really  
23 excellent projects. We firmly stand behind and really  
24 commend the oyster cultch plan. We understand that the  
25 oyster industry here is really important to the people,

1 as we have heard. The jobs and the communities were  
2 really significantly impacted.

3 We do have one concern or question about the  
4 Artificial Reef Project, and it focuses more on the fact  
5 that we really understand that the Artificial Reef  
6 Project in itself as a damaged natural resource that it  
7 was impacted by this result and that the choice of using  
8 it as the definition to lead with it as to repair the  
9 natural resource is an opportunity, but we also know  
10 that in Mississippi, fishing is a really important part  
11 of the cultural heritage, what people find very valuable  
12 here. It is also a significant economic driver. And  
13 the creation of these artificial reefs is really, at the  
14 end of the day, a benefit to the human use and the lost  
15 resources that the general public perceived as a result.

16 So what we would like to ask is that you  
17 would take a look at maybe going with the lost human use  
18 opportunity in terms of your offsets and credits, as  
19 opposed to the offset of the natural resources. And we  
20 will be, again, submitting our public comments, but  
21 having made that statement, we also -- I really want to  
22 reaffirm to the MDEQ and MDMR, we really appreciate your  
23 willingness to sit down and talk with us through this  
24 process. We want to be partners. I think the community  
25 wants to be working with the State of Mississippi on

1       behalf of the citizens of Mississippi. Thank you so  
2       much.

3                   PERRY FRANKLIN: Thank you for your comment,  
4       Mr. Orsdel.

5                   Next forward, we have Ms. Nonnie DeBardelebeu  
6       from the Gulf Islands Conservation Group.

7                   NONNIE DEBARDELEBEU: I'm going to submit a  
8       written comment.

9                   PERRY FRANKLIN: Okay. She's going to submit  
10      a written comment. Thank you very much.

11                  Next, Ms. Linda Saint Martin.

12                  LINDA SAINT MARTIN: Good evening. I am not  
13      feeling very encouraged or hopeful about any of this.  
14      Our people are feeling beaten down and tired. Jobs are  
15      not coming back, and you have a very narrow focus. You  
16      don't cover all of these things with your group here.  
17      Your focus is to try to select projects that will help  
18      restore the Gulf to what it was before. And it's -- you  
19      know, that's a pretty big project by itself.

20                  I've heard several times since I have been  
21      here that the purpose of this meeting is to hear  
22      comments from the public. And I think that if that --  
23      that that could be enhanced by changing the format a  
24      little bit and letting people make their comments before  
25      we have to sit and listen to things that we have already

1 heard about projects that you are working on and you  
2 have already selected. We are very concerned.

3 Along the Gulf Coast, there is list long  
4 historical tradition of people having little gardens in  
5 their back yard and going out to the beach and Back Bay  
6 and catching fish and having a large part of protein in  
7 their diets from those sources. And that's been  
8 terribly impaired and it has never been addressed. And  
9 it's impacting people's personal resources, and several  
10 people have mentioned that already tonight. I would  
11 really like to see that addressed by somebody, some kind  
12 of way.

13 Y'all don't have anything to do very much  
14 with restoring jobs. You are trying to restore reefs  
15 and things that will encourage the sea life and  
16 everything to come back, and that's -- you know,  
17 commendable and admirable. But it's such a small drop  
18 in the bucket. And our people's needs really are not  
19 being met and this isn't really the forum to address  
20 that.

21 But we feel like resources are getting  
22 further and further away from us and solutions are  
23 getting further and further away from us. And I hope on  
24 the next round of projects that y'all select, there will  
25 be more things involved that will restore health to the

1 Gulf that will involve employment for oystermen,  
2 fishermen, and people who before this disaster made  
3 their living in the Gulf. Thank you.

4 PERRY FRANKLIN: Thank you, Ms. St. Martin.

5 Next, we have Ms. Jennifer Vu, who will be  
6 speaking on behalf of several members of the Vietnamese  
7 Community. Ms. Vu, if you would, state the person's  
8 name, and if they are part of an organization, prior to  
9 stating their comments. Thank you.

10 JENNIFER VU: Okay. Good evening, everyone.  
11 My name is Thao Vu. I work at Mercy Housing & Human  
12 Development, and it's good to see everyone again. And  
13 I'm also a member of the Mississippi Coalition for  
14 Vietnamese American Fisher Folks and Families. And on  
15 behalf of our coalition, I will be -- first of all, I  
16 would like to request additional time that's allocated  
17 because I will be interpreting their comments that they  
18 have previously prepared. So I would like to get beyond  
19 the additional three minutes. That would be greatly  
20 appreciated.

21 PERRY FRANKLIN: Please proceed.

22 JENNIFER VU: The person standing beside me,  
23 her name is Cao Nguyen and I will be reading her  
24 prepared comments.

25 My name is Cao Nguyen and I am a commercial

1 fisherman on the Mississippi Gulf Coast for over 20  
2 years. All I know is fishing. It's more than just a  
3 job for me; it's my livelihood. And my livelihood has  
4 basically been greatly impacted and devastated by this  
5 BP oil spill. It's not just a spill to me. To me, this  
6 is a huge disaster because since this disaster, I have  
7 not been able to generate any fishing income. In fact,  
8 for example, typically during the oyster season, I would  
9 dredge oysters, but since the BP oil disaster, I have  
10 not been able to dredge one single oyster.

11 I would like to strongly make the request  
12 that the State, in terms of -- seriously considering  
13 tweaking and editing the proposed Early Restoration  
14 Project around the Mississippi oyster cultch project. I  
15 believe that to effectively restore the oyster reefs,  
16 that local fishermen should be prioritized and hired to  
17 dredge any contaminated oysters, remove these shells,  
18 and then possibly work with the selected contractor that  
19 will be providing the barges to carry the limestone and  
20 cement, and work with them in order to effectively  
21 restore the damaged oyster reefs.

22 So I would seriously request that you go back  
23 and review your early restoration project around this  
24 Mississippi oyster project, because I don't believe that  
25 will effectively restore the damaged oyster reefs.

1           PERRY FRANKLIN: Thank you for your comment.

2           Next?

3           JENNIFER VU: This is Mr. Keo Nguyen.

4           My name is Keo Nguyen, and I am also a  
5   commercial fisherman on the Mississippi Gulf Coast for  
6   decades now. Actually, I come from a family of  
7   multi-generational fishermen. That has been my  
8   livelihood in Vietnam, and that's all I know, as well.

9           I have a great concern about livelihood  
10   sustainability issues here. I actually am a commercial  
11   fisherman that not only harvests oysters, but trolls for  
12   shrimp. And what I do is alternate between the fishing  
13   seasons.

14          I would particularly like to comment on the  
15   shrimping season of last year. It has been a terrible,  
16   terrible year for all of us commercial fishermen. And  
17   it's not just my view, but you can ask commercial  
18   fishermen that troll for shrimp all across the Gulf. We  
19   are not catching what we typically would catch and we  
20   are very concerned that the BP oil disaster has  
21   detrimentally impacted the shrimp population and has  
22   caused the shrimp to gradually die off and its demise.  
23   And we are very concerned that our livelihoods may be  
24   gone for a very long time.

25          My strong strongest request right now is that

1 the State seriously consider working with commercial  
2 fishermen to develop some of our proposed projects, for  
3 example, to come up with programs that will help restore  
4 the shrimp population, or for example, a shrimp  
5 agriculture project. Thank you.

6 PERRY FRANKLIN: Thank you to the two  
7 commentors, and thank you for your assistance, Ms. Vu.

8 Next, we have Ms. Terese Collins, Gulf  
9 Islands Conservancy.

10 TERESE COLLINS: Hi. Thank you very much for  
11 having this open public hearing, not only the discussion  
12 session out in the front, but the public comment period,  
13 also. I think it's really important that we all hear  
14 what other people have to say. Your comments, whether  
15 we agree or disagree, it really doesn't matter. It's a  
16 public process; it's really important. The State has  
17 gotten into the act of doing Divide and Conquer  
18 Hearings, where you just have tables, you divide  
19 everything up, you conquer their comments, and then you  
20 go home, so there is no public discussion.

21 So we would encourage you not only to  
22 continue this type of an open format, but to alter the  
23 process a little more, because the public has been shut  
24 out of the process of the Early Restoration projects  
25 until the end. Now we're hearing what projects you want

1 while we have been trying for the last year to be a part  
2 of this process. At the end of the process, we're told  
3 here are the two projects we want to fund. And maybe to  
4 many people \$2.6 million dollars isn't a lot of money,  
5 but to me and to the people in this room, I think it's a  
6 heck of a lot of money. And how we are spending it is  
7 very important to me and to other people.

8           It's hard not to be for oyster reefs or  
9 artificial fishing reefs. We are not against either one  
10 of those. We are concerned about the magnitude of these  
11 projects and about the locations of them and a lot of  
12 other technical things.

13           For the oyster reef project, why are they  
14 concentrated in one locale when we have Back Bay Biloxi,  
15 Biloxi Bay, Pascagoula, Jackson County in general, other  
16 places in Bay St. Louis, Long Beach. There are oyster  
17 reefs all over the Mississippi Gulf Coast that need  
18 restoration, but we are concentrating on one commercial  
19 area or tonging or dredging area when this could have  
20 been done to benefit the entire Gulf Coast of  
21 Mississippi. So that benefit is totally lost if you  
22 don't change the direction of this project, and I think  
23 that's something that needs to be considered. And had  
24 you asked us in the beginning, we would have resolved  
25 this issue a long time ago.

1           The Oyster Development Project that DMR has  
2     in place has been active since I worked there over 30  
3     years ago, and it's only grown and gotten better, but  
4     our oyster population has only gone down. So we need to  
5     consider the back waters where the nursery grounds are  
6     for these oysters if we're really going to restore the  
7     resource. And if we want to restore that resource, we  
8     need to resource the water that supports the resource.  
9     We may be giving them adequate bottom to grow on, but  
10    the water that we are giving them is polluted, and it's  
11    getting more polluted.

12           So how do we solve that problem? You can  
13    keep dumping all the stuff you want in the water, but  
14    how do you solve the real problem, which is waste water  
15    treatment plants that don't function properly, not pour  
16    pollution and drainage into our waters. So let's clean  
17    up those waters. We shouldn't have allowed BP to put  
18    dispersants into our water and to disperse the oil so we  
19    can't get it out. So if we can find the tar mats and  
20    get them out, that's one thing, but we have continued  
21    oiling; we have continued tar, and we have disbursed oil  
22    and we don't know where it is.

23           How do you get that out of the water? And if  
24    you can't, then the nexus to the restoration would be  
25    improve water quality in another way to offset the

1 impact of that damage. And none of these projects  
2 really do that directly. They do it indirectly, but we  
3 could do things that would directly impact water  
4 quality, and we would be glad to share those ideas with  
5 you, because they are not here. And they could be  
6 done -- they could be done quickly; they could be done  
7 succinctly, and there is no need for the delay.

8           We actually recommended a shell-ready  
9 project. We reviewed 150-something projects for the  
10 State of Mississippi. We asked for the criteria that  
11 NRDA trustees were going to be using, and there was no  
12 criteria available to us, so we had to develop our own  
13 criteria. We would ask that you provide us the criteria  
14 that you are now using to evaluate these projects and  
15 give us the list of the next projects that are coming up  
16 you're going to fund. Because we would like to know  
17 them now so we can see what the benefits or the impacts  
18 could be.

19           There are plenty of things that we could  
20 say. The artificial fishing reefs across the state  
21 line, we are concerned that the material is so  
22 low-profile that the first big storm or small storm, the  
23 stuff is going to be underwater. So are we really  
24 throwing money away? Is this just a big BP PR project,  
25 or is this really going to have an impact to improve the

1 quality of the resources that have been damaged?

2 I think it's an important question that needs  
3 an answer and a solution, and I'm not sure that this  
4 solution is the answer. And in this format with three  
5 minutes, it's hard to get to the arguments.

6 The deployment of the reef material is a  
7 concern. It covers up the benthic communities, which  
8 are productive, which are damaged, which have been  
9 oiled. So how do you fix that other than covering it  
10 up? If this reef material gets covered up, what type of  
11 monitoring -- what process is in place to make sure the  
12 material is actually going to do something and not just  
13 sink into the mud?

14 PERRY FRANKLIN: Do you have much more,  
15 Ms. Collins?

16 TERESE COLLINS: About one minute.

17 PERRY FRANKLIN: Keep going.

18 TERESE COLLINS: Thank you. The natural  
19 weather that occurrence could a problem with the reefs.  
20 The precedential -- the fact that this is going to set a  
21 precedent for dumping a lot of stuff in an area is  
22 potentially harmful because of the accumulative  
23 impacts. And it doesn't seem like the EA, or the Early  
24 Restoration review considered the impacts of these  
25 projects, and maybe you need to go back and address that

1 because what we have read and seen legally, it doesn't  
2 meet the legal requirements. And that is a concern,  
3 because we would like to see some of these move  
4 forward. And if that's going to be a problem, then  
5 we -- maybe this is a quick, fast, easy solution isn't  
6 so quick, fast and easy.

7           Again, the oyster reef projects, we hope that  
8 you spread those out to the three coastal counties and  
9 not just one specific area. And how are you going to  
10 monitor, test, and do long-term funding that will  
11 actually give us full benefit of these projects for  
12 years to come? How do you know that the cultch material  
13 you are putting out there is safe? Limestone is known  
14 to be toxic in some areas, so are you testing this  
15 material -- chemically testing this material -- to know  
16 what is in it before you put it in the our waters? It  
17 could cause more damage than it fixes. So is anyone  
18 actually running a chemical analysis on this material,  
19 whether it's crushed concrete, limestone, or some other  
20 product? Before you put it in the water, are you  
21 testing it and how are you testing it? We'd like  
22 specific protocols and test results.

23           One project we would like to see you put  
24 forward now and not wait is the Bayou August project in  
25 Biloxi. It's shovel-ready, EPA-approved, ready-to-go

1 project that everyone has looked at. It was like the  
2 poster child project for when they came to town, and we  
3 don't know why that couldn't be on the list immediately  
4 for an Early Restoration project. And it could serve as  
5 a pilot project for the other three coastal counties  
6 which would clean water, add wetlands, and do all of the  
7 things that you are trying to do.

8 But honestly, we really do appreciate -- the  
9 staff of these agencies are good people. We do know  
10 that and we appreciate that very much. We hope you open  
11 this process up more to the public beforehand -- not  
12 after the fact -- and we hope that you would continue to  
13 work for the people of Mississippi and not for BP.  
14 Thank you.

15 PERRY FRANKLIN: Thank you, Ms. Collins, for  
16 your comments.

17 Next forward, we have Julia Weaver,  
18 Partnership for Gulf Coast Land Conservation.

19 JULIA WEAVER: Good evening. Thank you for  
20 this opportunity to speak to you tonight. I am here  
21 representing the Partnership for Gulf Coast Land  
22 Conservation, which is a coalition of 26 land trusts in  
23 the five Gulf Coast states. And we will be having  
24 written public comments before the February 14th  
25 deadline. But for the benefit of those gathered here, I

1 just wanted to say that we appreciate the early  
2 restoration projects that have been put forth thus far  
3 and that the majority of them are for ecosystem  
4 restoration.

5 Our position is that permanent land  
6 protection should be one of our chief priorities and one  
7 of our chief strategies. And we would like -- because  
8 land conservation and land protection does so many  
9 things for natural resources and permanently, of  
10 course.

11 The second question/comment is related to a  
12 comment that I heard earlier. Everyone has been invited  
13 to propose projects and we have seen the criteria. But  
14 there aren't any criteria for how proposers can make the  
15 linkage to the natural resource. What is the standard  
16 that we should be trying to meet when we propose  
17 things? So we can read the science of what is  
18 understood to be the damage thus far, what the status of  
19 the science is, and then we can make a connection. But  
20 we wanted to know what the scientific standard is; is it  
21 just common sense. If we know that nurseries were  
22 damaged; if we increase water quality through land  
23 protection or land restoration and doing something with  
24 Storm Water Management, those kinds of things, would  
25 that meet the standard?

1           So any additional information about how the  
2 trustees make these decisions would be very helpful to  
3 those of us in the non-profit community.

4           So thank you, and we will be making written  
5 comments before the February 14th deadline. Thank you.

6           PERRY FRANKLIN: Thank you, Ms. Weaver.

7           And just to you remind you before we conclude  
8 tonight's proceedings, subject matter experts will  
9 return back to the open house environment for you if you  
10 have more questions or you have new questions or you  
11 would like to give more explanation on something that  
12 you saw for the first time during tonight's Powerpoint  
13 presentation, they will return to those two areas.

14           Also, the forms, if you would like to make a  
15 written comment, you can pick one up outside of this  
16 room.

17           And just -- last time, are there any  
18 individuals that would like to come forward and make  
19 verbal comments who have not yet signed a card or filled  
20 out a card so we can call you up properly? There's one  
21 more? Okay.

22           So with that, we will call up our final  
23 commentor for this evening, Ms. Tuyet Nguyen, who is a  
24 local shrimper.

25           TUYET NGUYEN: My name is Tuyet Nguyen. And

1 on behalf of my family, we own 95-foot commercial boat  
2 and we use (inaudible) instead of ice.

3 My comment is we need to -- I think everybody  
4 has forget or forgot all the shrimper, you know, mention  
5 about the shrimp loss and things like that. But the  
6 loss that we have has been -- we been lost so many years  
7 and nobody pay attention. And I just want to prove it  
8 to y'all through my business.

9 And my comment, we need to build more docking  
10 for the bigger boat, small boat. And the bigger boat,  
11 the problem in Mississippi is that it very hard to  
12 unload thing. We have small boat, they unload ice, but  
13 they shoot it from the -- you know, from the  
14 (inaudible). They shoot it down through the boat. But  
15 the (inaudible) boat, we unload salt. But the salt is  
16 very heavy and we unload hundred bag like that, and we  
17 have to carry very far to the boat.

18 So we need the place that is right next to  
19 the boat, just like Alabama or Louisiana. And I tell  
20 you, what did we lost based on my boat. Each year, we  
21 caught about 250,000 to 400,000 pound of shrimp. And it  
22 approximates about \$500,000 up to \$800,000 per year.  
23 And the supply that we buy, at least \$15,000 to \$30,000  
24 per year. And the fuel that we fill, like this year, we  
25 didn't go a lot, so about 250. But one year one time,

1 we spent \$450,000 on fuel.

2 So all of that number together is more than a  
3 million dollars that we lost. And then no one pay  
4 attention. And then I think that the Mississippi shrimp  
5 zone is bigger than Alabama, but I think based on what I  
6 see, based on what I know, I think Alabama, they unload  
7 more shrimp than Mississippi. I think that's what we  
8 lost. And then why we have to bring our profits to the  
9 next door when we have a chance?

10 So another thing, a lot of stuff that make it  
11 inconvenient for the bigger boat to come in here is the  
12 channel, the Biloxi Channel is very shallow. So when we  
13 come in, we have to base on the tide, too, and then some  
14 other thing like that.

15 And I think that is everything is and I hope  
16 that y'all keep that in mind, because it's very  
17 important, you know. One boat is more than \$1 million  
18 dollar. So 10 boats, \$10 million dollar. Thank you  
19 very much.

20 PERRY FRANKLIN: Thank you for your time,  
21 Ms. Nguyen.

22 Are there any others who would like to come  
23 forward?

24 (There was no audible response.)

25 PERRY FRANKLIN: Okay. At this time, I would

1 like to turn it over to Ms. Trudy Fisher, who is the  
2 Executive Director of the Mississippi Department of  
3 Environmental Quality to close us out.

4 TRUDY FISHER: Thank you, Perry. They know  
5 who I am. Thank y'all. Wonderful, meaningful comments.  
6 Thank you for being here. Tomorrow night, as Richard  
7 was saying, if you have family members, friends,  
8 neighbors, who would like to come and hear the  
9 presentation, be a part, have something that they want  
10 to say, please tell them about the meeting tomorrow  
11 night, same time, same format in Bay St. Louis at the  
12 community center. We would love to have a full room  
13 tomorrow night, as well.

14 Thank you. Enjoy the rest of your evening.

15 (Whereupon the public meeting was concluded at

16 8:20 p.m.)

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## 1 CERTIFICATE OF REPORTER

2 I, Tara S. Sims, Registered Professional Reporter,  
3 Certified Shorthand Reporter and Notary Public, do  
4 hereby certify:

5 That on the 18th day of January, 2012, the foregoing  
6 meeting proceedings were held in public forum;

7 That the foregoing statements were taken by me in  
8 shorthand and by recorder and thereafter reduced to  
9 typewriting under my direction, and the foregoing  
10 fifty-six (56) pages contain a full, true, and correct  
11 transcription of all the proceedings in said public  
12 meeting;

13 IN WITNESS WHEREOF, I have hereunto set my hand and  
14 seal, this the 1st day of February, 2012.

15 \_\_\_\_\_  
Tara S. Sims, RPR, CSR

16 MY COMMISSION EXPIRES:

17 June 18, 2013  
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25

1 UNITED STATES OF AMERICA  
2 Department of the Interior  
3 Department of Defense (Navy)  
4 Department of Commerce  
5 National Oceanic and Atmospheric Administration  
6  
7

8 Gulf States of FL, AL, MS, LA, TX  
9 Deepwater BP Oil Spill  
10 Draft Phase I Environmental Restoration  
11 Plan/Environmental Assessment Public Meeting  
12  
13

held on Thursday, January 19, 2012

14 commencing at approximately 7:00 p.m.  
15

at Bay St. Louis Community Hall

16 301 Blaize Avenue  
17

Bay St. Louis, Mississippi  
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25 Transcribed By: Tara S. Sims, RPR, CSR

REPRESENTATIVES

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TRUDY FISHER, Director - Mississippi Department of  
Environmental Quality (MDEQ)

BRIAN SPEARS, Restoration Program Manager -  
Department of the Interior (DOI), U.S. Fish  
and Wildlife Service (FWS)

RICHARD HARRELL, Director - Pollution Control and  
Mississippi Department of Environmental Quality  
(MDEQ)

TERI WYLY, Legal - Mississippi Department of  
Environmental Quality (MDEQ)

MIKE BEISLER, Lead Biologist - Mississippi  
Department of Environmental Quality (MDEQ)

DEBORA MCCLAIN, Deputy Case Manager - Department  
of the Interior (DOI)

1 (The following meeting was held:)

2 PERRY FRANKLIN: Good evening. My name is  
3 Perry Franklin and I will be serving as tonight's  
4 facilitator.

5 I would like to welcome you to the fifth of  
6 twelve public meetings for the Deepwater Horizon Oil  
7 Spill Natural Resource Damage Assessment, or NRDA, as  
8 you will commonly hear throughout tonight, or called  
9 NERDA process. In addition to tonight, there have been  
10 two meetings already held in Florida and two meetings  
11 already held in the State of Mississippi, in Gautier and  
12 in Gulfport last night. There will be six additional  
13 meetings held over the next three weeks in the States of  
14 Alabama, Louisiana, Texas, and finally, in the District  
15 of Columbia. If you have friends or relatives who could  
16 not make it to one of the three meetings, we invite you  
17 to tell them about the balance of the meetings to be  
18 held.

19 The objective of tonight's meeting is to  
20 receive your comments on the proposed projects in the  
21 Draft I Early Restoration Plan. There will be a  
22 dedicated comment period tonight following a  
23 presentation, which will give you updated information on  
24 the Early Restoration process, and more specifically,  
25 the Early Restoration projects slated for the State of

1 Mississippi.

2           Please hold your comments until we get to the  
3 comment portion of tonight's meeting. During the  
4 comment period, you will be given three minutes to  
5 deliver your comments, which will become a part of the  
6 official record of tonight.

7           Before we begin much further, I want to  
8 apologize; some of you thought that this would begin at  
9 6 p.m. and not 7 p.m. So we thank you for your  
10 patience. The open house was from 6 to 7, and this  
11 meeting began at 7. So those of you who thought it was  
12 just the opposite, thank you for your patience and  
13 allowing us to begin at 7 p.m.

14           Let's get started. If you would like to  
15 learn more about the Draft Early Restoration Plan or the  
16 projects proposed specifically for the State of  
17 Mississippi or have come to provide additional input  
18 about those projects, you are in the right location.

19           There are some seats in the front. For those  
20 of you who are still standing in the rear, if you would  
21 like to occupy one of these seats, we would appreciate  
22 that; it may be a little bit easier on you. Also, if  
23 you could, silence your cell phones; we would appreciate  
24 that courtesy, as well. And if there are any personal  
25 conversations, if those could be taken to the hall

1 outside.

2 Providing tonight's interpretation services  
3 is Ms. Margo Buisson. Tonight's Vietnamese translation  
4 services are being provided by Mr. Kevin Nguyen. Thank  
5 you, Kevin. And the court reporting services are being  
6 provided by Ms. Tara Sims. And that's a very important  
7 part of these proceedings, as accuracy is required in  
8 this meeting.

9 For those of you who came through the sign-up  
10 station and walked this way, you should have gotten a  
11 handout packet. That's very good information to have  
12 during this meeting and after this meeting. There is a  
13 lot of information about the proposed projects,  
14 specifically, the projects being proposed in the State  
15 of Mississippi. There are also websites on this handout  
16 that you can sort of stay engaged, stay in line with  
17 this process as it rolls throughout, and it will also  
18 give you future dates if there are public meetings and  
19 hearings and things of that nature. So this information  
20 is very helpful and very useful. So I invite you if you  
21 did not pick up one of those handout packets, please do  
22 so on your way out.

23 You will also notice that there is an open  
24 house right outside of the main meeting area. While  
25 that is not the specific purpose of tonight, we thought

1 it was very important to bring you that information on  
2 personal safety and seafood safety and restoration,  
3 things of that matter. Those subject matter experts are  
4 from all over the State of Mississippi, as well as the  
5 federal government. And we invite you if you did not  
6 have an opportunity -- those individuals will stay here  
7 post-tonight's presentation and public comment period to  
8 answer any specific questions that you may have.

9           During the comment period, we are going to  
10 have individuals up here listening to your comments. If  
11 you have a specific question, we will address that  
12 specific question in the open house area. The format of  
13 tonight's meeting is to really receive your comments  
14 through listening by the trustees, and then if there is  
15 a specific question, we will address those questions  
16 outside of the main hall. Thank you.

17           Tonight, there will be a lot of information  
18 given to you in the form of updates and overviews and  
19 where we are in the process, and we have some subject  
20 matter experts that have come tonight to share that  
21 information with you.

22           These are some of the topics that we are  
23 going to discuss in this initial presentation: You're  
24 going to learn more about the NRDA Process, the Early  
25 Restoration background, what exactly is the draft of the

1 Early Restoration Plan, and on and on until we get to  
2 the most important part, which is the public comment.

3 If you would like to make public comment via  
4 verbally tonight during this meeting, all you need to do  
5 is just fill out one of these cards and those will be  
6 given to me in the order that you sign up, and that's  
7 the order I will call you up.

8 Is there anyone here who did not fill out one  
9 of these cards that wants to make a verbal comment  
10 tonight? If you will just raise your hand, we will get  
11 one to you.

12 Now, at any time in tonight's meeting, if you  
13 just raise your hand we know what that means. If you've  
14 learned something or picked up on something that you  
15 want to make a comment about -- and some of you may not  
16 want to make a comment until you see the presentation,  
17 and then that may spark and trigger things that you want  
18 to make sure gets into the record. So this is one way  
19 to make public comment. There are three other ways.

20 In that handout packet, there are websites at  
21 your leisure. You can go online and you can type in  
22 your comment. The third way, you can go outside. There  
23 is an input station where there is staff there waiting  
24 to assist you. If after the presentation or during the  
25 presentation you want to go outside and type in your

1 comments, we invite you to do that. And the fourth way,  
2 there are forms that you can fill out and either hand in  
3 tonight, or there is an address right in the middle.  
4 You can write your comments on this form and get those  
5 mailed in. And so there are four ways that you can  
6 deliver your comments, and we invite you and thank you  
7 for coming to do that.

8           Again, the objective of tonight's meeting is  
9 to share updates with you and to receive your comments  
10 on the proposed projects that are included in the Draft  
11 Phase I Early Restoration Plan.

12           On behalf of the trustees, I want to thank  
13 everyone for attending. And to formally begin tonight's  
14 meeting, I would like to introduce tonight's listening  
15 table.

16           To my left, Ms. Trudy Fisher, Executive  
17 Director, Mississippi Department of Environmental  
18 Quality. Next, Mr. Brian Spears, Restoration Manager,  
19 Department of the Interior. Next, Mr. Richard Harrell,  
20 Director, Pollution Control, Mississippi Department of  
21 Environmental Quality. To Richard's left, Mrs. Teri  
22 Wyly, Legal, Mississippi Department of Environmental  
23 Quality. To Teri's left, Mr. Mike Beisler, Lead  
24 Biologist, Mississippi Department of Environmental  
25 Quality. And next to Mike, Mrs. Debora McClain, Deputy

1 Case Manager, Department of the Interior.

2 Now to formally begin tonight's proceedings,  
3 I would like to ask Ms. Trudy Fisher to open up  
4 tonight's meeting.

5 TRUDY FISHER: Thank you, Perry. Good  
6 evening. Thank all of you for coming out tonight. I am  
7 so happy to see this wonderful turnout in the beautiful  
8 town of Bay St. Louis in this wonderful facility. I  
9 would like to welcome and thank Mayor Les Fillingame for  
10 being here tonight and thank you for hosting the event  
11 tonight. We also have joining us tonight from Hancock  
12 County Tony Ladner sitting there. Tony, thank you for  
13 being here and what you do for Hancock County. We have  
14 from our neighboring county of Harrison County Marlin  
15 Ladner, sitting there next to Tony. Marlin, thank you  
16 for being here tonight. Marlin had a conflict last  
17 night for the Harrison County meeting and made the  
18 effort to come here tonight. And, Marlin, we really  
19 appreciate that. We also have tonight T.J. Moran with  
20 Congressman Palazzo's office. T.J. sitting there, thank  
21 you for being here; we really appreciate it.

22 I think that I have -- if I have overlooked  
23 any of our elected officials, please raise your hand. I  
24 tried to catch everyone and I hope I did not overlook  
25 anyone.

1           Perry did an excellent job of going over the  
2 different ways we have to hear from you. You know, we  
3 talked about getting public comments, and that's such a  
4 formal word. We just want to hear from you. We want to  
5 know what you have to say about the projects you are  
6 going to hear about tonight. We want to know what you  
7 have to say, so we are going to give you an overview of  
8 the process. Now, some of you may say, Trudy, I already  
9 know about the process; why do I have to hear it again?  
10 But not everybody does, so we're going to take a little  
11 bit of time to go over the process again.

12           Brian Spears is going to cover that for us.  
13 After Brian goes over the process, Richard Harrell, who  
14 is with your Department of Environmental Quality, is  
15 going to talk about the Mississippi-specific projects,  
16 the two projects that are in the Draft Early Restoration  
17 Plan. We're going to get to that -- through that  
18 thoroughly, but quickly, so we can get to the most  
19 important part of this, which is to hear what you have  
20 to say.

21           Thank you again for being here.

22           BRIAN SPEARS: Thanks, Trudy. Good evening,  
23 everyone. Thanks for coming and thanks for having us  
24 tonight. It's good to be in Bay St. Louis. My name is  
25 Brian Spears. I work for the U.S. Fish and Wildlife

1 Service, which is part of the Department of the  
2 Interior, and I'm out of our Fairhope, Alabama office  
3 down the road here.

4 As Trudy said, our goal here tonight is to  
5 listen to you speak, but we're just going to give just a  
6 little summary of information and a presentation here  
7 about the Oil Pollution Act and the National Resource  
8 Damage Assessment regulations to help put in context  
9 what we are doing tonight with this Draft Phase I Early  
10 Restoration Plan, and could possibly help you frame your  
11 comment if you choose to give one tonight.

12 Now, there is a lot of information about OPA  
13 and NRDA and our restoration process, which I am going  
14 to skip over and not even hit on tonight. There is a  
15 lot of information about those things in your  
16 information packets, in some of the facts sheets you  
17 might have picked up. There's a lot of information on  
18 the web and some of the trustee websites. And if you  
19 feel so inclined, the Oil Pollution act is extremely  
20 exciting to read. So that's publicly available, too,  
21 and you can pull that off the web, as well.

22 Okay. So what is NRDA? Back in 1990, the  
23 Oil Pollution Act was developed and enacted, following  
24 the Exxon-Valdez spill, and that gives general guidance  
25 in responding to oil spills. Within the Oil Pollution

1 Act, there are these regulations called Natural Resource  
2 Damage Assessment, and those regulations allow us to  
3 hold folks accountable for injuries to our natural  
4 resources caused by oil spills.

5           Within the United States, natural resources  
6 are a public commodity; they are owned by all of us. So  
7 the NRDA regulations provide us law for being  
8 compensated for resources that are injured from oil  
9 spills. And within NRDA, specifically, this is how it's  
10 laid out. And it talks about making the public whole,  
11 getting us back to a point with our natural resources  
12 where they were before a spill happened. That includes  
13 not only the natural resources themselves, but also the  
14 services they provide. So for example, some of the  
15 services fish provide to us is fishing. So recreation,  
16 for example, is covered under these NRDA regulations,  
17 and that's why you'll hear some about public use. And  
18 that's why you'll see a boat ramp project, for example,  
19 in this plan, because that provides some of those public  
20 services.

21           Now, it's important to know quickly what NRDA  
22 does not do. As we all know, in this big world of the  
23 BP oil spill, there are a lot of claims processes going  
24 on, but NRDA strictly deals with injuries to natural  
25 resources. So anything related to human health claims

1 or punitive damages, NRDA does not handle. So for what  
2 it's worth, keep that in mind as we go forward.

3           Within the Oil Pollution Act, these  
4 regulations designate state, tribal, and federal  
5 agencies affected by spills as trustees for the public.  
6 And the trustees' job for those specific spills is to  
7 ensure that the public is adequately compensated for our  
8 loss. Within the BP spill, all five states along the  
9 Gulf of Mexico were affected. So you'll see as part of  
10 the trustees for this spill, all five states are  
11 represented. And sometimes, within individual trustees,  
12 you'll see multiple agencies that help represent that  
13 trustee. So that's why you'll see up here, for example,  
14 some of these states have multiple agencies that manage  
15 the natural resources representing them.

16           There are also federal trustees involved with  
17 this bill. The Department of the Interior represented  
18 by the Fish and Wildlife Service, the Bureau of Land  
19 Management, as well as the National Park Service,  
20 because resources we manage were affected. And NOAA is  
21 also a trustee, because resources they manage were  
22 affected. So when you hear the trustees, that's who  
23 they are.

24           Okay. So getting to NRDA, there are three  
25 main stages of NRDA. First is what's called the

1 Pre-Assessment Phase. So a spill happens and the  
2 trustees go out as soon as possible and start collecting  
3 data and figuring out whether injuries are occurring or  
4 whether they are likely to occur. Sometimes, it's  
5 complex; sometimes, it's simple. In this case, we had  
6 both. Folks collected water chemistry from the water  
7 column 150 feet down. That's a little more complex.  
8 Other people, like me, went around and picked up oiled  
9 birds and tried to clean those. That was a pretty  
10 obvious injury. And so we had both in this case.

11 So what we do with the pre-assessment data is  
12 basically make a decision whether we should collect more  
13 data and start developing this injury claim. And that's  
14 where we're at now with this Injury Assessment Phase and  
15 Restoration Planning Phase. And what that's all about  
16 is, again, evaluating how much natural resource was  
17 injured, what kind of natural resources were injured,  
18 and developing an ultimate claim that at the end of the  
19 day we'll use to evaluate how much restoration that we  
20 need to do to compensate the public for those injuries.

21 Restoration planning is a really critical  
22 component of NRDA. Getting to restoration  
23 implementation is the whole point of those regulations,  
24 and it's a really important part for the Deepwater  
25 Horizon trustees. Way back in 2010, when a lot of us

1 were still evaluating where the oil was going and  
2 running around and picking up oiled birds and trying to  
3 release healthy animals, the trustees were already  
4 involved with holding public meetings and soliciting  
5 restoration ideas from the public about what they would  
6 like to see done. And those continued on through the  
7 spring of 2011 as part of this Programmatic  
8 Environmental Impact Statement Process, which is really  
9 just a part of the overall, broader picture of the  
10 restoration planning process, which I will hit on again  
11 in a second.

12           And then in April of 2011, a pretty cool  
13 thing happened. The trustees negotiated with BP an  
14 agreement to jumpstart restoration of our resources.  
15 And that's what we refer to as the framework for early  
16 restoration. That was not only a pretty big deal here  
17 locally; that was a really huge deal in the world of  
18 NRDA. The case that I came from before I came to work  
19 on this case, the trustees were actually party to the  
20 largest Natural Resource Damage Assessment settlement in  
21 the history of the United States, and then this  
22 happened. Back in my other case, if we would have had  
23 an agreement like this that would have provided us with  
24 a million or two, that would have been -- we would have  
25 been really happy with that. And this one provided us

1 with \$1 billion dollars to start that process, and I'll  
2 get to that more in a second. So that was a really big  
3 deal.

4 And then since then, we had more specific  
5 Early Restoration Solicitation Meetings here in  
6 Mississippi, and those are ongoing. That's a real  
7 important point to note, that this is an ongoing  
8 process. And this Phase I plan by no means signifies  
9 any sort of stop in that process; everything is  
10 ongoing. You can learn more not only on the NOAA-hosted  
11 website for the trustees, but also some of the other  
12 trustees' websites, like this one, hosted by  
13 Mississippi.

14 Okay. So early restoration, what's that all  
15 about? Like I said, big deal in the NRDA world. This  
16 Early Restoration Framework Agreement that we've got in  
17 place provides the trustees with up to \$1 billion  
18 dollars to start this restoration process in the Gulf.  
19 The whole point was to maximize some of the early work  
20 we could get on the ground and start seeing benefits.  
21 While the assessment case is still ongoing, people are  
22 still out there collecting data, gathering data to build  
23 their claim, while we're here tonight telling you about  
24 the restoration that we're already starting. So that's  
25 what this indicates. And again, the assessment is still

1 ongoing. You will hear that over and over again.

2           Within the agreement, it actually allocated,  
3 split up some of that agreement money across the  
4 trustees. So as you will see, the states and the two  
5 federal agencies were equally allocated \$100 million  
6 dollars to help prioritize projects they would like to  
7 see for their resource as part of this agreement. So  
8 basically what happens is Florida, for example, or  
9 Mississippi, has a pot of money that they get to  
10 prioritize and bring forth to the rest of the trustees  
11 and say, we'd like to do this project; let's work on  
12 that together. So that process is going on, and the  
13 federal trustees do that, as well.

14           This little bit left over here, the \$300  
15 million dollars left over, is designated for the federal  
16 trustees to help prioritize the projects brought forth  
17 by the state, so another collaborative effort there.

18           So how do we take on the almost 1,000  
19 projects that we currently have on the table as  
20 potential projects to go out and do as part of this  
21 early process? Well, there are a number of selection  
22 factors that the trustees have been crunching through  
23 together to help narrow down which projects we can get  
24 on the ground now. The Oil Pollution Act provides  
25 criteria that we have to look through and have to use to

1 start calling out projects. The Early Restoration  
2 Framework I've been talking about provides similar, but  
3 additional criteria. And then there are other practical  
4 considerations, which I will hit on in a second here,  
5 that the trustees use.

6           These are some of the Oil Pollution Act  
7 criteria, including how much project proposals cost,  
8 whether they actually restore the injuries, which is a  
9 really important factor to consider, the likelihood of  
10 success; will it work? and then some of the other  
11 factors. Here is some of the Framework Agreement  
12 criteria. Again, whether they restored injured  
13 resources, whether it's cost-effective and can work, and  
14 also, is it consistent with this larger restoration  
15 planning effort that's going on?

16           And then finally, some of these practical  
17 considerations we talk about are not required, but the  
18 trustees want to figure out the best to do for now. So  
19 some of things we think about here are: Can we get them  
20 on the ground right away? Are they about ready to go,  
21 if approved? One of the things the trustees want to do  
22 right out of the gate here is do projects and start  
23 hitting on the broad array of injuries that we think  
24 happened there. So that's why you'll see everything  
25 from the human use project and the boat ramps to dunes

1 to oysters.

2 And again, mirroring some of the OPA  
3 framework criteria: Do we think it can work? Is it  
4 ready? And also, we've got good feedback on let's not  
5 do projects where we're still seeing impact. And so  
6 that would fit into one of these practical situations,  
7 of course, which makes complete sense.

8 So this is a graphical representation, real  
9 quick, taken straight from the draft plan just to show a  
10 broader picture of what's going on here and where we're  
11 at. This is where we are soliciting projects, and this  
12 is still ongoing. That's this big arrow; it's still  
13 going on. Here, we're screening projects. And then as  
14 we come through screening those projects, we go into  
15 negotiations with BP, and that's a really important part  
16 of this Early Restoration Framework. It's important to  
17 note, because this can guide what we see in these Early  
18 Restoration plans.

19 So basically, after the trustees decide what  
20 they'd like to do now, we negotiate with BP on two main  
21 points: How much the proposals cost and what benefits  
22 they provide. And that's important not because BP is  
23 guiding what we are doing -- NRDA is a trustee  
24 process -- but because we haven't developed our full  
25 claim and we haven't settled with BP. We have to

1 negotiate with them how these projects and the benefits  
2 they provide will fit into that final claim. So I'll  
3 skip over the rest of that, but just keep in mind that  
4 that's a really important part of what the project list  
5 ends up looking like.

6 And then finally, here we are with this draft  
7 plan in front of you, soliciting public comment. We  
8 will take all of your public comment, consider what you  
9 have to say, and then we'll come up and implement the  
10 final plan. And as this is going on, the whole process  
11 is continuing, and the trustees are actually already  
12 working on the next Phase II plan. So we're still  
13 working hard behind the scenes.

14 Okay. So that brings us to this first draft  
15 plan. Within the plan itself, you'll see two  
16 proposals. The first one is called Alternative A, which  
17 is what we refer to as a No-Action Proposal or a Natural  
18 Recovery Alternative. And I want to make clear that's  
19 not something that the trustees are proposing now;  
20 that's something that's required by OPA to evaluate what  
21 would happen if we do nothing. So that's why you'll see  
22 that in there.

23 Alternatively to this, we are proposing a  
24 suite of eight projects that have gone through that  
25 whole selection criteria and negotiation process. And

1 as you look at those and evaluate those and maybe  
2 comment on those tonight, it's important to remember  
3 that all of those are grouped up into this one  
4 alternative. They are each independent projects. The  
5 final plan may have all of those in there or just a  
6 couple of those in there, depending on your comments and  
7 how we evaluate those. So it's not an all-or-nothing  
8 approach. If you like one project, you do not like one  
9 project, those are valuable comments.

10 This is also taken straight out of the plan.  
11 This is just a graphic showing where these proposed  
12 projects take place. Starting from Florida, we've got  
13 the boat plan proposal, some dune restoration. Moving  
14 on to Alabama, some dune restoration and marsh  
15 restoration there. Moving on into Mississippi, we have  
16 oyster cultch and offshore reef, artificial reef. And  
17 then moving into Louisiana, some more oyster cultch  
18 restoration. And I'm going to skip over these tonight,  
19 because I want to spend more time on the Mississippi  
20 projects in particular. But again, this is just  
21 straight out of the plan showing an estimated cost for  
22 these projects.

23 So for the Mississippi projects, I'm going to  
24 defer to an expert, a man smarter than me on that topic,  
25 Richard Harrell with Mississippi DEQ.

1           RICHARD HARRELL: Thank you, Brian. And  
2 thank all of y'all for coming out tonight. A couple of  
3 points as Brian mentioned you'll hear again throughout  
4 my presentation -- and they're repeated because we think  
5 they are very important points for you to hear.

6           Secondly, this is a huge undertaking and a  
7 huge responsibility for us, and we take it very  
8 seriously and we are honored to have the chance to try  
9 to restore your natural resources for you. You know,  
10 you have heard before about the process. Let me add  
11 another piece in there. Brian said the assessment is  
12 not over. The project idea submittal phase is not  
13 over. We still want your project ideas for Phases II,  
14 III, IV, V, and final restoration. So we encourage to  
15 continue to submit those project ideas to us.

16           This plan is not final. That's what we are  
17 here about tonight. We want to hear your comments about  
18 this plan so we can make it the best we can and have a  
19 very successful restoration. The other piece I'll bring  
20 up to everybody, as people sometimes forget with this  
21 oil spill or seem to move on from national attention, is  
22 the response still is not even over with this oil  
23 spill. We are still actively responding to this oil  
24 spill in Mississippi and throughout the Gulf of Mexico.  
25 So with those couple of pieces, I'm going to move on to

1 our two particular first-round projects we have in  
2 Mississippi.

3 Our first project we will talk about tonight  
4 is the Hancock-Harrison County Oyster Cultch Proposal.  
5 We are proposing to recultch 1,430 acres within this  
6 area; you can see the map here. We talked about the  
7 oysters here as what we are proposing to be the benefit.  
8 It shows you the type of process that is generally used  
9 for this.

10 We hear often: Why did you pick these two  
11 projects first for Mississippi? You heard we have a  
12 list. In Mississippi, our list is already about 200  
13 project ideas that we have received. The oyster cultch  
14 project is one that repeats numerous times on that  
15 list. It's one that in our public meetings that were  
16 held back last summer we received a lot of favorable  
17 public input as a project restoration idea that needed  
18 to go forward.

19 The other thing to hear about this one and  
20 that we have heard in some of the previous meetings is:  
21 Why did you only pick these areas? Why didn't you look  
22 at Harrison County, Jackson County and further? That  
23 goes to that point Brian mentioned about other practical  
24 considerations. These areas were already permitted;  
25 they were ones we thought we could do quickly, have some

1 immediate impacts on the restoration efforts. If we  
2 were to continue to add more areas or expanded the  
3 project, it may have slowed us down. So that doesn't  
4 mean we're not going to do those areas potentially in  
5 another phase. It just means we thought we could do  
6 these quickly and have an immediate impact for the  
7 public.

8           So our schedule, what are we looking for? We  
9 picked a pretty aggressive schedule. We would like to  
10 be able to do these projects if everyone comes to an  
11 agreement and public comment continues to be favorable,  
12 starting in the spring, potentially, of 2012. There  
13 will be multiple placements. We're not going to put  
14 everything out there at once in such a large area. So  
15 we will be looking at three or four placements of  
16 cultch, hopefully beginning, starting in the spring of  
17 2012 going through 2013.

18           We have to monitor these projects. We want  
19 to see how they are performing and what they are doing,  
20 and that's part of the contingency you also see in our  
21 budget. We have a contingency fund so that if the  
22 projects are not performing the way we think they should  
23 in the way the experts tell us they should perform in  
24 getting results, then we can tweak the project in the  
25 process and try to improve it.

1           Our overall project budget for the  
2           construction is \$10.1 million dollars, the \$0.9 million  
3           for contingency for a total project budget of  
4           approximately \$11 million dollars. Again, your public  
5           comment may change this project. These are our  
6           estimates based on the way the project is shown now.

7           Brian talked a little bit about offsets. It  
8           gets very complicated when you hear the billion dollars  
9           thrown out there a lot. You know, why can't we just say  
10          we're going to spend \$10 million dollars and do this  
11          credit? I wish it was that easy. But that's not the  
12          way NRDA looks at things. It wants to really focus on  
13          the resource: What was damaged, measure how it's  
14          recovered. So you are talking a bird for a bird.  
15          You're talking biomass of oyster tissue for biomass of  
16          oyster tissue. It's not as simple as a dollar for a  
17          dollar. So we have to be able to show what the damage  
18          is through the Assessment Phase and then compensate it  
19          back to exactly what it was, hopefully before the damage  
20          occurred. So that's why you don't necessarily talk a  
21          dollar for a dollar.

22          If we just went out there and spent \$5  
23          million dollars on an oyster project, that may not get  
24          us back to where we are at. So we negotiate with the  
25          responsible parties in this currency for this case --

1 and it changes for each natural resource, but for this  
2 case, we talk about discounting kilograms of oyster  
3 biomass. "Discounted" doesn't mean we would be giving  
4 BP a credit or sale on the oyster biomass. It's just  
5 the way we calculate it and bring everything back to  
6 what the current time is and consider the future growth  
7 of the oyster reef.

8           The project has about a 10-year life span, we  
9 estimate. You put the material there; it doesn't stay  
10 forever; it's gradually consumed; some of it subsides  
11 over time; you can have storms that impact it. So we  
12 have proposed a life span in negotiations of about 10  
13 years. So after that, they would not continue to get  
14 credit for this effort. The credit we offered BP, as I  
15 talked about, is approximately two million discounted  
16 kilograms of oyster biomass. That's what we think this  
17 reef project will generate over its 10-year life.

18           The second project that you see before you in  
19 the Draft Early Restoration Plan is an Artificial Reef  
20 Habitat Program. Much like oysters, this is a project  
21 that was already permitted, already out there in areas.  
22 We believe it will provide good, early -- again, "early"  
23 is one of our key terms here -- restoration benefits  
24 throughout the Mississippi Sound.

25           This shows you a little bit larger view of

1 where we are proposing these. All of these sites are  
2 already permitted, already in the existence. A single  
3 dot here may represent three acres of permitted area,  
4 but there may be only one acre out there that's  
5 currently being used. So this project would expand it  
6 out in most cases to its full permitted capacity.

7 Many of you may know artificial reefs are  
8 not -- in the nearshore are not large, big structures  
9 that stand up. They are small, low-profile structures  
10 typically in areas that do not present marine boating  
11 hazards in any way. Many of these reefs are already on  
12 your navigation charts and other areas out there.

13 There is actually a very similar process to  
14 oyster reefs. It provides deployment of aggregate. In  
15 most cases for an artificial reef, you're using crushed  
16 limestone or concrete. I mentioned it's within 67  
17 designated reef areas that are already designated,  
18 permitted. On the oysters, you use about 500 cubic  
19 yards per acre. For this, you use -- I'm sorry; for  
20 oysters, you use about 100 cubic yards per acre. For an  
21 artificial reef, you're using more. You want a little  
22 bit more relief than what you get with oysters. You're  
23 using about 500 cubic yards per acre of material. And  
24 what that does is it provides a substrate that a lot of  
25 your organisms, marine organisms can adhere to, live

1 within, and promotes additional biological diversity  
2 within the Gulf of Mexico.

3 As many of you may know, we think we have a  
4 significant amount, plenty of salt water bottoms out  
5 there in the Gulf of Mexico. What this does is add some  
6 (inaudible) bottoms to increase productivity in certain  
7 species, certain infauna and epifauna, and add to the  
8 diversity and production of the Gulf -- of the  
9 Mississippi Sound.

10 Again, schedule, we're hoping for deployment  
11 in 2012. It would have additional -- just like oyster  
12 performance monitoring to see how it's working, see how  
13 it's adjusting. There's a little different technology.  
14 We've got a lot of small spots out there, so the  
15 contingency fund is not as much. Overall, it's about  
16 the same, about at 10 percent. But the total budget for  
17 this project is about \$2.6 million dollars out of  
18 Mississippi's \$100 million dollars.

19 Both of these, again, you can see, are small  
20 steps. We want to take it slow; we want to be sure; we  
21 want it to be methodical and make sure we get it right  
22 for you.

23 The offset is very similar. When you put  
24 this material out there, you get a range of species that  
25 this material is -- that this habitat is providing for.

1 So instead of a specific species, like oysters, here you  
2 have epifaunal biomass is the proposed offset credit.  
3 So what is that? It's basically -- you take all of the  
4 little organisms, put them in a jar, measure them. It  
5 might be shrimp, oysters, small crabs, what we call  
6 secondary production in their juvenile stages,  
7 typically. We have proposed to give BP 763,609  
8 kilograms of biomass for this project.

9 What's next? Now that you have heard about  
10 our projects, I want to quickly get to what we are here  
11 about tonight, your public comment period. Again, that  
12 date to remember for Phase I -- and this is only Phase  
13 I -- the public comment period ends February 14th. So  
14 you still have considerable time if you don't get to it  
15 tonight to provide public comments back to us. But for  
16 those public comments to be considered, we must have  
17 them by February 14th, so please remember that date.

18 The trustees will work together to consider  
19 all of the public comments, try to address the public  
20 comments, modify or change the plans, if necessary, to  
21 address those public comments. Once we get to that  
22 point and finished the public hearings that are closed  
23 on February 14th, we will finalize the agreed-upon  
24 projects. We will provide a summary of the public  
25 comments and the NEPA Analysis for each project.

1 projects. Hopefully then, we will be able to begin  
2 implementation.

3 Just again for you to see the meetings, this  
4 is our last meeting for Mississippi. But you see, there  
5 will be some still to come in Alabama or Louisiana. So  
6 if you have people that want to travel to attend a  
7 public meeting, we encourage you to let them know about  
8 that. Still, also, put your public comments in through  
9 the Internet or traditional mail sources.

10 And with that, I am done with my  
11 presentation. So Perry is going to quickly get back up  
12 here and we will start the next phase. Our panel --  
13 listening panel is going to move back up here so we can  
14 listen to your comments. Thank you.

15 PERRY FRANKLIN: Thank you, Richard.

16 Okay. So let's just talk about a process on  
17 how we want to go about this. We've talked about the  
18 four methods to give your comment, and you know those  
19 already. And tonight, we're bringing back the panel  
20 that we have already introduced, just to kind of remind  
21 you who is in front of you tonight. These are the  
22 individuals who are going to formally receive your  
23 comments. If you have question, I would ask that you  
24 put it in the form of a comment, because these guys do  
25 not have a microphone here. That's not the format of

1       tonight's meeting. So you can put names with faces.

2                You can also, again, go on the web. But  
3       remember, February 14th is the deadline to receive  
4       comments for the Phase I Early Restoration Draft Plan.

5                Are there any individuals that want to make  
6       comment who have not put their name on a card and who  
7       would like to do so? We've got blank cards, and we can  
8       get those to you. Any hands -- anybody want to put  
9       their name on a card to come up?

10               (There was no response.)

11               PERRY FRANKLIN: Okay. So tonight, Victoria  
12       is going to assist me in this process. Everyone is  
13       going to be given three minutes, as I mentioned  
14       earlier. When you get to about a minute remaining in  
15       your three minutes, Ms. Victoria is going to show you a  
16       little sign, one minute remaining. When you get to  
17       three minutes, she's going to show you the back side of  
18       that. That means, if you would, be kind up to wrap up  
19       your comment so we can move on to the next person.

20               If you've got something that's written, if  
21       you would, just hit the highlights of it and we'll  
22       formally accept your written comments and put those into  
23       the record. If you've got something that really is not  
24       written and you just need a little more time, what I'll  
25       do is I'll put you -- we don't have many speakers

1       tonight; I'll just put you back in the queue. Let's get  
2       through everybody first with three minutes, and then if  
3       you would like to continue, I'll call you back up to  
4       complete your thoughts.

5                 So at this time, let's go ahead and get  
6       started.

7                 Mr. and Mrs. Jim McDonald. Jim is going to  
8       speak. Did the McDonalds depart?

9                 (There was no audible response.)

10                PERRY FRANKLIN: All right. If they come back  
11       in, we've got their card and we'll let them come on up.

12                Mr. Walter Dardar, oyster boat captain.

13                WALTER DARDAR: I've just got one question  
14       real quick -- comment. Why not -- you were saying  
15       you're testing the waters and stuff; why not dredge on  
16       our oyster reefs that we already have there? I mean,  
17       you want to put more in there, right? Why not dredge on  
18       the stuff that we already have, stir it up, and see what  
19       comes up; see what's already there just by dredging on  
20       it before you go add all this stuff to it. You might be  
21       wasting your time. That's pretty much -- I'm going to  
22       let that go. That's about it right now.

23                PERRY FRANKLIN: And what we will do is we'll  
24       have one of the subject matter experts come and address  
25       your issue.

1           WALTER DARDAR:  Everybody I ask, they cannot  
2     make a comment because it's in litigation.

3           PERRY FRANKLIN:  All right.  We'll get  
4     someone to you.

5           Thank you, Mr. Dardar.

6           Keith Ladner, Gulf Shores Sea Products.

7           KEITH LADNER:  My main comment is basically  
8     to back up what this gentleman said.  I have been in the  
9     oyster business for 32 years.  I've had plenty of oyster  
10    leases in Louisiana, as well as Mississippi.  It is not  
11    uncommon for me to periodically go out on my reef areas  
12    and turn the bottom up, basically to try to generate a  
13    cleaner shell.

14           I'm aware that the Department of Marine  
15    Resources back in the 60s and 70s and maybe even earlier  
16    used to take box springs and drag the box springs behind  
17    the boat to try to, what I would call, spark the reef.  
18    My main comment is I think the project sounds terrific;  
19    I think it's a great project, but I do believe there  
20    should be some funding allocated towards sparking the  
21    existing reef, instead of just continuing to grow more  
22    and more reef when we already have quite a bit already.

23           And secondly, if something like this could be  
24    allocated, the funds for this, I do believe that the  
25    local fishermen should participate in that project.

1 Thank you.

2 PERRY FRANKLIN: Thank you, Mr. Ladner.

3 Next, we have Mr. Monty Graham.

4 MONTY GRAHAM: Good evening. I will read my  
5 comments.

6 My name is Monty Graham. I'm a professor and  
7 chairman of the Department of Marine Science at the  
8 University of Southern Mississippi. We're located at  
9 Stennis Space Center.

10 First of all, great thanks to the trustees  
11 for the hard work that you have already done. I know  
12 it's a tireless effort; we're all trying to make the  
13 Gulf whole.

14 Funding of long-term Gulf restoration,  
15 including the projects identified here, is a tremendous  
16 effort. However, part of the restoration process must  
17 include coordinated and a comprehensive long-term plan  
18 for research, monitoring, mapping and observation. The  
19 creation of the Gulf of Mexico Research Initiative, GRI,  
20 that we are all familiar with, with \$500 million dollars  
21 allocated by BP is a good step forward. But the GRI  
22 process alone is only addressing research. It doesn't  
23 address the full, long-term monitoring, mapping, and  
24 observation programs that are needed.

25 Restoration projects don't have a specific --

1 or they do have a specific project monitoring plan, but  
2 there is no funded comprehensive plan in place to do the  
3 long-term observations around the proposed activities.  
4 Without the science-based strategies and programs, we  
5 simply don't know the full extent, including the  
6 successes and failures of restoration. We can't pretend  
7 to even know what the sea will throw at the restoration  
8 activities in the future or what humans might contrive  
9 as another chronic or acute impact.

10           Even John Muir noted about 100 years ago,  
11 "When you try to pick out anything by itself, we find it  
12 hitched to everything else in the universe." These  
13 words ring true for us. No restoration project is going  
14 to be unhitched from anything else. So we recommend  
15 that the trustee counsel think about devoting,  
16 dedicating some percentage of the total Early  
17 Restoration funding to immediately supporting a large,  
18 comprehensive, long-term regionally managed mapping,  
19 monitoring, and observation program.

20           Obviously, the funds have to come from  
21 somewhere. So using the existing funds that you have  
22 within the states, or better using the \$300  
23 million-dollar allocation that's residual in this effort  
24 might be a good place to start. The point being that it  
25 has to start now, because if we start it three years,

1 five years down the road, we won't be able to catch up  
2 with what we have already done. And it has to be done  
3 at a long-term managed comprehensive and coordinated  
4 scale. Thank you.

5 PERRY FRANKLIN: Thank you, Mr. Graham.

6 Next comments coming from Mr. Raleigh Hoke,  
7 Gulf Restoration Network.

8 RALEIGH HOKE: I'm Raleigh Hoke and I'm  
9 speaking on behalf of the Gulf Restoration Network. We  
10 believe that it's essential that the NRDA trustees  
11 follow a clear set of transparent and systematic  
12 criteria for breaking and prioritizing which projects  
13 are ultimately chosen for Early Restoration funds. I  
14 know there are hundreds of projects that have been  
15 proposed, and the Framework Agreement and the Oil  
16 Pollution Act Framework don't necessarily weed all of  
17 those projects out. So I think you need to further  
18 emphasize which products are part of the Early  
19 Restoration.

20 In order to ensure transparent and  
21 sustainable restoration, members of the Gulf Future  
22 Coalition work together to draft Sunshine on the Gulf:  
23 The Case for Transparency and Restoration Project  
24 Selection. This reports lays out a clear set of  
25 criteria that we believe must drive the Early

1 Restoration Process in the wake of the BP disaster,  
2 along with the project selection matrix that we use to  
3 review a cross-section of the NRDA-proposed Early  
4 Restoration projects. Those criteria ensure that  
5 projects improve specific ecosystem impairments, create  
6 public health safeguards, support local economies  
7 through work force development, including (inaudible)  
8 training, local hiring and local contracting, engage the  
9 public, and ensure that evaluation processes are in  
10 place that can be monitored by the public.

11 On the two projects that have been proposed  
12 for Mississippi, I believe the Mississippi Oyster Cultch  
13 Restoration Project appears to be a good first step in  
14 the process of restoring that resource and improving  
15 human use for resource. However, it's essential that  
16 the project also supports local hiring of impacted  
17 communities during the implementation process.

18 In the case of the Artificial Reef Habitat  
19 Proposal, we have significant concerns about how this  
20 project is currently conceived. While this project  
21 could help restore human use loss through increased  
22 recreational fishing opportunities, it does not fulfill  
23 the current rationale to, quote, "Restore injured  
24 shallow water resources and/or compensate for interim  
25 losses of secondary production in benthic shallows."

1           The scientific evidence is (inaudible) on  
2   whether artificial reefs are effective at producing  
3   biomass. But there is a strong likelihood of collateral  
4   injuries from the deployment of artificial reefs onto  
5   existing natural soft bottom habitat. Artificial reefs  
6   can also damage nets from shrimping boats in the risk of  
7   significant collateral injury to other natural resources  
8   or services. And that's why we would suggest an  
9   Environmental Impact Statement for this project.

10           Further, investment in oyster reefs will be a  
11   more effective road, rather than these artificial reefs.

12           And that's all I have to say. Thank you. I  
13   would also like to submit for the record the Sunshine  
14   Report.

15           PERRY FRANKLIN: Thank you, Mr. Hoke. Have  
16   the McDonalds come back in?

17           (There was no response.)

18           PERRY FRANKLIN: Okay. Next comment will be  
19   given by Tuan Huynh, local fisherman. Has she stepped  
20   out?

21           (An affirmative response was given.)

22           PERRY FRANKLIN: Okay. We'll come back.

23           Next comment will be given by Ms. Celina Tran  
24   on behalf of Mr. Richard Nguyen.

25           CELINA TRAN: Good evening, everyone. Sorry;

1 my voice is really sketchy tonight.

2 I am speaking on behalf of Mr. Richard  
3 Nguyen, who is a boat owner. So just in case I forget,  
4 I've got some notes on what he stated.

5 Mr. Nguyen has been a local  
6 shrimper/fisherman and dredges oysters here in Biloxi  
7 for the past 30 years in Biloxi. He apologizes he is  
8 not able to be present tonight.

9 There are two major concerns. The two  
10 projects for the oyster cultch and the artificial reef  
11 are very important. However, will these two projects  
12 employ local fishermen, shrimpers and oyster workers, as  
13 they were impacted from the oil spill?

14 Mr. Nguyen was employed from BP through the  
15 VOO Program, which is a VOO Program. For those who do  
16 not know what the VOO Program is, it was a part of the  
17 cleanup phase of the oil spill. He has now lost 25  
18 pounds, lost all of his hair, and is tremendously and  
19 physically unable to work due to his condition. Will  
20 there be a program or projects that will provide health  
21 care or health care benefits to those who that are  
22 affected such as him? Thank you for your time.

23 PERRY FRANKLIN: Are there any others who  
24 would like to make a public comment this evening? If  
25 so, if you will just raise your hand and we will bring

1 you forward. Did Ms. Tuan Huynh return? Is she in the  
2 building?

3 (A member from the audience is looking for Tuan Huynh.)

4 PERRY FRANKLIN: We'll give her a second to  
5 see if she is outside.

6 While she is looking for Ms. Huynh, the  
7 subject matter experts will return to the open house  
8 area, and if you have a specific question like this  
9 gentleman did, we will get the subject matter expert to  
10 address that question.

11 Okay. It looks like she has left the  
12 building. All right. So let's go ahead and I am going  
13 to call back up Ms. Fisher to close us down, and then we  
14 will return back to open house if you have specific  
15 questions or new questions as a result of learning  
16 about the Mississippi-based projects.

17 TRUDY FISHER: Thank you, Perry.

18 Again, thank you for being here. Very  
19 meaningful comments. DEQ folks, Department of Marine  
20 Resource people, U.S. Fish and Wildlife, NOAA, we're all  
21 going to be here next door, happy to answer any  
22 questions you have that came up tonight or anything that  
23 hasn't come up. We will be here as long as you have  
24 questions. Thank you, and enjoy the rest of your  
25 evening.

1 (Whereupon the public hearing was concluded at

2 7:53 p.m.)

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CERTIFICATE OF REPORTER

I, Tara S. Sims, Registered Professional Reporter,  
Certified Shorthand Reporter and Notary Public, do  
hereby certify:

That on the 19th day of January, 2012, the foregoing  
meeting proceedings were held in public forum;

That the foregoing statements were taken by me in  
shorthand and by recorder and thereafter reduced to  
typewriting under my direction, and the foregoing  
forty-one (41) pages contain a full, true, and correct  
transcription of all the proceedings in said public  
meeting;

IN WITNESS WHEREOF, I have hereunto set my hand and  
seal, this the 1st day of February, 2012.

---

Tara S. Sims, RPR, CSR

MY COMMISSION EXPIRES:

June 18, 2013

1 DEEPWATER HORIZON  
2 NATURAL RESOURCE DAMAGE ASSESSMENT

3  
4  
5 DRAFT PHASE I  
6 EARLY RESTORATION PLAN  
7 AND  
8 ENVIRONMENTAL ASSESSMENT  
9

10 EARLY RESTORATION PLAN PUBLIC  
11 MEETING, taken at the Belle Chasse  
12 Auditorium, 8398 Highway 23, Belle Chasse,  
13 Louisiana 70037, on Thursday, the 2nd day  
14 of February, 2012.  
15

16 FACILITATOR:  
17

PERRY FRANKLIN

18  
19 PRESENTERS:  
20

21 DRUE BANTA  
22 Coastal Protection and  
23 Restoration Authority

24 BRIAN SPEARS  
25 Special Counsel  
U.S. Fish & Wildlife Service  
Fairhope, Alabama

1 PANEL:  
 2 KAROLIEN DEBUSSCHERE  
 Deputy Coordinator  
 3 Louisiana Oil Spill  
 Coordinator's Office  
 4  
 STEPHANIE C. MORRIS  
 5 Special Counsel  
 Louisiana Oil Spill  
 6 Coordinator's Office  
 7 DEBORA McCLAIN  
 Deputy Case Manager  
 8 U.S. Fish & Wildlife Service  
 9 CHERYL BRODNAX  
 Habitat Restoration Specialist  
 10 NOAA Habitat Conservation  
 Restoration Center

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LINDA G. GRIFFIN, CCR

## 1 P R O C E E D I N G S

2 MR. FRANKLIN:

3 Good evening. My name is Perry  
4 Franklin and I will be serving as your  
5 facilitator for tonight's meeting. At this  
6 time if everyone could silence their cell  
7 phones, that would help us keeping the hall  
8 quiet and focused.

9 And if you have any personal  
10 conversations, if you could take those  
11 outside, we would greatly appreciate that,  
12 as well, as your neighbor is probably  
13 intently listening to the proceedings of  
14 tonight.

15 Thank you for coming out tonight  
16 and spending your valuable time with us. To  
17 get our meeting under way, I would like to  
18 ask Drue Banta, who represents the Coastal  
19 Protection and Restoration Authority of  
20 Louisiana, to kick us off. Ms. Banta.

21 MS. BANTA:

22 Welcome. Thank you all so much  
23 for joining us this evening. My name is  
24 Drue Banta and I represent the State of  
25 Louisiana's Lead Trustee and the Lead

1 Trustee Agency, the Coastal Protection and  
2 Restoration Authority. We really appreciate  
3 you being here tonight and taking the time  
4 to join us, listen and give us your feedback  
5 and have a dialogue with us this evening.

6 I want to take a moment to  
7 recognize some of our state and federal  
8 folks who are here tonight who have been  
9 working diligently on the Natural Resource  
10 Damage Assessment process.

11 So if our folks who have been  
12 working on the team could just raise your  
13 hand, stand up, so you can be recognized.  
14 Thank you all so much.

15 We've got folks from the Federal  
16 Department of Commerce, Department of  
17 Interior. We've got folks from the  
18 Louisiana Department of Natural Wildlife and  
19 Fisheries -- I'm sorry, Louisiana Department  
20 of Natural -- Here we go tonight, all right.  
21 You guys have seen me do this a million  
22 times. You know I can do this better.  
23 Let's start over. We've got the Louisiana  
24 Oil Spill Coordinator's Office, the  
25 Department of Wildlife and Fisheries, the

1 Department of Natural Resources, the  
2 Department of Environmental Quality, and the  
3 Coastal Protection and Restoration  
4 Authority. Did I miss any of our agencies?  
5 Got it. So thank you all.

6 We're going to have a presentation  
7 tonight and we're going to have an  
8 opportunity for public comment. We've made  
9 a serious effort throughout this process to  
10 keep the public involved and engaged and  
11 knowledgeable about this process, so we  
12 appreciate you all being here tonight and  
13 the time that you've taken to stay involved  
14 and stay engaged.

15 Many of you, I know, and have seen  
16 dozens of times at various meetings, and so  
17 we appreciate you continuing to take the  
18 time, month after month, over the last two  
19 years, during the Deepwater Horizon Oil  
20 Spill, particularly related to the Natural  
21 Resource Damage Assessment process. So  
22 thank you so much for being here tonight.

23 MR. FRANKLIN:

24 Okay. I'd like to welcome you to  
25 this meeting, again. This is the 11th of 12

1 public meetings that have been held for this  
2 process. There have been meetings held in  
3 the states of Florida, Alabama, Mississippi,  
4 Texas and two already in the state of  
5 Louisiana. This marks the third meeting in  
6 the state of Louisiana and there is one  
7 final meeting next Tuesday evening in  
8 Washington, DC.

9           The objective of tonight is to  
10 receive your comments on the proposed  
11 project included in Draft 1, Phase 1, Early  
12 Restoration Plan, and that's very important.

13           There will be a dedicated comment  
14 period following tonight's presentation, so  
15 if you would like to comment tonight, we ask  
16 you to do one simple thing, and that is,  
17 give us your name, written on this card, so  
18 that we can properly bring you forward and  
19 also properly put your information into the  
20 record.

21           Are there any individuals who  
22 would like to speak tonight who have yet to  
23 complete one of these cards? If you will  
24 just raise your hand, we'll get a card to  
25 you.

1           And at any time throughout  
2           tonight's meeting, if you would like to make  
3           a comment, over the microphone, if you would  
4           just sort of raise your hand, we'll know  
5           what that means and we'll get one of these  
6           speaker cards to you, and we'll pick those  
7           back up, and Ms. Morris will get it back to  
8           me and you'll be called up in the order in  
9           which you complete your cards. So if  
10          something hits you, please, don't be  
11          bashful. We want to hear your comments.

12           Tonight, providing sound and  
13          language services are Ms. Gail Barnett and  
14          Mr. Clifford Watts. Are there any  
15          individuals in this room tonight that are in  
16          need of sign language assistance? Thank  
17          you, Gail.

18           Also, you may have noticed we  
19          have a court reporter with us here tonight,  
20          Ms. Linda Griffin. That is to ensure the  
21          accuracy of your comments in the proceedings  
22          of tonight and that will be made a part of  
23          tonight's official transcript.

24           When you walked in, there were  
25          informational packets and lots of hand-outs,

1 so there was one, in particular, that I  
2 think is a great reference document that  
3 talks about the various projects across the  
4 Gulf Coast. It has, at the bottom of it,  
5 URLs, I think, that are very good, so you  
6 can sort of stay informed and stay engaged  
7 with this process, know when there's going  
8 to be another round of public meetings, and  
9 also, it just gives you really good  
10 information. So I invite you, if you did  
11 not pick up one of these at the welcoming  
12 station, to pick one of those up on your way  
13 out.

14 Also, the informational stations,  
15 for those of you who just came in and did  
16 not have an opportunity to visit those  
17 information stations, those will be open  
18 again following tonight's meeting. It's  
19 very good information. Seafood safety, even  
20 health assessment, Restoration Task Force.

21 While that is not the focus of  
22 tonight's meeting, those stations have been  
23 very informative and helpful throughout the  
24 Gulf Coast meetings, and we invite you to  
25 take a moment following tonight's meeting if

1 you did not have a chance to do that.

2 We're going to take about 30  
3 minutes and give you a lot of information, a  
4 lot of updates of what's been going on in  
5 the state of Louisiana, what's been going on  
6 with this process, how does this process  
7 manifest itself, what are the stages, what  
8 are the steps, and so that's what the next  
9 two speakers are going to discuss and go  
10 over with you, lots of great information.  
11 And then, of course, it will be followed  
12 with the public comment period, at the end  
13 of the presentation.

14 So to get us started, we have two  
15 wonderful speakers. And think of this. You  
16 have four ways to give us your comments.  
17 You can come forward tonight. You can pick  
18 up one of these forms and fill it out and  
19 leave it with us or mail it in. There's a  
20 mailing address right here. You can go to  
21 the rear, there's an input station, where  
22 you can go and electronically input your  
23 information, or you can also go online and  
24 give your comments.

25 That's the focus of tonight. But

1 in order to give great comments, I think you  
2 need to get some information, and these two  
3 speakers are going to sort of walk us  
4 through all of the information.

5           Again, Ms. Drue Banta, serves with  
6 the Coastal Protection and Restoration  
7 Authority of Louisiana. She represents  
8 Louisiana's Lead Trustee and Trustee Agency  
9 on the state's Deepwater Horizon Natural  
10 Resource Damage Assessment Team.

11           In that capacity, Ms. Banta  
12 coordinates day-to-day management issues and  
13 provides policy and communications counsel  
14 for the case. She also serves a  
15 coordinating role between the other states  
16 and the federal trustees.

17           Following Ms. Banta, we will have  
18 Mr. Brian Spears, Restoration Manager, U.S.  
19 Fish and Wildlife Service, which is under  
20 the Department of the Interior.

21           Mr. Spears currently works out of  
22 the Fairhope, Alabama office, where he is  
23 the Branch Chief for the U.S. Fish and  
24 Wildlife Services, the Deepwater Horizon Oil  
25 Spill Restoration Team.

1           Drue, if you will get us started,  
2 we will get right into tonight's  
3 presentation.

4           MS. BANTA:

5           Now, Mr. Coulon, if I mess it up  
6 tonight, I'm going to call you up and help  
7 me give this. Because I know you've heard  
8 me give this presentation a bunch of times.  
9 Many of you in this room have.

10           But tonight, for those of you who  
11 haven't heard me give this presentation  
12 before, I'm going to give you some  
13 background on the Natural Resource Damage  
14 Assessment process, and that's what we're  
15 here specifically to talk to you about  
16 tonight, related to the Deepwater Horizon  
17 Spill.

18           And then I'm going to go  
19 specifically into some of the information  
20 about early restoration to give you a better  
21 idea about how we came to that agreement  
22 with BP and where we got to this plan, this  
23 first phase of early restoration, eight  
24 projects that are \$57 million.

25           So two years ago, almost two years

1     ago, the Deepwater Horizon Spill happened,  
2     and that set into motion the largest Natural  
3     Resource Damage Assessment process we've  
4     ever seen.

5             This is a process called for under  
6     federal law, under the Oil Pollution Act,  
7     that was passed in 1990, following the EXXON  
8     VALDEZ, and it's a set process where  
9     trustees, state and federal folks, who are  
10    designated under the law and by their  
11    governors, and the president, to represent  
12    the public interest to make sure that the  
13    natural resources that are damaged as a  
14    result of an oil spill are restored.

15            And so, as I said, the law sets  
16    forth the process for making this happen.  
17    The Oil Pollution Act calls for a lot of  
18    different things. It calls for a  
19    restoration of natural resources, which  
20    we're here to talk about tonight.

21            But I'm going to tell you what it  
22    doesn't cover, because a lot of people get  
23    confused about that. So it doesn't cover a  
24    private person's claim. If you had a  
25    business that lost money as a result of the

1 oil spill, that's not covered under NRDA.  
2 If you were unable to rent out your camp  
3 where people go fishing, that's a private  
4 claim that you have for lost income, lost  
5 revenues as a result of your property.

6 If you're a coastal landowner and  
7 your property was oiled and it got some  
8 damage, or there was some response equipment  
9 on your property, that's separate from the  
10 Natural Resource Damage. You've got a claim  
11 against BP and other responsible parties for  
12 that.

13 Or if you go recreational fishing  
14 and you caught that fish and that food as  
15 subsistence for your family, that's also a  
16 separate claim against BP.

17 What's covered under the Natural  
18 Resource Damage Assessment process are  
19 impacts from the spill to the birds, the  
20 fish, the wildlife, the wetlands, the  
21 oysters, our shorelines, the little  
22 creatures that provide the base of the food  
23 chain.

24 All of those things are  
25 compensable under the NRDA process, as well

1 as the public's inability to use those  
2 resources.

3 So if you, as an individual, were  
4 unable to go fishing, and that's something  
5 you like to do, you were unable to go  
6 recreational boating, or if you enjoyed bird  
7 watching and you couldn't do that as a  
8 result of the spill, all of those things are  
9 compensable under the NRDA process.

10 And so there's the law and then  
11 there's the NRDA regulations, which tell the  
12 trustees and give us the guidelines for  
13 managing this process.

14 So as I mentioned, the objective  
15 of NRDA is to make the environment and the  
16 public whole for the injuries to our natural  
17 resources and their services resulting from  
18 an oil spill.

19 And the process is represented by  
20 trustees. We've got Alabama, Mississippi,  
21 Florida, Louisiana and Texas, who are the  
22 state trustees in this process, and  
23 Louisiana's got a number of trustees. We've  
24 got Coastal Protection and Restoration  
25 Authority, which is the Lead Trustee.

1           Because this was such a large  
2 spill, we have one Trustee Agency that  
3 coordinates all of our state trustees, who I  
4 mentioned earlier today, the Oil Spill  
5 Coordinator's Office, the Department of  
6 Environmental Quality, the Department of  
7 Wildlife and Fisheries, and the Department  
8 of Natural Resources.

9           The federal trustees are also  
10 involved because we share those resources  
11 collectively, in some cases, with the  
12 federal trustees. We've got the Department  
13 of Commerce, through NOAA, and we've got the  
14 Department of Interior, through the Fish and  
15 Wildlife Service, the National Park Service  
16 and the Bureau of Land Management.

17           And those are the folks who do the  
18 day-to-day management of this process. They  
19 do the studies to make sure that we're  
20 assessing injuries as a result of the spill,  
21 and ultimately, they will develop  
22 restoration plans to compensate for those  
23 injuries.

24           So what I'm going to talk about  
25 next is the process that is used in NRDA.

1 It's a three-step process that can last  
2 many, many years.

3 In a typical oil spill, a really  
4 small pipeline ruptures, you've got a small  
5 spill, that can sometimes take ten years to  
6 do a damage assessment process, so the  
7 Deepwater Horizon NRDA could potentially  
8 take a very long time.

9 So the way it works is you start  
10 off with preassessment, and that's when the  
11 scientists start to go out and collect soil  
12 samples and water samples, things that might  
13 go away quickly, and we start to figure out  
14 what the injuries might be. That gives us  
15 an idea of the potential scope of the  
16 problem and whether or not we have to do an  
17 NRDA.

18 In this case, the spill was so  
19 big, it was pretty evident that we would do  
20 a Natural Resource Damage Assessment  
21 altogether.

22 And so once you get some data back  
23 and you start figuring out what your  
24 injuries might be, teams of scientists and  
25 technical people and lawyers will develop

1 these work plans, scientific studies, in  
2 order for us to legally prove that we had  
3 injuries to our resources as a result of  
4 this spill.

5 And then once we get an idea from  
6 those studies of what the scope and size of  
7 the injury might be, then the trustees begin  
8 to develop restoration plans to compensate  
9 for those injuries.

10 And so tonight, we're talking  
11 about early restoration. It's prior to  
12 completion of this assessment process, in  
13 the restoration planning phase, but it's  
14 starting restoration planning prior to the  
15 completion of the full assessment.

16 We fully intend for long-term  
17 assessment work to continue while this is  
18 going on, but this just gives us an  
19 opportunity to jump start the restoration of  
20 our resources, because the whole NRDA  
21 process could take a really, really long  
22 time.

23 And so in a typical NRDA, going  
24 back to that, we've got -- After we do the  
25 restoration planning, then those projects

1 are implemented, and public involvement is  
2 really important to making sure the public  
3 is comfortable with the plans that we're  
4 developing, and the trustees will move to  
5 implementing those plans once that happens.

6           And that can either be done by the  
7 trustees themselves or the responsible  
8 party, in this case, BP, and potentially  
9 others could be the ones to implement  
10 projects. I think, for the most part, in  
11 the spill, the state and federal trustees  
12 intend to implement projects.

13           And so what we're doing tonight is  
14 talking a little bit about early  
15 restoration, this process where we're  
16 jump-starting the restoration of our  
17 resources.

18           I want to touch base a little bit  
19 about the importance of public involvement  
20 to this process. Not only is it called for,  
21 under the law, but it is very important to  
22 us to make sure we have public buy-in, that  
23 you all understand what we're doing, and  
24 that you are comfortable with how we plan on  
25 restoring our resources.

1           And so not long after the spill,  
2       we went out and we did a number of public  
3       meetings to familiarize the public with this  
4       process, and then we went out again and we  
5       talked about what kind of projects -- we  
6       wanted to hear from you all, the public,  
7       about what kinds of projects could be  
8       beneficial to restoring certain types of  
9       injuries. So we had a round of public  
10      meetings on that.

11           Then once we had this early  
12      restoration announcement, this billion  
13      dollars from BP, to jump start restoration,  
14      we had another round of meetings where we  
15      got some input on specific types of projects  
16      that you all would like to see happen early  
17      on.

18           And as part of what Louisiana  
19      does, we have meetings of outreach to  
20      individuals, community organizations, the  
21      seafood industry, all to get input to keep  
22      people aware of the process and understand  
23      what's going on and provide a forum for you  
24      all to have a dialogue with us about what  
25      you'd like to see happening as a result of

1 this spill and specifically related to the  
2 Natural Resource Damage Assessment process.

3 We do have a website. It's  
4 losco-dwh.com. You can get some of those  
5 studies that I talked about online, as well  
6 as the raw data, if you're interested. We  
7 also have an e-mail distribution list, and  
8 if you are not getting our updates and you  
9 would like to get that, please talk to Ms.  
10 Jenny Kurz, right here. She can make sure  
11 that you get on our list.

12 You can go to our website for  
13 frequent updates, and there are lots of  
14 opportunities for public involvement and we  
15 encourage you to stay involved in the  
16 process.

17 So now I'm going to turn to early  
18 restoration, the jump-starting of the  
19 restoration of our natural resources.

20 In April of 2011 -- I got back on  
21 the website. Sorry about that. One year  
22 and one day after the Deepwater Horizon Oil  
23 Spill, BP and the trustees announced a  
24 billion dollar downpayment for the Natural  
25 Resource Damage Assessment.

1           So as I mentioned, this is just  
2           the first step in a long-term process. We  
3           anticipate BP's liability for restoration of  
4           the resources will be much greater than a  
5           billion dollars, and that this is just the  
6           first step in the process.

7           But while this is going on, the  
8           long-term assessment of our injuries to our  
9           natural resources will continue. So once we  
10          agreed with BP on that billion dollars, the  
11          trustees got together, and they said, "Okay,  
12          how can we divvy this up between ourselves."  
13          So each of the five Gulf States will each  
14          get a hundred million dollars for early  
15          restoration. Then NOAA and DOI will also  
16          get a hundred million dollars.

17          And, finally, there's this extra  
18          pot of \$300 million. Well, it only makes  
19          sense to base that pot of money on the most  
20          impacted, so states have to petition to NOAA  
21          and DOI and say, "Based on our impacts, we  
22          would like to do these projects."

23          So Louisiana really feels like we  
24          have somewhere between 400 and \$600 million  
25          that we can get from this billion dollars,

1 and that hundred million is just our floor.  
2 Our ceiling is much higher, based on our  
3 impacts, and we have been working very  
4 diligently, as we work through early  
5 restoration, on that exact thing.

6 So let's talk to you about how the  
7 early restoration process works. So first  
8 of all, we look at all the projects that  
9 might be on the books that we know about  
10 already to restore for injuries to natural  
11 resources.

12 We've got some coastal restoration  
13 projects that are out there. The Oil Spill  
14 Coordinator's Office has something called a  
15 Regional Restoration Plan Program. We had  
16 something in place in the event that we had  
17 a spill. We already knew what types of  
18 projects that we had on the books and what  
19 types of projects we wanted to do to  
20 compensate for various sorts of injuries.

21 And then we went out to the public  
22 and said, "What else do you want to see  
23 happen early on in this process?" So we  
24 solicited for all those projects, then  
25 looked at what we had, and then we looked at

1 the criteria that was set forth in the Oil  
2 Pollution Act for restoring resources, and  
3 we took that criteria and some criteria  
4 developed -- Brian's going to tell you a  
5 little bit about that tonight -- some  
6 criteria that was set forth with the  
7 agreement between the trustees and BP, and  
8 then we looked at Louisiana state-sponsored,  
9 state-specific criteria, and we narrowed  
10 that down and we came up with a short list  
11 of projects, and Louisiana made that list  
12 public.

13 We call it the Louisiana Plan.  
14 It's 13 projects totaling 513 million.  
15 That's what we're negotiating with the other  
16 trustees in BP. We've put it out there and  
17 made it very, very clear.

18 And two of the projects that are  
19 in this first plan are on our list, the  
20 Oyster Cultch Hatchery Project and the Lake  
21 Hermitage Marsh Creation Project, so that  
22 you all know what we're doing, what we're  
23 negotiating on and where we intend on going  
24 in early restoration, in this phase and in  
25 later phases.

1           So once the negotiation, once we  
2    have projects, we have to negotiate with  
3    both the trustees and BP, so all of the  
4    other trustees have to say, "Okay, I like  
5    your projects and we approve them," we can  
6    move forward.

7           Then we negotiate with BP on those  
8    projects, and then those projects that have  
9    all been approved by both the trustees and  
10   BP, go into an early restoration plan. That  
11   plan has to go out for public comment.  
12   That's what we're doing here tonight.

13           We've got this first plan, eight  
14    projects for \$57 million, and we're looking  
15    for your input on that, on those projects  
16    and on that plan.

17           And so once we get all of the  
18    comments and the feedback from the public,  
19    we will look at those, we will review them  
20    and we will address those comments, in the  
21    plan, and we will come up with the final  
22    plan.

23           And then after that, we'll have a  
24    final selection of projects. The plan will  
25    go out and then it could be implemented,

1 depending on what happens in this public  
2 comment period, so that's the process.

3 And I'm going to turn it over to  
4 Brian now, who's going to tell you a little  
5 bit about the specifics of the criteria and  
6 the other projects in the other states, and  
7 I'll come back up and tell you specifically  
8 about Louisiana's projects. Here's Brian.

9 MR. SPEARS:

10 Thanks, Drue. And thanks y'all  
11 for having us and coming out tonight. It  
12 means a lot that you have taken time out of  
13 your day to come learn about this and to  
14 provide comment.

15 And as Perry mentioned, my name's  
16 Brian Spears. I work for the U.S. Fish and  
17 Wildlife Service, which is part of the  
18 Department of the Interior, out of our  
19 Fairhope, Alabama office.

20 And as does Drue, part of my job  
21 in regards to the Deepwater Horizon Spill  
22 Restoration is not only helping to develop  
23 restoration ideas that the Fish and Wildlife  
24 Service is interested in implementing to  
25 address injuries to the resources we manage,

1 but also help facilitate collaboration  
2 across and among the trustees in evaluating  
3 how best can we get back what's owed to us  
4 because of this spill, how best do we be  
5 compensated for injuries to the natural  
6 resources that we all own, following the  
7 spill.

8           And so as Drue mentioned, just  
9 doing that alone is a pretty major -- pretty  
10 major activity, and there are a lot of  
11 selection criteria that will be used to  
12 evaluate which projects that you all have  
13 submitted and which projects that we've  
14 already been working on to implement to get  
15 to the restoration of these injured  
16 resources, and how do those projects fit  
17 into not only our overall strategy of  
18 restoring the Gulf, but also into this early  
19 restoration framework, under this legal  
20 agreement that we have to work in.

21           So I'm going to go over those,  
22 just in summary, with you tonight. There's  
23 a lot more information on the plan if you  
24 pick up one of the disks or a hard copy.  
25 It's also available online. There's a lot

1 more information, the fact sheets. And if  
2 you feel so inclined, the Oil Pollution Act  
3 is incredibly exciting to read, so you can  
4 also learn more information there.

5 Okay. So starting with the Oil  
6 Pollution Act. As Drue mentioned, this is a  
7 legal requirement. These are selection  
8 criteria that that act outlines that the  
9 trustees must evaluate when we're looking at  
10 how to do this, and they're just listed  
11 here.

12 First, how much do projects cost.  
13 One of the things you'll hear over and over  
14 in this Natural Resource Damage Assessment  
15 process is nexus, or link to injury, so we  
16 have to make sure that what we're doing, the  
17 projects that we want to implement down on  
18 the ground have a direct link to what was  
19 injured.

20 By law, we cannot do projects that  
21 don't have a link to what was injured. So  
22 that's a really important consideration  
23 that's always on our radar screen. And,  
24 again, how does it compensate for losses  
25 that we have incurred, as a public.

1           Likelihood of success, we think  
2       that's pretty intuitive, will it work, so  
3       that makes sense.

4           What are the impacts of doing  
5       these projects out in the Gulf, how does it  
6       affect other resources out there, and also,  
7       another thing, it's like public health and  
8       safety.

9           The framework agreement itself,  
10       which you can also pull up, that's publicly  
11       available, also has additional selection  
12       criteria that we've negotiated with BP that  
13       we should be looking at when we select  
14       projects, and you can see these are really  
15       similar to the Oil Pollution Act criteria.  
16       How does it compensate us for our losses.

17           One of the things we try to do,  
18       especially in this first plan -- and there  
19       are more plans that are coming. We're  
20       already working on additional plans. But  
21       one of the things you want to do right away  
22       is you try to hit on the number of injuries  
23       that we already know is happening out there,  
24       and so that's why you'll see, in this  
25       proposed plan, a suite of projects to get at

1 a number of those resources.

2 You see oyster restoration  
3 project, you see dune restoration, you see  
4 addressing human resources, like Drue  
5 mentioned, in terms of the Florida boat ramp  
6 proposal. So we definitely wanted to try  
7 and do that in this first effort.

8 Again, there is that nexus. How  
9 does it relate back to what we have lost.  
10 As Drue also mentioned, there's this larger  
11 restoration, more comprehensive restoration  
12 strategy planning going on. That's also all  
13 been part of the public process.

14 So we also not only look at these  
15 specific projects, but evaluate, how does  
16 each individual project fit into this  
17 overall NRDA restoration strategy that's  
18 ongoing.

19 And, finally, again, is it  
20 feasible, will it work, and what's the bang  
21 for our buck in those projects.

22 The trustees also have a number of  
23 other selection factors that we call  
24 practical considerations, which you can  
25 think of are more intuitive that also mirror

1 some of the framework of the criteria.  
2 Again, how does it benefit what was injured.  
3 But, also, the full point of this early  
4 restoration process is to get restoration  
5 out on the ground.

6 So we want to look at projects  
7 that we could implement quickly, but also  
8 projects that will start benefiting those  
9 injured resources quickly. So that was an  
10 important consideration.

11 There's that diverse array of  
12 resources that I mentioned a second ago.  
13 Also, what the trustees try to do is choose  
14 projects that we had experience in  
15 implementing.

16 So a lot of these projects you see  
17 on the back table here that are part of this  
18 plan, the trustees have already done, in one  
19 manner or another, so they're used to the  
20 techniques, they're pretty familiar with the  
21 costs, so we wanted to put that in the mix  
22 to try to implement those quickly.

23 And, also, what phase might they  
24 be in as far as design and potential to  
25 implement quickly. Can we get out on the

1 ground quickly once this plan is finalized  
2 and reviewed. So that was also something  
3 important that we considered.

4 And then, finally, Drue also  
5 mentioned states sometimes have their own  
6 criteria they go through before they bring  
7 proposals to the trustees, and Louisiana is  
8 a good example of that.

9 Back in 2007, Louisiana, DOI and  
10 NOAA signed this Regional Restoration  
11 Planning Program document, which was a  
12 really neat proactive attempt to help  
13 streamline restoring injured resources  
14 caused by oil spills. So that also has  
15 criteria in there, and, again, mirrors very  
16 closely the other criteria already  
17 mentioned. Can you get them out on the plan  
18 quickly. How do those projects also fit  
19 into larger, more comprehensive restoration  
20 strategies.

21 And, also, as part of this plan,  
22 they looked at what will happen to the  
23 resources if you don't go out and do things.  
24 So those are also being used. And other  
25 states have similar processes that they've

1 brought to the table here.

2           Okay. So once the trustees go  
3 through all that stuff, look at all the  
4 projects on the table, I think they are  
5 suggested on our NOAA-hosted website, which  
6 you can go and look at online.

7           On that website alone, there's  
8 over 700 project proposals that we've been  
9 looking at to see if we can fit a suite of  
10 those into this process, and as Drue  
11 mentioned, there's even more that the states  
12 are bringing to the table all the time, and  
13 the trustees are continually looking at that  
14 accumulating database to see what we can  
15 pull in and see what fits best here.

16           And then that all results in this  
17 effort you see before you tonight, this  
18 proposed plan to jump-start restoration  
19 here.

20           So if you pull the plan offline or  
21 you grab one of the hard copies, you'll see  
22 two alternatives in Chapter 3.

23           Alternative A is what we call a  
24 no-action alternative or a natural recovery  
25 alternative. That's a proposal to see how

1 the public will be compensated if we do  
2 nothing.

3 Obviously, I want to make clear  
4 that that's not what the trustees want to  
5 do, but that's a requirement under NOAA. We  
6 have to evaluate that as part of this NRDA  
7 process, so that's why you see that in  
8 there.

9 Alternatively, what we're  
10 proposing now, at this point in time, under  
11 this framework, is Alternative B, and that's  
12 the suite of eight projects. And I want to  
13 make clear, with Alternative B, while  
14 they're all socked into this one alternative  
15 within the plan, the trustees will develop  
16 each of those projects independently, so  
17 while they're all doing good things for the  
18 Gulf, they are all independent, and the  
19 final plan, depending upon public support or  
20 public comment on the projects, you may see  
21 all eight of them or you may see just a  
22 subset of those.

23 So it's important to keep in mind,  
24 if you'd like to comment on just one  
25 particular project in this process, feel

1 free, because it can make a difference.

2 Okay. So since Louisiana is so  
3 generous in hosting us tonight, we're going  
4 to spend a little bit more time talking  
5 about the two Louisiana projects, so I just  
6 wanted to quickly summarize the other  
7 projects, via a map and a table in the next  
8 slide, and this is pulled straight out of  
9 the draft plan, showing the location of all  
10 the proposed projects, going from Florida,  
11 dune restoration and boat ramp, adjusting  
12 those lost human resources, and through  
13 Alabama, more primary dune restoration,  
14 marsh restoration. There's some of the  
15 oyster restoration. And then, again, moving  
16 into Louisiana, more oyster restoration and  
17 marsh restoration.

18 And, again, here's just a quick  
19 summary of those costs. And these are  
20 estimated costs, again, based on what the  
21 trustees expect them to cost when we go out  
22 and help implement them.

23 And I just want to reiterate one  
24 more time, as Drue mentioned, that this  
25 suite of projects just represents the very

1 first step of this whole process. The whole  
2 big case assessment's ongoing. The whole  
3 comprehensive restoration strategy planning  
4 effort is ongoing. We continue to look at  
5 all of the projects on the table. This is  
6 our first step out of the gate in getting to  
7 this downpayment, as part of this plan to  
8 restore our resources here, so -- moving  
9 forward.

10 Okay. So to discuss the Louisiana  
11 project, I'm going to invite Drue up here to  
12 provide details. Thanks.

13 MS. BANTA:

14 I just want to go back to this  
15 slide real quick. So just to look at all  
16 the property here, Louisiana's got two  
17 projects on this list, the Lake Hermitage  
18 Marsh Creation Project and the Louisiana  
19 Oyster Cultch Project. So as you can  
20 see, we've got about 29 million of the  
21 \$57 million in this first early restoration  
22 plan, so Louisiana's two projects take up  
23 about half of this first phase of early  
24 restoration.

25 Now, 57 million of a billion

1 dollars for that downpayment. We intend on  
2 continuing and we are continuing to  
3 negotiate with other trustees and BP to do  
4 even more rounds of early restoration, so  
5 it's the first step in early restoration, as  
6 well as the first step in the overall NRDA  
7 process.

8 Now I'm going to turn to the Lake  
9 Hermitage Marsh Creation Project. Some of  
10 you here may be familiar with this project.  
11 It's part of a larger coastal restoration  
12 project that's part of the CWPPRA or Breaux  
13 Act's funding. It's a coastal restoration  
14 project that's existing in the state. This  
15 is \$13.2 million dollars for this increment  
16 of the Lake Hermitage project. It will  
17 build 104 acres of marsh, in addition to  
18 549 acres of brackish marsh in the larger  
19 project.

20 The marsh project is over a  
21 1600-acre project site, and that's a \$38  
22 million project. So this is 13.2 million  
23 just for this phase of the Lake Hermitage  
24 project. It's located in Plaquemines  
25 Parish, in the Barataria Basin, and as I

1 mentioned, it's in addition to an existing  
2 project.

3           The great thing about this is that  
4 the equipment that's already mobilized, it  
5 allows us cost efficiencies, cost savings.  
6 It's a smart move in capitalizing on a  
7 project that we already intend to build that  
8 will also restore injuries to our resources  
9 as a result of the spill. So it's sort of a  
10 two-for-one here.

11           The way this project is built is  
12 that you use hydraulically dredged sediment  
13 from the Mississippi River that's piped into  
14 the project area, via pipeline, and once  
15 that sediment and soil is sufficiently  
16 settled, then it's vegetated to make it more  
17 sustainable.

18           So this is the first of our two  
19 projects in this early restoration plan. I  
20 just wanted to show you, this is a map of --  
21 The circle is a map of the project site, the  
22 whole project site, and the outline is the  
23 Barataria Basin boundary, just so you can  
24 get an idea. And that's located in  
25 Plaquemines Parish, right here in

1       Plaquemines Parish.

2               The next project I'm going to talk  
3       about is a two-part project.  It's the  
4       Louisiana Oyster Cultch Project, and it  
5       includes cultch placement and a hatchery.  
6       For cultch placement -- and cultch is  
7       gravel, rock, limestone or old oyster shells  
8       that can go down on water bottoms that the  
9       tiny little baby oysters will attach to and  
10      grow and become full size, market-size  
11      oysters.

12              And so what we intend to do, as a  
13      result of the spill, we believe that we're  
14      seeing some impacts to our oyster resource  
15      and having some problems in oyster  
16      reproduction, so this is a way to jump-start  
17      the injuries -- restoration of the injuries  
18      to our oyster resource.  So it's six  
19      locations over 850 acres on the public seed  
20      grounds.

21              The second part is construction of  
22      an oyster hatchery facility on Grand Isle.  
23      It's in addition to an existing facility,  
24      where we would have some temperature  
25      controls.  The facility would be storm-proof

1 to make sure that, when a big hurricane  
2 comes, it's not going to be wiped out, and  
3 the goal is to produce a billion eyed larvae  
4 per season to enable us, if we've really got  
5 a problem with our oyster resource, that we  
6 have the ability to have some lab produce  
7 oyster spat that we could go out and put on  
8 our seed grounds and to really benefit our  
9 oyster resources.

10 And so this is the map of the  
11 project locations, the cultch placement  
12 locations. It's in Terrebonne, Jefferson,  
13 Lafourche, Plaquemines, St. Bernard,  
14 Terrebonne. I think I got all of them. So  
15 it's at several different parishes spread  
16 across the coast.

17 This cultch placement technique is  
18 something that Wildlife and Fisheries has  
19 been doing since 1917. It's a proven  
20 technique. We know it works, and so we work  
21 very closely with the Oyster Advisory  
22 Committee and the Oyster Task Force to  
23 select sites that would best benefit our  
24 resources.

25 So what happens next? So the

1 public comment period closes on  
2 February 14th. That means you've got about  
3 two more weeks to get your comments in,  
4 either online, here tonight. There's  
5 another meeting in DC. You can do that here  
6 tonight either verbally or via a computer,  
7 you can enter it into the internet, or you  
8 can use this form that Perry has talked  
9 about to do a written comment. We will take  
10 them all.

11           The trustees will consider all of  
12 the comments that are received and they will  
13 address those, in the plan, and then a plan  
14 will be finalized, and then what happens  
15 next is that all the projects that make it  
16 through this process will be included in the  
17 plan, the summary of public comments and the  
18 trustees' responses to those comments and  
19 the NEPA analysis for each project. That's  
20 the required environmental analysis, under  
21 the law, that has to go into this plan. And  
22 then after that happens, project  
23 implementation begins.

24           So we feel good about our  
25 projects. We hope that you do, as well, so

1 that we can get to moving forward on those  
2 as fast as possible to restore our  
3 resources. We're very cognizant of the  
4 seasons that we need to put cultch down.  
5 We've worked very closely with you all on  
6 that, and so the sooner we can finalize a  
7 plan, the sooner we can get to restoring our  
8 resources. And I'm going to turn it back  
9 over to Perry to wrap it up.

10 MR. FRANKLIN:

11 Okay. Thank you, Drue. As you  
12 can see, this is a recap of the public  
13 meetings that have been held across the Gulf  
14 Coast, over the last three weeks, and  
15 tonight is the final meeting in your  
16 community.

17 For those who just joined us, we  
18 have a few people that joined us after we  
19 started, earlier we mentioned that there are  
20 four ways to give your public comment, and  
21 Drue just talked about those.

22 You can come up tonight and give  
23 it verbally, you can go to the rear and put  
24 it into the computer. You can go home and  
25 put them in online, and you can take a form

1 or just send in your comment. And just  
2 remember, February 14th is the deadline for  
3 doing that.

4 Also, if you want to give a verbal  
5 comment tonight, all you need to do is just  
6 raise your hand if you have not completed  
7 one of these speaker cards, and we will get  
8 one of these blanks to you, and then we will  
9 call you up in the order of which we receive  
10 those.

11 Is there anyone who would like to  
12 give a verbal comment who has yet to fill  
13 out one of these speaker cards? Just raise  
14 your hand and we'll get one to you. Okay.  
15 Very good.

16 Before I bring up the individuals  
17 who are going to be receiving your verbal  
18 comments, I just wanted to give a few ground  
19 rules. Each person will be allotted up to  
20 three minutes to give their comments.

21 Kay, if you will come forward.  
22 Kay is going to be my trusty timekeeper.  
23 When she gets to two minutes on her watch,  
24 she's going to hold up this sign, "One  
25 minute remaining." If you get to the end of

1 three minutes, she will hold up this sign,  
2 and if at that point, if you're still giving  
3 public comment, if you could wrap it up, we  
4 would sure appreciate your courtesy.

5 If you have a very lengthy comment  
6 or sets of comments, please give us the  
7 highlights within the three minutes and then  
8 we'll help you to put your lengthy comments  
9 at the input station. We can give you the  
10 proper form to ensure that all of your  
11 comments are put into the record tonight.

12 Also, the protocol of these  
13 meetings, we will not get into an exchange  
14 in this setting. If you have a specific  
15 question, that's the purpose of the  
16 information stations and the subject matter  
17 experts.

18 We've got subject matter experts  
19 from all across the state and the nation  
20 here to answer your questions, and so if you  
21 have a question and you still want that to  
22 be put into the record, from the microphone,  
23 if you would put it in, I guess, in the  
24 context of a comment, and we heard your  
25 question loud and clear, and at the

1 conclusion of this portion of tonight's  
2 meeting, we will get the appropriate person  
3 to you to answer that question.

4 So let's get started. First we  
5 have Ms. Karolien Debusschere, Deputy  
6 Coordinator for the Louisiana Oil Spill  
7 Coordinator's Office. Next is Stephanie  
8 Morris, Special Counsel, Louisiana Oil Spill  
9 Coordinator's Office. Next is Brian Spears,  
10 who you've already heard from. Next is  
11 Deborah McClain, Deputy Case Manager,  
12 Department of the Interior, and finally,  
13 Cheryl Brodnax, Habitat Restoration  
14 Specialist, from NOAA.

15 All right. So these individuals  
16 are assembled to receive your comments. I  
17 just want to remind you that there is a  
18 court reporter taking copious notes, so if  
19 you think they're not writing everything  
20 down that you're saying, we are really  
21 recording everything that's being said. So  
22 feel free or note that everything that's  
23 going on is being captured.

24 To start us off, we have  
25 Mr. Kenneth Fox, R & A Oyster Company.

1 Mr. Fox? Did he slip out? I don't see him.

2 Okay. If he comes back, just -- we'll call  
3 him back up.

4 Next, Mr. Mac McKenzie, concerned  
5 citizen.

6 MR. MACKENZIE:

7 Thanks for calling me first. Last  
8 night I commented and I wanted to comment  
9 again. I brought this and I showed it last  
10 night. It's a BP document that says there's  
11 only four miles along the entire coast left  
12 to be cleaned.

13 We, in Plaquemines, know different  
14 than that. There's more than four miles  
15 right here. So I want to congratulate  
16 Louisiana for not signing onto that clean-up  
17 agreement, because we all know that that's a  
18 bunch of bull. So thank you, Louisiana.

19 I also just need to say that,  
20 after last night, I went home and looked up  
21 the National Commission on the Deepwater  
22 Horizon Oil Spill Final Report. Texas only  
23 had a few tar balls, according to this  
24 report. They're getting a hundred million  
25 dollars for their few tar balls. If we got

1 a hundred million dollars for every few tar  
2 balls we had, we all could retire right now.

3 And my only other issue, which I  
4 brought up last night, and I talked to a few  
5 people and have done some research, is I  
6 want us to be very, very careful about the  
7 oyster cultch and the oyster grounds. I  
8 personally believe that it's not clean there  
9 right now and I don't want us to spend a lot  
10 of money putting new oysters in a place  
11 where they're not going to be viable.

12 I think we also need to be testing  
13 for heavy metals, which isn't being done.  
14 And then there was just a huge dead zone  
15 announced in that area yesterday that came  
16 out on the news, so the "O" part of H<sub>2</sub>O,  
17 if it's not present, I'm not sure how  
18 everything is going to do. And I think  
19 that's it, so thank you.

20 MR. FRANKLIN:

21 Thank you, Mr. MacKenzie. I saw  
22 many of you taking really good notes  
23 throughout the presentation. When Ms. Banta  
24 comes up to close this evening, I will ask  
25 her to give us the URL, the website address

1 where this presentation will be posted so  
2 that you can have all of this information at  
3 your disposal.

4 Next is Ms. Lara Regan, People of  
5 our Gulf.

6 MS. REGAN:

7 Thank you. Thank you. Hello,  
8 good evening. My name is Lara Regan and I  
9 represent the People of our Beloved Gulf. I  
10 want to thank the trustees for being here  
11 tonight and thanks for all their hard work  
12 on this disaster recovery effort.

13 My concern is for the health of  
14 our children and grandchildren, our most  
15 precious resource. Restoration means  
16 bringing back to former conditions. We want  
17 clean air and clean water. Our habitat  
18 should be the first project, to clean up our  
19 land, air and sea, clean up the oil, so all  
20 God's children and animals can live happy,  
21 healthy lives again.

22 We need to restore our Gulf. 995  
23 miles of toxic coast, 30,000 square miles of  
24 toxic air, 2,500 trillion gallons of toxic  
25 sea water, which were contaminated by 200

1 million gallons of oil and two million  
2 gallons of dispersants.

3 Our wildlife and its mortality.  
4 We found 630 plus dolphins, 400 plus  
5 turtles, 14 dead mammals just last month,  
6 including a dozen dolphins. NOAA called it  
7 an unusual mortality event, dated  
8 January 27, 2012.

9 A one-week old baby dolphin was  
10 found on Perdido Beach on January 25th,  
11 2012. This is happening now. Our  
12 scientists tell us marine mammal mortality  
13 and miscarriage rates are directly linked to  
14 the human rates.

15 Ochsner Hospital alone reports an  
16 800 percent increase in miscarriages.  
17 Remember, humans are animals, too.

18 Our human elements. Our  
19 scientists calculated over 6 million people  
20 will have health effects due to this  
21 disaster. One doctor has already confirmed  
22 2400 cases of chemical poisoning directly  
23 related to the Gulf Oil Disaster. This is  
24 only the tip of our iceberg.

25 Personally, I'm sick, my husband's

1 sick, my daughter's sick and my precious  
2 granddaughter, also.

3 Our loss of use. Sick and dying  
4 people can't even use the Gulf of Mexico.  
5 Either we build clinics run by environmental  
6 medical experts to help the sick and dying  
7 or we will be building morgues and  
8 orphanages.

9 We all have a moral obligation to  
10 restore the Gulf Coast, its people, its  
11 land, air, and sea for future generations.  
12 My concern is for our most precious  
13 resources, our children and grandchildren.  
14 Thank you and God bless.

15 MR. FRANKLIN:

16 Thank you, Ms. Regan. At this  
17 time I wanted to see if there are any  
18 individuals in the audience who are in need  
19 of sign language interpretation services.  
20 Anyone? Thank you.

21 At this time we have Kris  
22 Van Orsdel, Ocean Conservancy.

23 MR. VAN ORSDEL:

24 Hi. How are you all doing this  
25 evening? Kris Van Orsdel with Ocean

1 Conservancy. I'd first like to thank the  
2 trustees for the effort that they've put  
3 forth in this restoration process, whether  
4 in Louisiana or Mississippi. We do  
5 appreciate your coming out and talking to  
6 everybody and taking all the comments in,  
7 and in addition, on behalf of the folks that  
8 have health concerns and other issues, that  
9 you're making that available.

10           Ocean Conservancy would like to,  
11 first of all, state that we stand in support  
12 of the Louisiana project, specifically the  
13 Oyster Cultch Project, but also this project  
14 here in Plaquemines Parish is also important  
15 to this region of the state. It's not only  
16 important to the state, but it's also  
17 critically important to the nation.

18           As many of you know, this place  
19 really kind of took the brunt of the oil  
20 spill, but it's also at kind of the front of  
21 where we have a lot of our seafood industry  
22 and our recreational fishing industry.

23           We have huge amounts of our  
24 environment that is also a job generator.  
25 It's what supports our communities and which

1 makes Plaquemines Parish a pretty amazing  
2 place to live.

3           So the fact that you're making an  
4 early investment and you're doing that on  
5 top of some other projects is very -- we  
6 look forward to doing that. I think that's  
7 great.

8           I'd also just like to take this  
9 opportunity to say that, as you're starting  
10 to work and look towards the future rounds,  
11 we hope that you're working with NOAA, the  
12 Department of Interior and other communities  
13 to look at not only how we can work with the  
14 Coast Guard here, but how we can incorporate  
15 the needs of the marine environment, the  
16 blue water environment into our communities  
17 and our areas here.

18           They are directly related. It's  
19 not very far and a lot of our people are  
20 living off it, and it is one ecosystem, and  
21 so combining ways to do that and looking at  
22 projects that are good for the blue water  
23 are also really good for our fishing  
24 communities and our communities here,  
25 because it's a stave of cultural heritage

1 and way of life.

2 I'd also finally just like to say  
3 that, and I think you've heard it  
4 repeatedly, that is, that there are a number  
5 of individuals, fishermen, Native Americans  
6 and others who would very much like to take  
7 part in this restoration in our economy  
8 that's going to take place, and if you can,  
9 as you're going through your negotiations,  
10 work with other federal partners and  
11 trustees, the federal partners, not the  
12 trustees, but work to try to find solutions  
13 so that those individuals can take part in  
14 this restoration in our economy that will  
15 take place, I think you'll see that there  
16 will be a silver lining that came out of  
17 this disaster, and that is, that our coastal  
18 communities and members in those communities  
19 can take part, and the entire next  
20 generation, of what's going to be done in  
21 the Gulf of Mexico. Thank you very much.

22 MR. FRANKLIN:

23 Thank you, Mr. Van Orsdel. Our  
24 next comments are coming from Mr. Scott  
25 Porter, Marine Biologist.

1           And if you would, state your name,  
2           and if you're with an organization, please  
3           state that, as well, on the record. Thank  
4           you.

5           MR. PORTER:

6           Hello. Thank you guys, from NOAA  
7           and Department of Interior, DEQ, trustees.  
8           We appreciate you all coming to hear our  
9           comments tonight, and I will have some  
10          visual aids.

11          My name is Scott Porter. I'm an  
12          oyster biologist at the Louisiana Task  
13          Force, and I'm also a photobiologist for the  
14          State of Louisiana, and we've been studying  
15          corals and oysters here for over 20 years.  
16          And I'd like to work through my notes.

17          What I'm most worried about is  
18          we're talking restoration and I'm still  
19          worried about -- I think they're still  
20          spraying Corexit. They're still putting  
21          dispersants in our water. I mean, we just  
22          had a four-mile long slick off of Grand  
23          Isle, here at the end of January, so I want  
24          to get back into these areas and start  
25          diving again.

1           And my experience, over the last  
2   two years, from evaluating samples right  
3   after the spill and the resulting samples  
4   later, there was obviously a direct impact  
5   from it. And like I said, we're worried  
6   about still diving, but that's -- you know,  
7   we're talking about a long plan, long-term  
8   plan, and I'm still worried about the  
9   short-term plan.

10           You're talking about, you know,  
11   hatcheries and other things in Lake  
12   Hermitage, but we know that there's still  
13   oil in Bay Jimmy, which is a bay that's  
14   adjoining that, and there's oil on the bank.  
15   We sample it every single day. We're out  
16   there, we pull the oil right out of the  
17   sample. You can smell it in the soil.

18           You know, I'd also like to know  
19   why they concentrate so much of our sampling  
20   in West Cote Blanche and Vermilion Bay.  
21   Those areas are freshwater. You know,  
22   you hardly ever sack oysters over there.  
23   It's mostly clams. And you guys are over  
24   there -- and I don't mean to condemn you  
25   all, I meant to say that, but the people

1 that are out there looking at it, they're  
2 seen a lot of times over there. We've had  
3 very good slush and so much freshwater, the  
4 lilies find there way 20 miles offshore out  
5 there, and so I'm concerned with the area  
6 from the Atchafalaya River past the  
7 Mississippi River, which we have been  
8 studying from there all the way through  
9 Mississippi, Alabama, the panhandle. We're  
10 taking reef samples from all those areas and  
11 we're still finding PAHs and petroleum  
12 hydrocarbons, the aromatics and the others,  
13 in our samples.

14 And, you know, regarding the  
15 insurance on the oyster hatcheries, so it  
16 doesn't get destroyed again by another  
17 hurricane, I mean, nobody wants to see a  
18 hurricane go through here.

19 And Mississippi state is  
20 replenishing the oyster beds on the west  
21 side of the state and yet they're  
22 replenished -- actually they're re-seeded by  
23 the reefs from the east side of the state,  
24 so you really only have to put oyster reefs  
25 on the east side of the state, so that when

1 the currents take this back, they will  
2 replenish the west side of the state, which  
3 actually then pushes into Louisiana, in Lake  
4 Borgne and the Breton Sound area.

5 And then when you use the -- Will  
6 the seed oysters cost oyster fisherman? You  
7 know, they're getting the money to pay for  
8 it and will they have to pay for it? Will  
9 they have to pay for the oyster seeds?

10 You know, and the spills out  
11 there. You need a crew to go to Grand Bois.  
12 You've got sections of Grand Bois because of  
13 the issues that we have over there. You  
14 need that place skimmed up, so they can pull  
15 their idiots over there to that area,  
16 because that's a wetlands area and so -- I'm  
17 going to get through.

18 And, also, I'm from Houma and I  
19 was wondering why, where did you all  
20 advertise these meetings over there, because  
21 it was on the 31st, and I've been looking  
22 for it, for information on it, and that's  
23 why I had to come over here today, which I  
24 don't mind, it's a good opportunity to talk,  
25 so -- And I guess I'm out of time, so I

1 appreciate it. Thank you very much.

2 MR. FRANKLIN:

3 Thank you, Mr. Porter. Next  
4 comment is coming from Daniel Coulon.  
5 Mr. Coulon.

6 MR. COULON:

7 Thank you. I'd like to say that  
8 it's always a pleasure to be in a meeting  
9 with Drue and your colleagues, that  
10 certainly it was a good presentation,  
11 especially the detail, and I never did go,  
12 get to go to movies with my wife.

13 So anyway, I'm on the Louisiana  
14 Oyster Task Force. I represent the Farm  
15 Bureau fishermembers for Orleans,  
16 St. Bernard, Plaquemines and Jefferson  
17 Parish. I'm a member of the Go Fish. I'm  
18 also on Farm Bureau's Coastal Restoration  
19 Committee.

20 And what I'd like to say to you is  
21 that we certainly do agree and appreciate  
22 all the hard work that you did on the  
23 restoration of the oysters, especially the  
24 cultch material, because we feel like the  
25 oysters are a foundational type industry for

1 both the fisheries and the culture that we  
2 have down here, and therefore, you know,  
3 we'd like to really see as much money as  
4 possible put into it.

5           As you notice, we only got  
6 14 million for our restoration projects;  
7 whereas, Mississippi got 11 million for  
8 their oyster program. So we'd like to see  
9 more money go into it to make it a better  
10 industry, and the benefits are just endless,  
11 when you develop the oyster industry.

12           Whatever money you put into it,  
13 you get back by way of the other people who  
14 make money off of that, and it's also a part  
15 of the restoration process. So we'd like to  
16 ask you to, please, not only hurry up in  
17 getting our oyster industry restored, but  
18 also to do what you can to get us more  
19 funds.

20           And realize that, as the other  
21 gentleman said, the people down here who  
22 participate in the coastal fisheries, they  
23 need some sort of recognition. They are our  
24 resource. If you would use these people,  
25 this collection of people that worked hard,

1 independent, and supply so much for  
2 everything that goes on down here, including  
3 our tourism. I mean, people come down here  
4 to buy seafood, to enjoy it rather than go  
5 to, let's say, St. Louis, which I've got  
6 nothing against, but when you think about  
7 food, you want to come down here to New  
8 Orleans and enjoy good quality, local  
9 seafood.

10           And I thank you for your efforts.  
11 Look forward to seeing you all, having more  
12 work done, and more money quicker. Thank  
13 you.

14           MR. FRANKLIN:

15           Thank you, Mr. Coulon. Next  
16 comment is coming from Reverend Tyronne  
17 Edwards, Zion Travelers Cooperative Church.

18           MR. EDWARDS:

19           Good night. I'm from Plaquemines  
20 Parish, and I do want to welcome you to  
21 Plaquemines Parish, even though you're never  
22 on the best bank, but you're on the east  
23 bank of the river, but we still welcome you  
24 to Plaquemines.

25           I can't say enough about the

1 trustees because I'm very leary of most of  
2 these processes, because we have been down  
3 this road before, and it's almost like, to  
4 me, a letdown where it look like it's a  
5 democratic process.

6           If I think of all the comments  
7 that we already made over the last ten  
8 years, and then since BP, it's unbelievable,  
9 because the Pollution Act was in place when  
10 BP came in.

11           But I think that, we're hoping  
12 that you, as trustee -- and I don't want  
13 to stereotype the lady that's up in here,  
14 but what got me going against a lot of those  
15 comments, you know, in the places I've been  
16 in -- They have this movie called Stepford  
17 Wives, right? And so I'll be talking to  
18 them, that all these agencies represent  
19 Stepford Wives, to me, because all of them  
20 like operate on the same thing. They're  
21 doing the same thing over and over, and  
22 we're hoping they're different.

23           So the fact that the remedy,  
24 though, that you have in the past, when  
25 we're talking to really be a part of it so

1 we can really see something good going to  
2 come out of it, because we are giving  
3 comment.

4           The thing that I think is most  
5 important, when I came tonight, I looked at  
6 the oyster project. I don't know how good  
7 it is, but I heard the gentleman spoke, and  
8 I'll be talking to the environmental lady  
9 after this, my expert and my scientist  
10 person, because we can pay -- BP paid for  
11 the scientists and we know that the  
12 government really is paying. But we hope  
13 that -- One of the things I love about that  
14 project, whether it's good or bad, it  
15 represents something regional to me, and so  
16 to see something for Barataria, Terrebonne,  
17 Jefferson, Plaquemines and St. Bernard, I  
18 thought that was great.

19           Because we have to start looking  
20 at stuff regional and make sure that  
21 Plaquemines Parish don't get all of them and  
22 St. Bernard don't get all of them, but it's  
23 spread out, so that's what -- The other  
24 thing I think is important to us is that  
25 local people be a part of the employment

1 part of it.

2           Because after BP, they say, "Well,  
3 you know, we want to retrain workers." And  
4 I know, the fishermen that I know, they're  
5 not ready to give up their boots to put on a  
6 coat to sit in somebody's classroom. But if  
7 you have projects where they can go out and  
8 use their boat and then be employed, we  
9 think that will help. So I just hope that,  
10 through this process, we look at that.

11           The other thing that we are very  
12 leary about is that when stuff comes to the  
13 state, the state is known, traditionally,  
14 that stuff don't come down right. But I  
15 will say that government have the policies  
16 in place to make sure that local people are  
17 hired. Most people say, "Well, we love the  
18 people, but we can't afford them." But  
19 we're saying that -- I understand a little  
20 bit of law. One thing we're saying that, in  
21 absence of law, there's equity, and so we're  
22 saying we need some equity. We need to go  
23 beyond what the law is saying and we need to  
24 tell employers, that all this work to  
25 restore it, that you find a way to make sure

1 that local people in every community with  
2 those projects is being employed. Thank you  
3 very much.

4 MR. FRANKLIN:

5 Thank you, Pastor Edwards. The  
6 next comment is coming from P.J. Hahn,  
7 Director of Coastal Zone Management.

8 MR. HAHN:

9 Thank you very much. I want to  
10 thank everybody for coming out tonight, and  
11 especially you all, and my comments are not  
12 directed to you guys, because you all have  
13 really done a lot of work. And, Drue, thank  
14 you very much, wherever you're at. There  
15 you are. She's done an excellent job of  
16 putting all of this stuff together.

17 My comments are is that it's too  
18 slow and not enough money, and I'm out there  
19 every day. I see the problems that  
20 Plaquemines Parish is having. We need more  
21 money and we need to be able to get this  
22 stuff faster. I don't want to thump a free  
23 melon. I appreciate these projects coming  
24 into -- the first set of projects coming  
25 into Plaquemines Parish, and we very much

1 appreciate it. But unfortunately, we've had  
2 10 times, 30 more times amount of damage  
3 than the money that's being brought to us  
4 right now.

5           And I'm out there every day,  
6 almost every day, trying to look over the  
7 coast and check on it. I went out on the  
8 25th. It's interesting, this lady had the  
9 25th. It must have been something about the  
10 25th; it was a beautiful day. Nobody should  
11 have been standing down, and there was  
12 nobody out there. I went to Bay Jimmy,  
13 plenty of oil.

14           One of the things I'd like to see  
15 done is if we could possibly put -- there's  
16 all kinds of new innovative projects that  
17 are coming out. We have EarthSaver bags out  
18 here and we have these interlock bags.

19           We need shoreline protection. A  
20 very cheap, inexpensive way to restore or at  
21 least draw a line in the sand of where this  
22 marsh is, we've got to stop this marsh from  
23 constantly -- I mean, the oil's getting  
24 picked up out there right now. It covers  
25 the marsh, marsh shadows, dies, and it's

1 just a constant effect of losing our  
2 shoreline.

3 It's a very simple fix. It's very  
4 inexpensive, and all things considered,  
5 something that we need to look at.

6 From there, I went out to Cat  
7 Island, four dead pelicans out there. All  
8 the mangroves that were once there are dead,  
9 most of them. That's an island that  
10 probably had about 10,000 to 20,000 birds  
11 easily nesting out there during the oil  
12 spill. Today I don't think you'll have 200  
13 birds out there. We've been documenting it,  
14 photographing it. Because of the mangrove  
15 loss, because the trees died, we're losing  
16 that little island.

17 From there, we went out to East  
18 Grand Terre. Oil piled up to your waist,  
19 and on top of that, there's a Kemp's Ridley  
20 turtle, one of the rarest turtles that were  
21 out there, of the sea turtle species.  
22 That's the kind of stuff we see all the  
23 time, every day. I hear from Grand Isle,  
24 Mayor Camardelle, telling us they've got  
25 dolphins washing up.

1           There's just so much to be done  
2           and this process is so slow. And I know  
3           it's not you guys. Y'all are doing  
4           everything you can. We need to figure out a  
5           way to cut through all the red tape and all  
6           the BS, get the money down here quickly and  
7           put it where we need it first, and the first  
8           place we need it is shoreline restoration in  
9           some of these little islands and save them.

10           Once that island, Cat Island is  
11           gone, it's gone forever, and we can't lose  
12           it. It's too critical to the habitat of  
13           birds that come through here.

14           I know I'm out of time and I thank  
15           you again very much for coming down here to  
16           Plaquemines and having this meeting. Thank  
17           you.

18           MR. FRANKLIN:

19           Thank you, Mr. Hahn. Next is  
20           Ms. Leslie Carrere, Restore the Earth  
21           Foundation. And, if you would, state your  
22           name and organization, for the record.

23           MS. CARRERE:

24           Good evening. Leslie Carrere,  
25           Restore the Earth Foundation, Gulf Saver Bag

1 Initiative, a solution for wetland  
2 revegetation, marsh creation. I'm known in  
3 Plaquemines Parish as the bag lady. When we  
4 came in, we had the first project on the  
5 ground since the oil spill for habitat  
6 restoration and it's been wildly successful.

7 We have a wonderful team now  
8 that's documented in showing you how quickly  
9 you can not only reestablish the marsh, but  
10 for your ECA credits, we're returning -- no  
11 marsh, no fish, no fishing, no hunting.  
12 It's a terrific solution for that.

13 I want to acknowledge all of your  
14 efforts and how much -- I have to say I have  
15 been moved by everybody sharing here  
16 tonight, all aspects, and this is for this  
17 Plaquemines Parish community. This is where  
18 we began. We reforested thousands of acres  
19 in Gulf Coast communities since Katrina.

20 But the Gulf Saver Initiative  
21 began right here with these people, with  
22 this community. We volunteered from all  
23 over the country, but also, we try and put  
24 the economic development factor in the  
25 smallest way we can with what we can, with

1     our resources here, with the people here,  
2     and they've been nothing but amazing from  
3     U.S. Fish, Wildlife and Fisheries,  
4     MatrixNewWorld, Don Blanchard. We just have  
5     collectively come together.

6             And what I'd like to say tonight  
7     is that you consider the little people, the  
8     smaller operations, the innovative solutions  
9     that can enhance so many of these larger  
10    projects to make them successful now. Our  
11    wetlands are the nursery for the Caribbean,  
12    for the fisherpeople, for the wildlife, and  
13    we need to get boots on the ground right now  
14    to make those restoration efforts happen.

15            So we have the resources in terms  
16    of the human capacity and we're hoping to  
17    get funding to really mobilize a major  
18    movement to make that happen sooner than  
19    later.

20            So we appreciate what you're all  
21    trying to do to help expedite that process,  
22    and please consider it the way we can all  
23    collaboratively work together. Thank you.

24            MR. FRANKLIN:

25            Thank you, Ms. Carrere. And

1 please remember, if there is a comment that  
2 you'd like to make, if you will just raise  
3 your hand. If you have not filled out one  
4 of these cards, we'll get a blank card to  
5 you so that we can all get involved.

6 Next comment is going to come from  
7 Patty Ferguson Bohnee, Pointe-au-Chien  
8 Indian Tribe.

9 MS. BOHNEE:

10 Thank you very much. My name is  
11 Ms. Patty Ferguson Bohnee and I represent  
12 the Pointe-au-Chien Indian Tribe in  
13 Lafourche and Terrebonne Parishes.

14 Initially, just to let you know,  
15 we're a very small fishing community in that  
16 area that has been neglected by the state  
17 and the feds, in general, with regards to  
18 the land loss that has occurred over the  
19 years. But this has been compounded by the  
20 BP oil spill, and with regards to  
21 restoration, when we were working only for  
22 the response, because a lot of the land was  
23 marsh, the land wasn't treated, and we were  
24 told that that would be dealt with in the  
25 restoration process.

1           So I encourage you to include us  
2     in that process. I know that we submitted a  
3     project and we also presented some ideas in  
4     the PEIS scoping process. And we support,  
5     in general, the Phase 1 that you presented  
6     for the State of Louisiana.

7           I will note, however, that it  
8     skips over our area, when it goes from one  
9     part of Lafourche to the other part of  
10    Terrebonne. The big gap in between is us,  
11    and so we're not included, and our area is  
12    losing land at a faster rate than I think  
13    any other area, because there's no  
14    protection, and that means, with the oil  
15    that comes in and there's no response that  
16    was done to treat it, and if we're not  
17    included in the early plans, we'll lose more  
18    land, and that's a big concern for the  
19    tribe, not only for health, our well-being.

20           We're subsistence users, but also  
21    because we have a lot of sacred sites and  
22    burial mounds that are being impacted and  
23    our traditional hunting and fishing lands,  
24    and I think that is a great loss, not only  
25    the loss to the state of Louisiana, but the

1 history of Louisiana, and to allow that to  
2 happen, so I encourage you to work with the  
3 tribe.

4 We submitted a Section 106  
5 Request, through the PEIS scoping process,  
6 specifically for our area, Terrebonne and  
7 Lafourche, and I reiterate that we would  
8 like to be a consulting party, under Section  
9 106, and we hope that we get a favorable  
10 response, and we hope to work with you and  
11 collaborate with you, because we care about  
12 the future of Louisiana, and I know that you  
13 do, too. Thank you.

14 MR. FRANKLIN:

15 Thank you, Ms. Bohnee. Next  
16 speaker is Ms. Tracy Kuhns, Executive  
17 Director of Louisiana Bayoukeeper.

18 MS. KUHNS:

19 My name is Tracy Kuhns. I'm with  
20 Louisiana Bayoukeeper. I'm also the current  
21 president of the Go Fish Coalition, which is  
22 a coalition of fishing organizations, and  
23 their support for members of Mary Queen of  
24 Vietnam Community Development and Catholic  
25 Charities. I know there are a few others.

1           First of all, I know that this has  
2       been a lot of work for everybody and it will  
3       continue to be that. I want to say, right  
4       off the bat, the community public meetings  
5       that are taking place with this process, as  
6       well as the state's 2012 Master Plan  
7       Process, have all been held outside of the  
8       communities that have been most heavily  
9       impacted by the BP spill and will be most  
10      heavily impacted, either positively or  
11      negatively, by these restoration projects.

12           You need to, and I know it's too  
13      late for this session, because you're going  
14      back, you're going to DC for the 7th. I  
15      wish that wasn't true. We need to see  
16      meetings held in places -- I'm from  
17      Barataria, Lafitte/Barataria. We have not  
18      had any of these meetings in Lafitte. We're  
19      a fishing community.

20           There hasn't been any of these  
21      meetings in Davant or Pointe à la Hache,  
22      which is fishing communities, Venice, Dulac,  
23      Montegut and these parishes along the coast,  
24      all the way across to Cameron.

25           They're always farther north and

1 it requires people to travel a pretty good  
2 distance, and who are already hurting and  
3 suffering financially from the impacts of  
4 this spill. So I think that's something  
5 that needs to be considered.

6 Another thing we heard repeatedly  
7 is we can't force, during these restoration  
8 projects, hiring of the people from these  
9 communities that have been so heavily  
10 impacted. But I'm not sure that that's  
11 true.

12 If the point of this is to restore  
13 the natural resources and the people who  
14 utilize those natural resources, part of  
15 that restoration is to restore that economic  
16 portion by including them as part of your  
17 package for the restoration.

18 As part of the plan for the  
19 restoration plan, hiring local people should  
20 be part of that plan, and I think you avoid  
21 the argument at the legislative level by  
22 including that. That's it. But we're going  
23 to submit written comment. Thank you.

24 MR. FRANKLIN:

25 Thank you, Ms. Kuhns. Are there

1 any others who would like to make a verbal  
2 comment at this evening's meeting?

3 If not, I'd like to remind you  
4 that there are other ways to make your  
5 comments, and February 14th is the deadline  
6 to do that, and so if you would like to pick  
7 up one of these forms on your way out, and  
8 if you have not made your comment yet and  
9 something may come to you on the way home,  
10 something may come to you tomorrow, the  
11 address is the same address, the address  
12 that's on the screen here, and just keep in  
13 mind, February 14th.

14 To close us out tonight, I would  
15 like to turn it over to Ms. Drue Banta.

16 MS. BANTA:

17 Thank you all so very, very much  
18 for coming tonight. We really appreciate  
19 your time, your input, your very thoughtful  
20 comments and the respect you all showed us  
21 here tonight in following the format.

22 There will be an opportunity, if  
23 you have additional questions, to visit with  
24 the subject matter experts with our state  
25 and federal trustee reps who are here who

1 are working on this process day in and day  
2 out.

3 They give a lot of their time, a  
4 lot of their effort and a lot of their heart  
5 to this process, so I am grateful for them.

6 Thank you all very much for being  
7 here, for working so hard to restore  
8 Louisiana's resources and the Gulf's  
9 resources. We appreciate you and we very  
10 much hope that you will continue this  
11 dialogue with us, both tonight and into the  
12 future. Thank you all for coming.

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REPORTER'S CERTIFICATE

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I, LINDA G. GRIFFIN, RPR, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this meeting was taken, do hereby certify that this was reported by me in the stenotype reporting method, was prepared and transcribed by or under my personal direction and supervision, and is a true and correct transcript, to the best of my ability and understanding; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

\_\_\_\_\_  
LINDA G. GRIFFIN, RPR  
Certified Court Reporter

1 DEEPWATER HORIZON NATURAL RESOURCE DAMAGE ASSESSMENT  
EARLY RESTORATION PROJECTS

2  
3  
4 PUBLIC COMMENT MEETING  
5

held at St. Bernard Parish Council Chambers, 8201 W.  
6 Judge Perez Drive, Chalmette, Louisiana, on  
Wednesday, February 1, 2012, beginning at 6:30 p.m.

7  
8 APPEARANCES:

9  
10 PERRY FRANKLIN  
Meeting Facilitator

11  
12 DRUE BANTA  
Coastal Protection and Restoration Authority

13 KAROLIEN DEBUSSCHERE  
Deputy Coordinator  
14 Louisiana Oil Spill Coordinator's Office

15 STEPHANIE MORRIS  
Special Counsel  
16 Louisiana Oil Spill Coordinator's Office

17 BRIAN SPEARS  
U.S. Fish and Wildlife Service  
18 Restoration Manager  
Department of the Interior

19  
20 DEBORA MCCLAIN  
Deputy Case Manager  
Department of the Interior

21  
22 MEL LANDRY  
Restoration Specialist  
NOAA

23  
24 REPORTED BY: Sammantha Morgan, RPR, CCR  
Brooks Court Reporting, Inc.  
25

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1           MR. FRANKLIN: Good evening. We can do  
2 better than that. Good evening. My name is Perry  
3 Franklin and I'll be serving as tonight's  
4 facilitator. At this time, if everyone could find a  
5 seat and more importantly silence your cell phones  
6 I'd be very thankful and we appreciate your  
7 assistance.

8           To get our meeting underway tonight, I'd  
9 like to ask Ms. Drue Banta, who represents the  
10 Coastal Protection and Restoration Authority of  
11 Louisiana, to get us started. Ms. Banta.

12           MS. BANTA: Thank you Perry. Good evening  
13 and welcome to tonight's NRDA Early Restoration  
14 meeting. Thank you all so much for coming this  
15 evening. Your input is critical to this process and  
16 we truly appreciate you being here.

17           Since the beginning of the Deepwater  
18 Horizon oil spill, almost two years ago the State of  
19 Louisiana made a firm commitment to public outreach  
20 and public engagement, and your participation is  
21 critical to this process. We couldn't do it without  
22 you. So, we appreciate your time and your effort  
23 and the fact that you're here tonight to -- both to  
24 listen and to participate here with us.

25           I'd like to take an opportunity to

1 represent the Trustee agencies, who are here tonight  
2 from the State of Louisiana. We've got both state  
3 and federal representatives. We've got folks from  
4 the Louisiana Oil Spill Coordinators Office, the  
5 Louisiana Coastal Protection and Restoration  
6 Authority, an Office of Coastal Protection and  
7 Restoration, the Department of Natural Resources,  
8 and the Department of Wildlife and Fisheries, if  
9 y'all could just stand up, so I can recognize you.  
10 Thank you all so very much for your hard work on the  
11 spill, we really appreciate it.

12           These are the folks who can answer your  
13 questions tonight if they did not, were not able to  
14 do so during the open house portion of tonight's  
15 meeting, they can certainly do it afterwards, if  
16 your questions are not answered during the  
17 presentation.

18           We've also got some hardworking folks from  
19 the Department of Interior and from NOAA who worked  
20 really hard to pull this meeting together, so we  
21 thank them as well. Do you want to just raise your  
22 hands to let the folks know that you're here? They  
23 can answer your questions as well. Thanks so much.

24           And finally I would like to take an  
25 opportunity to recognize Representative Ray

1 Garofalo. I'm sorry I fudged that. Representative  
2 Garofalo, there you are, thanks so much for coming  
3 and visiting here with us tonight.

4 At this time I'm going to turn it back  
5 over to Perry and we can get started. Thanks so  
6 much.

7 MR. FRANKLIN: Thank you Drue. I want to  
8 welcome you to the 10th of 12 public meetings for  
9 the Deepwater Horizon oil spill, Natural Resource  
10 Damage Assessment process or NRDA or NRDA, you will  
11 hear that acronym a lot tonight. NRDA, Natural  
12 Resource Damage Assessment and hopefully you've  
13 gotten some information earlier about that topic.

14 In addition to the meeting held tonight,  
15 there have already been meetings held in states of  
16 Florida, Alabama, Mississippi, Texas and there was  
17 one meeting held last night in Houma. And we invite  
18 you, if you have any friends or relatives or  
19 colleagues, who could not make it to the Houma  
20 meeting, or the meeting tonight in Chalmette,  
21 there's one more meeting in Louisiana tomorrow night  
22 that would be in Belle Chasse, at the same time,  
23 open house at 5:30 to 6:30 and the formal meeting at  
24 6:30. So, please pass that information to your  
25 friends and colleagues.

1           Tonight's objective is very simple. To  
2 receive your comments on the proposed projects that  
3 are going to be laid out before you tonight. There  
4 will be a dedicated comment period following the  
5 formal presentation.

6           If you would like to make a comment, we  
7 invite you to do so, and that is the goal of  
8 tonight, just to hear from you. So, you're here,  
9 you've been here, thank you for your patience. I  
10 think some of you saw an advertisement, something,  
11 or another that said 5:30, and thought the formal  
12 presentation started at 5:30. I appreciate your  
13 patience, as that was the beginning of the open  
14 house to really get your questions answered.

15           Tonight's program has two components. The  
16 first is a formal presentation, the second is an  
17 opportunity for you to come forward and to provide  
18 verbal comments. If you would like to provide  
19 verbal comments tonight, all you simply need to do  
20 is just fill out one of these cards, so that we can  
21 properly put your name in, and if you're  
22 representing an organization, into the record. And  
23 so we have a few of these already filled out. Is  
24 there anyone that would like to make verbal comments  
25 that did not see the table, where these cards were,

1 and you would like to get your name on one of these  
2 cards?

3 Is there anyone that would like to put  
4 their name on a card? One gentleman in the back.  
5 At any time tonight, if you would like to get --  
6 something sparks your interest and you would like to  
7 make a verbal comment, if you would just go to the  
8 rear table and just raise your hand. And we will  
9 get one of these cards to you, to do so.

10 When you walked in, there was also a lot  
11 of good information in the back and one of the  
12 packets talks about early restoration in particular,  
13 this is a good document to kind of hang onto.  
14 There's a website on the bottom of it if you want to  
15 give information, or comments, or want to see all of  
16 the projects, and all of the Gulf States. This is a  
17 good document to hang onto and so we invite you to  
18 pick that up as well.

19 Hopefully, you've gotten some good  
20 information from the open house portion of tonight's  
21 meeting. While that's not the focus of this meeting  
22 it has been found to be very helpful. To give you  
23 information on the topic of restoration planning  
24 assessment, human safety, seafood safety, and those  
25 subject matter experts are here to answer your

1 questions. And so if that's why you're here, you're  
2 in the right place, because we have those  
3 appropriate subject matter experts on hand to assist  
4 you.

5           Tonight we have sign language  
6 interpretation services, Mr. Clifford Watts and  
7 Mrs. Carlie Kelth. Are there any individuals  
8 currently in the facility that are in need of sign  
9 language assistance? Thank you.

10           So, what we're going to talk about  
11 tonight, NRDA overview, Early Restoration  
12 background. Basically the documents that we've been  
13 talking about, draft of phase one of the Early  
14 Restoration plan, and the proposed projects of the  
15 State of Louisiana. And then when we get to the end  
16 of that presentation, then we're going to open up  
17 the public comment portion of tonight, and each of  
18 you will be given three minutes, up to three  
19 minutes, to give your comment.

20           If you really have a long comment, we  
21 would ask you to give us the highlights within those  
22 three minutes. We'll have some abilities to  
23 communicate with you, to let you know you have one  
24 minute remaining, or your time has expired. And we  
25 appreciate you assisting us with that.

1           There are four ways to provide comment in  
2 this process. The first is to give verbal comment  
3 at the microphone tonight. And as we talked about,  
4 if you'd just like to do that, just fill out one of  
5 the cards, and then we'll be able to call you up  
6 properly. And when you come forward if you will say  
7 your name, and if you're representing an  
8 organization, please state the name of your  
9 organization.

10           The second is that there's an input  
11 station in the rear. If you would like to type in  
12 your comments tonight, you can do that, and there's  
13 a staff who can assist you with that.

14           And the third way is if you would like to  
15 write it out, and to submit it to us tonight, or  
16 mail it in. There is a form in the back of the room  
17 that you could pick up another, and do it tonight,  
18 or do at your leisure.

19           And the last way is to go online. And  
20 there's going to be a few website addresses that's  
21 going to be given to you tonight, but on a lot of  
22 these documents there are website addresses at the  
23 bottom. And there's only one thing I need you to  
24 remember, February 14th is the deadline to get your  
25 public comment in, on the Early Restoration

1 Projects.

2 So let's get started. We have two  
3 speakers who are going to be speaking. The first is  
4 Ms. Drue Banta with the Coastal Protection and  
5 Restoration Authority of Louisiana. She represents  
6 Louisiana's lead Trustee and Trustee agency on the  
7 State's Deepwater Horizon Natural Resource Damage  
8 Assessment team. In that capacity Ms. Banta  
9 coordinates day-to-day management, issues, and  
10 provides policy and communication counsel, for the  
11 case. She also serves as the coordinating role  
12 between the other state and federal trustees.

13 Ms. Banta will then be followed by Mr.  
14 Brian Spears, Restoration Manager, US Fisheries and  
15 Wildlife Service, which is under the Department of  
16 the Interior. Mr. Spears currently works out of the  
17 Fairhope, Alabama, office, where he is Blanch Chief  
18 for the US Fisher and Wildlife Service, Deepwater  
19 Horizon oil spill restoration efforts. Ms. Banta,  
20 if you will start us off with tonight's  
21 presentation.

22 MS. BANTA: Thank you all again. Tonight  
23 I'm going to walk you a little bit through the  
24 Natural Resources Damage Assessments process, give  
25 you a little bit of background on it. There are not

1 a whole lot of folks who are super familiar with  
2 this process. So, I'm going to give you some  
3 background and talk specifically about the Early  
4 Restoration Plan that is out for public comment  
5 right now. It is only the first phase of a  
6 multi-phase process for Early Restoration.

7           And so, two years ago the Deepwater  
8 Horizon spill set into motion the largest Natural  
9 Resource Damage Assessment in history. It's called  
10 for by the -- Federal Law under the Oil Pollution  
11 Act of 1990, it was enacted after the Exxon Valdez  
12 spill happened that was in 1989. And this federal  
13 law is in response to this really, really large  
14 incident happened.

15           Since then there's been no other spill as  
16 big as this and this is the largest environmental  
17 disaster in our country's history, right here on our  
18 coastline in Louisiana, where we've been heavily  
19 impacted.

20           The NRDA regulations that are set forth in  
21 law, in federal law, you can find those regulations,  
22 and that helps to find the process a little bit  
23 better, on how this works. So basically, this is  
24 where scientists and lawyers and technical folks get  
25 together and actually study the impacts of our

1 natural resources for the oil spill. And so  
2 Trustees are designated under Federal Law, state and  
3 federal folks, to represent the public interest, and  
4 to make sure our injured natural resources from the  
5 oil spill are restored.

6 And so in this process we've got five  
7 states, we've got Louisiana, Florida, Mississippi,  
8 Alabama, and Texas. The Department of Interior and  
9 the Department of NOAA, I'm sorry and the Department  
10 of Commerce through NOAA, all working together on  
11 making sure our injured resources are restored.

12 And it's both the injured resources and  
13 the services those resources provide, so we call  
14 those human use losses. So it's the injuries to the  
15 birds, the fish, the wildlife, and the wetlands, and  
16 any number of injured resources that occurred  
17 through either direct oiling, through the use of  
18 disbursement, or other response activities.

19 We take that all into account through this  
20 process. But it's also the loss use, so the  
21 inability of individuals who go boating or bird  
22 watching or to walk on the beach, all of those  
23 things are compensable. So, it's the public use of  
24 those resources that are impacted as well as a  
25 result of the spill and that is taken into account

1 in the NRDA process.

2 So, as I mentioned the Deepwater Horizon  
3 Trustees include the five Gulf States. Louisiana  
4 has got a number of Trustees and we're led by the  
5 Louisiana Coastal Protection and Restoration  
6 Authority. They're the lead Trustee and they  
7 coordinate along with our other State Trustees as  
8 well as the Federal Trustees. And I pointed them  
9 out to you here tonight. They're in the audience  
10 here to answer your questions. If you need anything  
11 or have additional questions about either Early  
12 Restoration or the NRDA process in general.

13 I wanted to touch base, there's sometimes  
14 a lot of confusion about what NRDA is and what NRDA  
15 isn't and NRDA is looking at natural resources.  
16 There are a lot of other things that BP and the  
17 other folks who are responsible for this oil spill  
18 are liable for under federal law.

19 They might be liable for your inability to  
20 fish and use those -- those seafood -- that seafood  
21 for food. That's called sustenance loss so if you  
22 were unable to do that you have claim for that.  
23 That doesn't fall under the NRDA process, that's  
24 separate.

25 The state has a number of other claims

1 including, lost revenue or impacts to our state  
2 property or you as an individual landowner might  
3 have a claim for damage to your individual property.

4 That's all separate from the NRDA process,  
5 but BP and the other parties who are responsible for  
6 the spill are liable for that. So individuals and  
7 businesses in the state have a separate claim for  
8 that. I'm not here to talk to you about that  
9 tonight, but there are folks here who can talk to  
10 you about that if you have questions about that  
11 later on.

12 So, as I mentioned NRDA is a legal process  
13 and it is a long term process. A regular NRDA for a  
14 really small oil spill can sometimes take up to 10  
15 years. So, we decided with the Deepwater Horizon  
16 assessment, could be a multi-year process. It's  
17 typically got three stages, the pre-assessment phase  
18 is where the technical folks will go out and they'll  
19 start collecting data that could disappear, soil  
20 samples, water samples, and try and figure out  
21 what's going on.

22 Whether we have any injuries or indeed  
23 whether you need to conduct restoration planning or  
24 assessment work. In Deepwater Horizon it was pretty  
25 obvious that we were going to have to do a NRDA, so

1 that set the process into motion very early on.

2 The next phase of the process is injury  
3 assessment. So once you collect some data, you  
4 start to figure out what your injuries might be.  
5 You start to search and develop the Trustees and the  
6 scientists will start to develop some work plans to  
7 really hone in on what those injuries might be. And  
8 they develop these studies, collect data, and start  
9 to analyze it, and figure out what the scope and the  
10 scale of those injuries might be. And once that  
11 happens and you have an idea of what's going on, you  
12 can develop restoration plans to compensate for  
13 those injuries.

14 And, you know, in this case restoration  
15 planning you'll have certain injuries and you have  
16 certain projects that can compensate for those types  
17 of injuries. And under the NRDA process you  
18 actually have to do projects that restore for those  
19 injuries. So, it's not like you can build a  
20 convention center to restore the injuries to your  
21 fish and your wildlife. So, I just want to make  
22 that clear that you actually do projects to restore  
23 for those injuries.

24 And then finally, a restoration plan  
25 that's developed by the Trustees will be

1 implemented. And that can take a very long time if  
2 either of the Trustees themselves can implement  
3 those projects or the responsible parties can  
4 implement them, but that's funded by the responsible  
5 parties, in this case, it'll be funded by BP.

6 So what happened in this case, the  
7 Deepwater Horizon spill is that we expected it to  
8 take a really long time. So, we worked very hard to  
9 come to an agreement, to start restoration, before  
10 the full damage assessment was done. And that's how  
11 we got to Early Restoration and this billion dollar  
12 down payment and the projects that we're talking  
13 about tonight.

14 Now, this doesn't mean that we won't have  
15 long term assessment and it is actually still going  
16 on. And we anticipate long term assessment of our  
17 resources will go on for quite some time. But what  
18 we are here to talk about tonight is, Early  
19 Restoration.

20 This part that jump-starts the restoration  
21 of our resources prior to the completion of the full  
22 damage assessment. And so, as I mentioned when I  
23 first started addressing you tonight that public  
24 involvement is very, very important to this process.

25 So, as you will see here that we've done a

1 whole bunch of public meetings. I think we've done  
2 over 40 public meetings across the Gulf coast and  
3 we've done over 100 individual, one-on-one, meetings  
4 here in Louisiana alone. Right up until the spill,  
5 because we knew a lot of people were not familiar  
6 with the Natural Resources Damage Assessment  
7 process.

8 We went out into the community in the Fall  
9 and Winter of 2010 and started talking about NRDA,  
10 familiarizing folks with the process, and starting  
11 to solicit input on the NRDA process, and let people  
12 know what we were doing. Then we moved onto the  
13 Spring of 2011 and we did some meetings where we  
14 reached out to the public and said "Hey, help us  
15 figure what types of projects you would like to see  
16 to compensate for oil spill injuries." And so, we  
17 solicited projects from the public, types of  
18 projects, not necessarily specific projects at that  
19 time, although we did get some.

20 And then once we had an agreement with BP,  
21 we did a round of meetings specifically, on Early  
22 Restoration to solicit for projects. So specific  
23 projects that the public would like to see moving  
24 right out of the bat. And Louisiana had over 400  
25 projects that were either on the books or that were

1 brought to us during that process. So we had a lot  
2 to work from, to look at based on public input, and  
3 we were very grateful for that.

4 So, since the spill I've been doing this  
5 presentation a lot of times, you'd think that I'd  
6 have it down pat by now. I've given it so many  
7 times sometimes I still slip up. But we got to meet  
8 with community groups, with nonprofits, we visit at  
9 the Coastal Protection and Restoration Authority  
10 meetings. And we even have a special group that we  
11 set up for the oyster industry called the Oyster  
12 Advisory Committee, to help us make smart decisions  
13 on restoring our oyster resources that were impacted  
14 as a result of this spill.

15 We continue to do that, at any time  
16 somebody wants me to come out and visit with their  
17 group and talk about NRDA and what's going on. I'm  
18 always happy to do that. I've got my staff here,  
19 who can put you in touch with me, and we can set  
20 that up. But we've got ongoing updates via our  
21 website via email notifications and lots of  
22 different ways.

23 You can look at our website right here,  
24 it's losco-dwh.com. That's the place that you can  
25 find the work plans and the data that we have

1 available on this case. So far that is public and  
2 you can take a look at those works plans and figure  
3 out what we're studying. You can get some  
4 background on the NRDA process and on the spill.  
5 That's all there, available on that website for you.

6 So I want to turn now to Early  
7 Restoration. And as I mentioned this is the process  
8 to get started on restoring our resources, as a  
9 result of this spill, prior to the completion of the  
10 long term damage assessment process. In April of  
11 2010 the Trustees and BP announced a billion dollars  
12 for Early Restoration.

13 That's more than the entire Exxon Valdez  
14 settlement was and we expect that only to be a small  
15 part of BP's eventual liability, for the NRDA  
16 process, for this spill. But this is an opportunity  
17 to start working on projects that will start  
18 compensating for our lost resources and human uses  
19 sooner, rather than later.

20 And so what we are here to talk to you  
21 tonight is about the first set of projects that we  
22 developed. We're putting them out for public  
23 comment for you all to give us some feedback on. So  
24 that we can move forward with some plans and some  
25 projects that will begin compensating the public for

1 the loss resources and so this is just a first  
2 phase, it represents 57 million of a billion  
3 dollars.

4 So we intend to do this more than once.  
5 And the plan that we're going to talk about tonight  
6 will not be final until the Trustees have taken into  
7 account all of your comments on the plan.

8 And so, once the Trustees and BP work out  
9 the deal for a billion dollars, between the Trustees  
10 they have to decide how they're going to allocate  
11 the money. And so this slide explains where that  
12 one billion dollars will go. Who gets to pick the  
13 projects from that billion dollars?

14 So each of the five Gulf States --  
15 Louisiana, Florida, Mississippi, Alabama, and  
16 Texas -- will split the pot each getting a hundred  
17 million dollars. NOAA and the Department of  
18 Interior will also each get a hundred million  
19 dollars. And finally there's this  
20 300 million-dollar pot of money that's for state  
21 sponsored projects based on impact.

22 And so Louisiana feels like, we're going  
23 to get much more than that 100 million dollars, we  
24 have a chance to get a much more significant amount  
25 of this billion dollars, because we got the brunt of

1 the injury here in Louisiana.

2 So the way the process works is we  
3 solicited for projects. All the trustees took into  
4 account the projects they might have on the books  
5 that can compensate for oil spill injuries to our  
6 resources.

7 We solicited for public comment through  
8 this process and we developed a big list of  
9 projects. We then looked at some criteria that  
10 Brian is going to tell you about tonight set forth  
11 in the Oil Pollution Act per an agreement between  
12 the Trustees and some state specific criteria.

13 We looked at those criteria, we applied  
14 those to the projects, and narrowed down our list to  
15 figure out what would be some really good projects  
16 we could start off early that moved toward  
17 compensating our public for the loss of resources.

18 Once we did that, we went back to the  
19 Trustees, all the Trustees got together, talked  
20 about the projects, and any project that would move  
21 forward had to be approved by all of the Trustees.

22 Then once that happened and only then,  
23 could we move to negotiation with BP on those  
24 projects, and then BP had to approve the projects.  
25 And then now that, that happened, then an Early

1 Restoration plan would be developed.

2 So tonight we've got one Early Restoration  
3 plan for 57 billion dollars, with eight projects, so  
4 that's only the beginning of this process. And this  
5 plan that we're talking about tonight is not going  
6 to be finalized until we get public comment and  
7 review of those comments.

8 Then once that happens we'll do a final  
9 project selection, based on comments, and then the  
10 plan will be implemented once it's finalized. And  
11 so you'll have until February 14th, to submit  
12 comments on the plan we're talking about tonight,  
13 but you can continue to submit projects to us for  
14 consideration. And as we develop future rounds of  
15 Early Restoration plans you'll have an opportunity  
16 to comment on those as well.

17 So, I'm going to turn it over to Brian now  
18 to talk about the criteria that works and incenta.

19 MR. SPEARS: Good evening, everybody.  
20 Thanks for having us again tonight. As Perry  
21 mentioned my name is Brian Spears. I work for the  
22 US Fish and Wildlife Service, which is under the  
23 Department of the Interior, out of our Fairhope,  
24 Alabama office. And my job on this spill is to not  
25 only help develop restoration projects for the Fish

1 and Wildlife Services that we'd like the Trustees to  
2 consider, but also as Drue mentioned that she does,  
3 help facilitate collaboration among the Trustees and  
4 figuring out how best to compensate you and how best  
5 to compensate me. How best to compensate all of us  
6 for injuries and what we lost as far as natural  
7 resources go as part of the spill.

8           Drue mentioned there are a number of  
9 selection factors that we use to do that with.  
10 We'll just hit on a couple of them tonight as a  
11 summary. The Oil Pollution Act regulations are  
12 available online and believe me, they're an  
13 incredibly exciting read, if you feel so inclined to  
14 pull that out and read those.

15           The Early Restoration trademark is also  
16 publicly available. I'll go through some of those  
17 selection criteria. And also the Trustees use, what  
18 we consider, a number of practical considerations in  
19 figuring out, how best do we move forward now under  
20 this Early Restoration framework. And how can we  
21 fit in projects that we can implement now into this  
22 overall broader Gulf restoration strategy. So, I'll  
23 hit on those in a little bit also.

24           And then up here you see the Louisiana RP  
25 Program criteria. And as Drue mentioned, some of

1 the states also have even additional things on top  
2 of all those selection criteria that they're using  
3 to help bring projects forward that the trustees are  
4 considering. So, these are some of the Oil  
5 Pollution Act criteria that the Trustees have to use  
6 by law, in evaluating whether we should take a  
7 project from concept stage, to putting on the  
8 ground, and this is a big job in, of itself.

9 NOAA hosts a man Deepwater crisis trustee  
10 website and which a lot of these projects are  
11 publicly available. Folks just like yourselves and  
12 like us, we can submit projects online that the  
13 Trustees are considering and implementing here as  
14 part of this project. And as of last night there  
15 were over 700 projects, project proposals on that  
16 site alone.

17 Drue mentioned another 400-500 on the  
18 Louisiana's alone. And as I mentioned the states  
19 are also considering even more. So, it's a big job  
20 to get through those and figure out what we can do  
21 here, especially in the short term.

22 So, we start off by the Oil Pollution Act  
23 criteria. We look at okay, what's the cost of some  
24 of these proposals? How do they address injuries  
25 specifically to our natural resources? Drue again

1 mentioned these other processes that's going on.

2 A lot of scientists out in the Gulf still  
3 assessing injury, that's still going on. We're  
4 still looking at what our overall claim should be.  
5 Drue also mentioned a lot of the personal liability  
6 claims that's also going on underneath a separate  
7 process. But under NRDA we have to specifically  
8 restore natural resources that were injured. So,  
9 for example, if we lost a bird, we have to figure  
10 out how do we restore that bird.

11 So, that link or that nexus, what was  
12 injured, is really important part of this process.  
13 Likelihood of success, will it work? Think that  
14 would be a pretty important one. We do look at that  
15 and then some of these other criteria here including  
16 public health and safety. And then on top of that  
17 we've got this Early Restoration framework, which  
18 also sets out additional criteria.

19 You can see it's pretty similar to the Oil  
20 Pollution Act criteria. How are we compensating the  
21 public for our losses? Whether it's consistent with  
22 the overall planning strategy that we're developing  
23 here, still ongoing, and again can it work and is it  
24 cost effective?

25 And finally here's some of this practical

1 consideration or the more intuitive consideration  
2 that I mentioned early. The whole intent of this  
3 Early Restoration framework is to get restoration on  
4 the ground now. We want to accelerate restoration  
5 of the Gulf. It is to get projects out there that  
6 we can implement quickly and also start providing  
7 benefits to us quickly, so can we get them on the  
8 ground.

9           One of the things that the Trustees want  
10 to do with this very first restoration plan is try  
11 to hit on a number of injured resources that we  
12 have. That's why you'll see Oyster Restoration  
13 Projects, that's why you'll see human use project,  
14 as Drue mentioned in the boat ramp in Florida.  
15 That's why you'll see human restoration projects for  
16 some of those direct impacts.

17           So, that was important to us to try get  
18 that diversity out. We also wanted to implement  
19 them quickly, so we looked at projects that people  
20 were experiencing and implementing. Can we predict  
21 cost and get those on the ground quickly? And  
22 finally are they close to being implemented?

23           Some of the states have already done this.  
24 Back in 2007, Louisiana signed a Regional  
25 Restoration Planning Program document with the

1 Department Interior NOAA. And now, they really need  
2 to attempt to help streamline, restoring injured  
3 resources specifically, caused by oil spills.

4 So, Louisiana is actually using that right  
5 now in evaluating some of the factors they consider  
6 in coming up with those projects to see how they can  
7 fit into this spill and that's working really well.  
8 And these are some of the criteria laid out in that  
9 plan. Again similar to the ones that I've already  
10 talked about can be implemented quickly. Do they  
11 fit in well with what we're doing Gulf wide? And  
12 also project urgency, what will happen to those  
13 resources if we don't do those projects?

14 Okay, so all that background goes into  
15 this list of projects y'all see tonight. This draft  
16 one, Early Restoration plan, if you have a chance to  
17 look through the plan or pull it down offline, after  
18 you leave this evening, you'll see there's two  
19 alternatives proposed in that plan.

20 Alternative A is what we call a Natural  
21 Recovery Alternative or No Action Alternative.  
22 That's what I want to make clear tonight that the  
23 Trustees are not proposing to do that. That's not  
24 what we'd like to do, but rather it's required under  
25 Oil Pollution Act. Those regulations say you must

1 consider what will happen if you do nothing and so  
2 that's why you see that alternative in this plan.

3           Instead of doing nothing the Trustees in  
4 front of you tonight proposing Alternative B, this  
5 will be the eight projects that have gone through  
6 all of those selection criteria. We've been able to  
7 usher through the Early Restoration framework  
8 process. Including negotiating with BP cost and  
9 what those projects will benefit. And came up with  
10 this suite of eight projects that we're ready to put  
11 on the ground pending public comments.

12           It is important to note though, however  
13 that while all those projects are in one  
14 alternative, we developed them independently from  
15 each other. So, they're all doing good things for  
16 the Gulf and they all have a direct link to what was  
17 injured, but each one's separate.

18           So, you're more than welcome to comment on  
19 one project rather than having to comment on them  
20 all. It's not an all or nothing approach. So,  
21 depending on public comment, public support, and  
22 public dislike of certain projects, the final plan  
23 may include all eight of them or just a subset. So,  
24 feel free to comment on specific projects if you  
25 feel so inclined.

1           Okay so, since Louisiana is hosting us  
2           tonight we're going to spend more time talking about  
3           the two Louisiana specific projects. So, I'm just  
4           going to give two slides here highlighting the rest  
5           of the projects overall as part of this plan. And  
6           this map is pulled straight out of the draft plan,  
7           just showing the location of all the proposed  
8           projects across the Northern Gulf.

9           Starting from the boat ramp proposal, and  
10          the human restoration project in Florida, moving  
11          through Alabama more Human Restoration, some Marsh  
12          Restoration, some of those Oyster Restoration  
13          projects that I mentioned.

14          And then into Louisiana to the Oyster  
15          Restoration projects and the Marsh Restoration  
16          Project. And again this real quick summary here,  
17          there's the cost of those, and these are estimated  
18          costs again, based on Trustee experience, and doing  
19          this in the past. And what we negotiated with BP to  
20          fund pending final approval of all these. And again  
21          a lot more information in the plan itself about  
22          those. But to get to Louisiana I'm going to invite  
23          Drue back up here to go through some of those  
24          specifics for you. Thanks again for having us.

25          MS. BANTA: So, in this first draft Early

1 Restoration plan, Louisiana has two projects that  
2 makeup about half of the total funds, in this first  
3 Early Restoration plan. Our two projects are Marsh  
4 Creation Project and the Oyster Rehabilitation  
5 Project.

6 So, I'm going to start off with the Lake  
7 Hermitage Marsh Creation Project, it's a 13.2  
8 million dollar project. It's part of an existing  
9 CWPPRA Project or a Breaux Act Project. Some of you  
10 may be familiar with that. It's an existing Coastal  
11 Restoration program - Project, program that we have,  
12 where we do various Coastal Restoration projects  
13 across the coast. So, this one has been recently  
14 bid out and this is an opportunity to build upon  
15 that project. We can use the equipment that will  
16 already be mobilized and build an additional 104  
17 acres of marsh in the Barataria Basin.

18 This project will be located in  
19 Plaquemines Parish and the original project creates  
20 549 acres of brackish marsh and 1,600 acre project  
21 site. So, the way the marsh would be created, would  
22 be using hydraulically dredged sediment from the  
23 Mississippi River that would be piped into the marsh  
24 into the project site via pipeline. And then once  
25 it is sufficiently established and the sediment has

1 sort of settled in then that area will be vegetated  
2 under this project.

3 So, this is the project location as you  
4 can see, this is the Barataria Basin, it's the  
5 outside outline of the project.

6 The circle is the actual project location,  
7 so the outer outline is the basin itself and the  
8 circle is the project area. It's the overall Lake  
9 Hermitage Marsh Creation Project and within that  
10 this Early Restoration increment would be in there.  
11 If this is acceptable to the public and passes  
12 through public comment.

13 Our other project is an Oyster Cultch  
14 Project, it is a two part project for \$14.9 million.  
15 The first part is cultch placement on public seed  
16 grounds, six locations, over 850 acres. And so I  
17 know we have some oyster industry folks here, so  
18 some of you already know what that is. But, for  
19 those of you who don't, oyster cultch is rock, the  
20 gravel, the concrete, that the little baby oysters  
21 will settle on. And that goes on the water bottoms  
22 and that's what the oysters grow and develop on.

23 And so, since the spill we've got some  
24 problems with our oyster resources, they're not  
25 reproducing properly. We're seeing some problems

1 out there. So, in an effort to jump-start our  
2 resources and return of our resources, we're going  
3 to put this cultch placement on the public sea  
4 grounds.

5 And then once the oysters start to grow  
6 out, the oyster fishermen will -- informers will go  
7 and get that cultch from the public sea ground and  
8 put that onto their leases. And so this is a  
9 project that is proven successful.

10 The Louisiana Department of Wildlife and  
11 Fishery has worked on this for a long time, I think  
12 since 1917. They've been doing this sort of  
13 technology and this technique to benefit the oyster  
14 resources. So, we know it's something that can work  
15 and we recently did two other oyster cultch  
16 locations, where we put some down. So, it's  
17 something we know how to do, we know how much it's  
18 going to cost generally, and we feel really good  
19 about its ability to kick-start the resource.

20 The second part of this, is the  
21 construction of an oyster hatchery facility. We've  
22 got an existing facility, a Sea Grant facility, on  
23 Grand Isle. We intend to actually expand that  
24 facility, storm proof it, elevate it, put some  
25 temperature controls on it. It'll be a fantastic

1 facility to help us produce a billion eyed larvae,  
2 little baby larvae, that will set on the oyster  
3 cultch per year.

4 And this is in an effort in case we  
5 continue to see reproductive problems with our  
6 oysters. It'll give us an opportunity to do this,  
7 you know, it's a natural process, but it's an  
8 opportunity to supplement the resource in a lab  
9 setting. And so it'll be approximately 8400 square  
10 feet. The land is owned by the Grand Isle Port  
11 Commission and it'll be leased to LSU, if this  
12 project passes.

13 This is a map of the project location.  
14 So, as you can see it's both on the east and the  
15 west sides of the Mississippi River. So, if you  
16 look there, that sort of the Mississippi River going  
17 down, you can see where the project sites are. We  
18 worked with the Wildlife and Fisheries -- Wildlife  
19 and Fisheries. We also worked with the Oyster  
20 Advisory Committee and the Oyster Task Force in  
21 selecting the appropriate locations for this  
22 project.

23 So, what happens next? So, you've got two  
24 more weeks to comment. Public comment period on  
25 this first phase one, Early Restoration phase,

1 plan -- I'm sorry, will close on February 14th. And  
2 so you can submit your comments online, you can  
3 submit them here tonight, you can submit them in  
4 writing, and mail them to LOSCO or NOAA, so there  
5 are a couple different ways for you to submit your  
6 comments. Once we get all of those comments in, the  
7 Trustees will consider all of the comments that are  
8 received, and once they're considered and addressed  
9 in the plan, then that plan will be finalized, and  
10 approved by BP. And then the final plan will  
11 include all of the agreed on projects, the summary  
12 of the public comments, and the Trustees responses  
13 to those comments. And the NEPA analysis, that's  
14 the environmental analysis that's required by  
15 federal law for these projects. And then after that  
16 happens, project implementation can begin.

17 So, we're really hoping, especially in  
18 Louisiana where our projects are ready to go, that  
19 we can move out in a very short order, after the  
20 plan is finalized, and get ready to restore our  
21 resources. So we're really looking forward to that.

22 So tomorrow night there's an opportunity  
23 for one more public meeting. If you know folks who  
24 haven't been able to attend, we've had meetings all  
25 across the Gulf Coast. So, tomorrow night we're in

1       Plaquemines Parish, in Belle Chasse. And then  
2       there's a meeting next week on February 7th, in  
3       Washington, D.C., at the Commerce Building. If any  
4       of you would like to attend or know folks there  
5       who're interested in attending. And I'm going to  
6       turn it back over to Perry, we appreciate you all  
7       coming, and we look forward to hearing your  
8       comments.

9               MR. FRANKLIN: Okay. So, as Drue just  
10       mentioned, there are a couple of ways to submit your  
11       comments, and we don't need to go over that again.

12              Before we get into the public comment  
13       portion of tonight, I wanted to see if there were  
14       any individuals who would like to give a verbal  
15       comment, for the record tonight, and have yet to put  
16       their names on a card. If you would like to do that  
17       if you'd just raise your hand, we will get a card to  
18       you.

19              To ensure that the comments are accurately  
20       recorded we have Ms. Sammantha Morgan who's a Court  
21       Reporter. You may have seen her working diligently  
22       in the corner of the room. Thank you Sammantha for  
23       being with us tonight.

24              Has anyone -- we've had a few people join  
25       us since we've started, are there any individuals in

1 the room tonight that will need sign language  
2 assistance, in order to make their verbal comments?

3 Thank you Carlie.

4 All right. So the next component of the  
5 meeting is really for us to listen to you. This is  
6 not for us to get into a dialogue or to get into an  
7 exchange or to answer your questions. If you have a  
8 question, if you'll put into a form of a comment for  
9 the record, we would appreciate that.

10 If you have a question, we'll make sure  
11 that the right subject matter expert in the room is  
12 listening to your question, and they will come to  
13 you, when we conclude this portion of the meeting.  
14 No questions will be answered from this setting  
15 that's the protocol of tonight's meeting.

16 First off I'd like to bring up the first  
17 Trustee representative who will be receiving your  
18 comments Ms. Karolien Debusschere, Deputy  
19 Coordinator, Louisiana Oil Spill Coordinator's  
20 Office, next is Stephanie Morris, Special Counsel,  
21 Louisiana Oil Spill Coordinator's Office, next is  
22 Mr. Brian Spears, you've already heard from, U.S.  
23 Fish and Wildlife Service, and next we have Ms.  
24 Debora McClain, Deputy Case Manager, Department of  
25 the Interior, and then finally we have Mr. Mel

1 Landry, Restoration Specialist with NOAA.

2 All right. So we'll go ahead and get  
3 started, Mr. Scott -- I knew that was going to  
4 happen. Mr. Scott Eustis, Gulf Restoration Network,  
5 first up. If you'll just come to the microphone and  
6 present your comments to this group of people.

7 MR. EUSTIS: Scott Eustis, Gulf  
8 Restoration Network. Thanks for the time. And as  
9 spoken with a couple of you about Gulf Restoration  
10 Network, is a 15 odd-year, clean water organization  
11 trying to fight to clean the water of the Gulf of  
12 Mexico. Cause clean waters means a healthy wetlands  
13 and wetlands are the source of our fisheries and  
14 healthy Gulf.

15 As we move forward with NRDA, we've been  
16 trying to track, you know, from all of the projects  
17 that maybe a thousand projects listed on the NOAA  
18 site and different state agency sites and evaluate  
19 them according to criteria that we along with a lot  
20 of our partners on the Gulf, have been compiling and  
21 we issued that in our report, Sunshine on the Gulf.

22 Trying to whittle down from 1,000 to eight  
23 is a pretty hectic process, but we try to evaluate  
24 the process. The projects on environmental benefit,  
25 restoration, economy, how much -- how much were the

1 people that were put out of work, by the BP spill,  
2 employed by the restoration projects, public health,  
3 whether or not the projects were monitored, and  
4 whether or not the public was a participant in the  
5 process. Since -- so thanks for your response to  
6 those letters.

7 We're happy to see phase one come out,  
8 wish it was a little bit sooner, we know this takes  
9 a long time. And these projects are a pretty good  
10 first step, but we are concerned of some of the long  
11 term damages that we see to the Whale Sharks, to  
12 Sperm Whales, and other marine, sea creatures. And  
13 we're hoping that the recommendation from the Purer  
14 Report (phonetically), the ones featuring the Gulf  
15 of Mexico, are making it into your offices and  
16 you're reading about, you know, projects or source  
17 or gas on some of the deep water coral environments  
18 that were impacted and that kind of thing.

19 We'd also like to support projects that  
20 reconnect hydrology, because the water column is a  
21 habitat of concern and it's something that was  
22 greatly impacted and continues to be impacted by  
23 BP's oil. So thanks again. Thanks for phase one,  
24 see you.

25 MR. FRANKLIN: Thank you, Mr. Eustis. I'd

1       like to introduce my associate, Ms. Kate. Who will  
2       be our friendly timekeeper. As I mentioned everyone  
3       will be given three minutes and when there's one  
4       minute remaining, she will hold up one minute  
5       remaining. I would appreciate if you would just  
6       acknowledge her. And then when you see the other  
7       side of that, three minutes have ended, if you're  
8       still speaking, if you would go ahead and start to  
9       wrap up. Thank you very much. Next comment is  
10      going to come from Robert Campo, Strictly Business  
11      Oysters, LLC.

12               MR. CAMPO: Hello, my name is Robert  
13      Campo. I'm an oyster fisherman in St. Bernard  
14      Parish, and I'm also an elected board member of the  
15      St. Bernard Fisheries Review Board.

16               And one of the questions that I have to  
17      ask tonight, because my phone is going to ring off  
18      the hook when I walk out of this meeting, is the St.  
19      Bernard people going to be involved in this Oyster  
20      Cultch Rehabilitation Program? They want to be  
21      involved in it. So many St. Bernard fishermen want  
22      to be involved, just like I want to be involved.

23               And one of the things that we can't  
24      forget, I mean, you know, I just want you to  
25      remember this, today is the end of shrimping season

1 for, you know, the remainder of this year, and that  
2 won't reopen until May. And, you know, the state  
3 Wildlife -- State Wildlife and Fisheries closed down  
4 the state oyster reefs until next year. So, you  
5 know, all of these people are out of work.

6 So they want to be involved. They have  
7 boats that will be tied up and they're willing to go  
8 out there and do it. And nobody knows how to bed  
9 oysters or better -- cultch oysters better than we  
10 do. You know, just keep it in mind that these  
11 people of St. Bernard want to be involved and they  
12 have to be involved.

13 So that's, you know, like I said my phone  
14 is going to ring off the hook when I walk out of  
15 this meeting tonight. And I know I'm going to get  
16 5 million calls before I get to my house right here  
17 in Meraux. So just remember to keep us in mind and,  
18 you know, that's all I want to ask you guys. Thank  
19 you.

20 MR. FRANKLIN: Thank you Mr. Campo. Next  
21 speaker is Mrs. Leslie -- I'm going to butcher the  
22 name again and I've asked you 10 times -- Carrere.

23 MRS. CARRERE: Carrere.

24 MR. FRANKLIN: Carrere.

25 MRS. CARRERE: I'm back.

1                   MR. FRANKLIN: All right. Restore the  
2 Earth Foundation in Gulf Saver Bags.

3                   MRS. CARRERE: Good evening everyone. I  
4 feel like we should be in a big circle, 'cause we're  
5 collective and we're all trying to make it right  
6 together. So, I feel like everyone's behind me, but  
7 I'm going to face 'cause it's more comfortable for  
8 me to speak, but I'm a little shy.

9                   So, tonight I'm going to cheat a little  
10 with my sheet. But, thank you for all the work of  
11 trying to bring everybody together to make it right.  
12 And I'm just going to share a little bit.

13                   I'm with Restore the Earth Foundation,  
14 we're the Gulf Saver Initiative. We have one of the  
15 first projects on the ground since the oil spill out  
16 at Pass Luke Wildlife Management Area. Restoring  
17 wildlife habitat, working with Wildlife and  
18 Fisheries, and it was a national campaign that was  
19 fundraised and we are community based. And we had  
20 tremendous support all over the country including,  
21 Plaquemines Parish members, right, left, and center,  
22 and particularly Wildlife and Fisheries.

23                   We began this demonstration, the Gulf  
24 Saver Bag is a biodegradable, self-containing  
25 package of native plants with its own specific

1 custom mix supply of natural nutrients to support  
2 the -- and protect the native vegetation.

3 It's a stability kit that jump-starts  
4 growth and survivability, in the face of storm  
5 surge, wave action, and rapid erosion. Unlike the  
6 traditional methods of plants and plugs and it  
7 creates an environment for slow creation.

8 And what it does when you -- it is -- it  
9 is user friendly, it's a biodegradable, burlap bag,  
10 it is as much of a volunteer effort as you would  
11 like it to be. It is scalable, equitable, and we  
12 began this demonstration with different  
13 configurations. And after three deployments, we've  
14 been able to show that it's wildly successful in  
15 terms of returning your habitat at a rapid rate for  
16 biomass coverage for your NRDA, your DCA credits,  
17 your HEA credits, habitat restoration.

18 It meets all your criteria for  
19 consideration, for practical, we can begin it  
20 tomorrow, we can deploy it in a week, we can scale  
21 it, we can take it everywhere, it's custom made for  
22 whatever the site may be. The bag is a soil  
23 cocktail that's spiked with oil-eating microbes, so  
24 it depends on how much you want to mediate the site  
25 and we feel it is a tremendous enhancement.

1           We'd like to be considered for your  
2           Hermitage Project and the many others. It's like  
3           the icing on the cake that's stabilizes the dredged  
4           material, whatever you're doing, to get it to hold,  
5           reproduce, and be as successful as soon as possible.

6           And we're all about collaborative  
7           partnerships and we wouldn't be here today without  
8           those collaborative partnerships. We've had the  
9           support from so many in the Louisiana community and  
10          nationwide.

11          People like, the Gulf Restoration Network,  
12          Plaquemines Parish, US Fish Wildlife Services, and  
13          we'd like to be considered as you go forward as a  
14          collaborative partner for many of the projects that  
15          are in the pipeline. And it really is cost  
16          effective in terms of early delivery and project  
17          success.

18          So thank you for your time and please keep  
19          us in mind and we're all about working together with  
20          all of you. Thank you.

21          MR. FRANKLIN: Thank you Mrs. Carrere.  
22          And next we have N. "Mac" Mackenzie.

23          MS. MACKENZIE: Thank you. The main  
24          reason that I came out tonight was not necessarily  
25          about the projects, although they go -- they're

1 related. I've shown some of you this, but I've  
2 recently got this graphic -- shown from BP that  
3 there's only four miles left to be cleaned. And --  
4 out of 4,300-miles that's really good, they did  
5 great, but I think we all know differently.

6 And so I'm concerned about -- I don't  
7 know, but Robert would probably know better. But to  
8 make sure that the areas are cleaned before we put  
9 anything alive in there.

10 Now, I wouldn't trust BP to say it was  
11 clean and honestly I don't know if I trust our Coast  
12 Guard to say that it's clean. I saw that they  
13 wanted to sign off on the early cleanup, but the  
14 cleanup was done and I don't think that's right.  
15 So, those are the main things that I wanted to say.

16 And I also -- I was just doing some quick  
17 math and I don't quite understand why, besides the  
18 building for the Oyster Hatchery why our program --  
19 we have 850 acres whereas Mississippi has 1,430 for  
20 less money. So, I don't know if that building  
21 sounds really, really expensive to me. Again,  
22 Robert would probably know more about whether that's  
23 worth it or not, but that's a lot of money and I  
24 don't know if we can work--

25 MR. BARISICH: We got a better deal.

1 MS. MACKENZIE: We did?

2 MR. BARISICH: Yeah.

3 MS. MACKENZIE: 'Cause we're paying more  
4 for --

5 MR. BARISICH: No, no. They have to go --

6 MR. CAMPO: We got to go a hell of a lot  
7 further than what they've got to.

8 MS. MACKENZIE: We have separate areas  
9 too. I noticed them, you're probably right. But  
10 anyway I just noticed that. So --

11 MR. BARISICH: They're 10 minutes away  
12 from the beach, and we are miles.

13 MS. MACKENZIE: I got you. All right.  
14 But yeah, I think that -- I've been down to Grand  
15 Isle and it's still a mess down there. Port  
16 Fourchon, it's still a mess there, and I think that  
17 we really need to be honest about that when we're  
18 looking at the projects. So, thank you for your  
19 time.

20 MR. FRANKLIN: Thank you Ms. Mackenzie.  
21 Next speaker Jill Mastrototaro, Sierra Club.

22 MS. MASTROTOTARO: Good evening. I'm Jill  
23 Mastrototaro, Gulf Coast Regional Director for the  
24 Sierra Club in Eastern New Orleans. And for those  
25 of you that aren't familiar with the club, we're the

1 nation's oldest grassroots and environmental  
2 organization. And we've been fortunate enough to be  
3 on the ground in the Gulf Coast for well over 40  
4 years just in Louisiana alone.

5 And so because of that we've been active  
6 since, the beginning of the disaster. Working  
7 alongside many of our colleagues and partners and  
8 allies on the ground to ensure that the region is  
9 whole again. And a big part of that has been  
10 focusing on public participation in the process and  
11 certainly in the NRDA process.

12 It's not necessarily a very user friendly  
13 for unforeseeable process, for all of us who have  
14 been very new to it, but we recognize that the  
15 unprecedented magnitude of this disaster. The fact  
16 that we're in an Early Restoration phase right now  
17 really elevates the value and importance of public  
18 engagement.

19 And since the beginning, we've been  
20 advocating for a Public Advisory Committee for not  
21 just Louisiana, but to encompass the region that  
22 would present state holders and community leaders  
23 who live, work, and play along the Gulf and having  
24 more than an engaged role in this process.

25 Obviously, Louisiana mentioned they have an Oyster

1 Advisory Committee, so we'd like to actually take  
2 that a step further and see if the Trustees create  
3 posthaste a formal Public Advisory Committee.

4 That would not just engage in the Early  
5 Restoration process, but understand the project  
6 selection criteria. The matrixy of some of the  
7 decisions being made behind what's going on that we  
8 see here tonight, the offset process.

9 Ultimately, we hope that BP will not just  
10 be paying \$1 billion towards NRDA injuries, but that  
11 there will be more funds to come. In so recognizing  
12 that there are not just 5, 10, 20 years in the  
13 making of this process, but decades. And so many of  
14 the faces in this room and that I see before me  
15 right now won't necessarily be here in five to 10  
16 years.

17 So, it's imperative that we have a more  
18 formal public committee to help shepherd this  
19 process into the future. And we stand committed to  
20 working with you, to help make that happen.

21 The second point is that we have been very  
22 concerned regarding a programmatic environmental  
23 impact statements and where that actually stands.  
24 Recognizing that there were the public hearings  
25 about this time last year in the spring, but

1 understanding that, that has been a much slower  
2 uptake.

3 And so we really feel it imperative that  
4 because these are not individual projects that this  
5 is a programmatic and holistic perspective that  
6 needs to be taken on the injuries that we need to  
7 have this programmatic "yayas" come out immediately.  
8 So that we can collectively understand the thinking  
9 behind the decisions and the projects being  
10 selected. And to ensure that there is also  
11 monitoring in place for the long term.

12 And I also understand, just in final  
13 closing that the NGO, Gulf Future Coalition,  
14 Sunshine on the Gulf Report has been entered into  
15 the public record. I did bring an electronic copy  
16 tonight to save paper. So, I would like to submit  
17 that tonight, but we will also be providing some  
18 more comments before the comment period end. And  
19 thank you again.

20 MR. FRANKLIN: Thank you. And again if  
21 you feel inclined to do a verbal comment, if you  
22 will just raise your hand, and we will get a blank  
23 card to you. Next comment is coming from George  
24 Barisich, President United Commercial Fishermen  
25 Association. And if you would say your name, sir

1 and your organization please.

2 MR. BARISICH: No problem. It's George  
3 Barisich. Thank you very much for coming to our end  
4 of the world. United Commercial Fishermen  
5 Association was started here and it spread across  
6 the four states, which brings me to my first issue.  
7 Is the fact that we split this money up equally  
8 going to set a precedent for when this money does  
9 come down? Because you know Louisiana took more of  
10 a beating, than every other state. I'm not sure if  
11 it's going to be or not, but flag that one.

12 The next problem I've got is, is the  
13 problem with BP overseeing the money. You can do  
14 all this work, we can do all this work, and they can  
15 do like they've been doing in this other part that  
16 we've been screwed over, no, no, you know, so that's  
17 a big problem, okay.

18 And I want to reiterate what Mr. Campo  
19 said. Robbie sits on the board of the American  
20 Merchant Fisherman Association. Since day two after  
21 they capped it off -- before they capped it off they  
22 were talking about, discussing rebuilding, because  
23 we didn't know how long it was going to take.

24 They promised that they were going to put  
25 us to work to do this, you know, and I've been

1 fighting the issue for 20 years. And every time  
2 that comes to a head, we get bumped, they tell you  
3 it's not financially feasible to hire me to do it,  
4 even though I'm going to do a better job. So, take  
5 that into consideration.

6 I may not get as many acres, but I'm going  
7 to put this man to work, I'm going to buy fuel, I'm  
8 going to put all of my deck hands to work. It's not  
9 just rebuilding that reef, it's rebuilding that  
10 industry that you demolished. Understand this is  
11 not just the resources you looking at, it's all of  
12 the impacts.

13 Now we'll go a step further with that, I'm  
14 really upset about the fact that you gave NOAA a  
15 \$100 million out of here. NOAA got 200 million  
16 already to make it look like the shrimpers killed  
17 the turtles. That was upsetting to start off with,  
18 now you going to give a another hundred million.

19 I got a proposal for you, take the hundred  
20 million that NOAA shouldn't have got, hire these  
21 fishermen, and we will rebuild these reefs, and put  
22 them on our private reefs. So, we're not sure that  
23 the state reefs are going to recover. In another  
24 five years when the cold of 2012 comes, they are  
25 going to kill, who's going to fix. So, let us fix

1       some of our own leases and get them going back up to  
2       keep an oyster industry alive.

3                Y'all made a comment that the billion is  
4       more than what the Valdez people got. The first  
5       judgment was 5.6 billion and then the court system,  
6       the Supreme Court, knocked it down to 507 million.  
7       You know, we don't want to see that happen again, so  
8       just don't praise them that they gave a billion away  
9       -- a billion already. In fact, they didn't give it  
10      because they didn't approve it yet.

11              I got another problem with all the  
12      Trustees being governmental agencies. You know,  
13      we've getting screwed by the governmental agencies  
14      for a long time especially, commercial fishermen  
15      industries. And, you know, even though I sit -- a  
16      lot of us sit on task force, we've got task force  
17      members here, you know.

18              We just got one little boat and I'm real  
19      concerned -- I'm really concerned about my life  
20      being held in the balance for somebody who really  
21      doesn't have a vested interest in it.

22              And lastly, you talked about having to  
23      replace stuff, you know, turtles that died. You got  
24      to replace them. I'm going to give you another  
25      piece of advice. Why don't you go to Costa Rica

1 where they allowing people to kill turtles and eat  
2 turtles. While I got to go out of business trying  
3 to save them, real cheap. Thank y'all very much for  
4 coming, take care.

5 MR. FRANKLIN: Thank you. Next comment is  
6 coming from Mr. Kris Van Orsdal, Ocean Conservancy.

7 Mr. Orsdal: Hi. How are y'all doing  
8 tonight? Nice to see you again. Kris Van Orsdal,  
9 Ocean Conservancy. First of all, I'd like to start  
10 off by saying, on behalf of the Ocean Conservancy we  
11 appreciate the work that the trustees are doing to  
12 try and hold BP accountable, to the best of your  
13 ability to do that. We know that it's a challenge  
14 day-to-day, we believe that you are advocating on  
15 our best behalf.

16 We also want to -- I also want to comment  
17 back behind George. As many of you know, I spent a  
18 long time trying to help the commercial fishing  
19 industry in this state and George and the guys that  
20 are sitting behind me, are absolutely are correct.  
21 These guys know what they're doing. They took a  
22 hammer and they've taken a pounding and they really  
23 at the end of the day.

24 If there's any way in your process that  
25 you're going to be able to incorporate the

1       incredible knowledge and skills that these guys have  
2       in the restoration process they will do it  
3       efficiently, they will do it with passion, and they  
4       will help make sure that the reefs, and the  
5       restoration process takes place.

6                I know that, technically, this is not  
7       something that's involved in the process, but don't  
8       discount the value and the skills of the commercial  
9       fishermen of the Gulf of Mexico.

10               That said, we stand completely and want to  
11       say that the Ocean Conservancy understands and  
12       supports the first two projects that have come forth  
13       in the state of Louisiana. We believe that the  
14       restoration of the state's oyster resources are, you  
15       know, a very important, not only from an ecosystem  
16       perspective, because of the fact that they're  
17       restoring the marshes, the exterior contacts, and  
18       all that. But they are also, when done effectively,  
19       can really help with storm surge protection, with  
20       restoring and helping and maintaining our close to  
21       marshes. So, on behalf of natural resource use we  
22       send support.

23               We also understand in the State of  
24       Louisiana that we have a very unique relationship in  
25       the use of our public and private grounds in the

1 relationship that's taking place between those two  
2 entities. And we also applaud the fact that at this  
3 very early stage, the early sets of money that you  
4 are looking at, as George mentioned, the impact of  
5 the resources had on the community. And we also  
6 would like to just recommend, on the backside of  
7 this that when you're looking out ahead, Louisiana  
8 has been a leader in the oyster industry, we are the  
9 biggest by far.

10 Please consider a couple of things looking  
11 ahead, look to the NGO's, and the others that try to  
12 assist you with creating adaptive management  
13 strategies of long term monitors. So, that as these  
14 projects are put out in place that the public and  
15 everyone can understand that they're being  
16 effective. I think you'll find you're going to get  
17 support for that.

18 Also, look towards the development of  
19 telling and assisting the public understand how the  
20 Coastal Restoration broader, State of Louisiana  
21 Coastal Restoration strategy, is working with the  
22 series of oyster projects that are coming in. I  
23 think that, that's something that will help out over  
24 a long term plan. And we know the Wildlife and  
25 Fisheries and you guys are working on that.

1           So, again we appreciate both of the  
2 projects, the Lake Hermitage Project and the Oyster  
3 Restoration Project. And use of the plant, the  
4 Grand Isle facility and using the scientist and  
5 expertise of our Wildlife and Fishery staff. So,  
6 not only today, but into the future we'll be able to  
7 rebuild these reefs. Thank you so much.

8           MR. FRANKLIN: Thank you Mr. Van Orsdal.  
9 Next comment is coming from Ms. Angela Alef.

10           MS. ALEF: I'm Angela Alef, I'm a resident  
11 of St. Bernard Parish. I'm really interested in  
12 seeing the part -- I know you had 10 meetings now,  
13 but I'm concerned that the issue of carbon credits  
14 has not been a part of the discussion or in any of  
15 the documents that I gathered tonight.

16           It seems to be a big part of what's on our  
17 governor's offices' mind. And I pulled up a couple  
18 of articles while presentations were being made and  
19 as late as January 19th, different outlets were  
20 talking about the governor's office still pushing  
21 for this carbon credits to help pay for the wetlands  
22 restoration and the coastal restoration. I don't  
23 think anybody from St. Bernard probably has heard  
24 about that, knows about it, or has been explained.  
25 But basically, it's based on global warming.

1           Global warming, which is at best debatable  
2           at this point. It doesn't make me feel good that  
3           the Sierra Club and Trust Republic Lands and  
4           different conservation groups are involved in this  
5           process.

6           It certainly unnerves me to think that we  
7           would provide an infrastructure that were suggested  
8           by the Sierra Club representative, to make sure that  
9           they always have the most say in what's happening  
10          here, because mind you of everything after looking  
11          at it, is that this is really above and beyond any  
12          concern for St. Bernard residences.

13          It's a land and a money grab, the carbon  
14          credits with Entergy. And I can explain this to  
15          anybody who wants to know after. It's definitely a  
16          money grab and the land grab is -- speaks to a lot  
17          of what George just spoke to. Concerned -- we hear  
18          about habitat and biomass and turtles and all of  
19          this, but we don't hear about the humans. Because  
20          that's not really the consideration here.

21          And I'd just like to leave you with this  
22          message for Governor Jindal, he must have missed the  
23          memo, but the RMC passed a resolution against  
24          exactly what I'm talking about on January 14th, and  
25          it's up. And if he's not aware of it, he needs to

1 be. Thank you.

2 MR. FRANKLIN: Thank you Ms. Alef. And I  
3 want to apologize, because I call you up in the  
4 order in which your cards were submitted. And I  
5 overlooked the gentleman who filled out the first  
6 card. And so we will wrap up with Mr. Jeff Dorson,  
7 The Humane Society of Louisiana.

8 Mr. Dorson: Thank you for this  
9 opportunity. Our perspective is wildlife and the  
10 infrastructure that would help wildlife  
11 rehabilitation.

12 Louisiana believe it or not, has a very  
13 weak structure. Before the BP spill it was  
14 strengthened with deployment from people from  
15 outside the state to come help. Now, it's gone --  
16 coming very weak again. The system -- the public  
17 thinks it somehow -- it can -- an injured animal, if  
18 you discover say, an injured Cooper Hawk, you call  
19 Wildlife and Fisheries, they'll send an agent out,  
20 take it to a state vet, who works at a state  
21 hospital, and somehow the bird is recovered and  
22 released. None of that is true.

23 Unfortunately, what we have is an  
24 inability to help this wildlife in a very normal  
25 structure. We have volunteers that are licensed

1 through the state, called Wildlife Rehabilitators.  
2 We've lost 20 of them. We're down to 30 throughout  
3 the whole state.

4 So, if you come upon an injured animal, it  
5 is up to you to put in the backseat of your car,  
6 figure out who to call, take it to them personally,  
7 and they usually work in the back of their home or  
8 garage, to rehabilitate what is a state animal, a  
9 native animal. They are not compensated. They are  
10 not even paid for their expenses.

11 The structure is very lacking. We're  
12 asking you to consider something far different and  
13 that is to fund clinics, permanent structures for  
14 wildlife rehabilitation, fully staffed with training  
15 facilities, modern laboratories. None of that is  
16 available. Very hard from our perspective of why  
17 this is occurring, year after year after year.

18 So, I urge you all to take a look at what  
19 is available now that's very little. What can we do  
20 to support it so that -- as far more effective in  
21 dealing with injured wildlife and orphan animals  
22 that are native to our state. Thank you for that  
23 consideration.

24 MR. FRANKLIN: Thank you, Mr. Dorson. The  
25 draft plan that has been referred to tonight, there

1 are hard copies in the rear of the room, if you  
2 would like to take one of those on your way out.

3 There's also electronic copies and there  
4 are also copies at the libraries, all the way from  
5 Calcashou Parish to St. Bernard Parish. And so, if  
6 this is information that you want to get others to  
7 understand, get to read it, there are copies in the  
8 community and we invite you to go out and also  
9 spread that information.

10 If you did not make a comment tonight and  
11 would like to take one of these forms, there in the  
12 rear of the room and there is a mailing address that  
13 you can drop this in the mail. And before I  
14 conclude and hand it over to Drue to wrap up this  
15 evening's program, are there any others who would  
16 like to come forward to make a verbal comment before  
17 we conclude this portion of tonight's meeting? We  
18 have one other, okay. If you would just state your  
19 name and organization. Thank you sir.

20 MR. MELERINE: Ricky Melerine, I'm  
21 Fisheries and Water Management, manager for St.  
22 Bernard. I've been to many of y'all's meetings, but  
23 first of all I'd like to say, you know, thank y'all  
24 for coming to St. Bernard. I wish we could've had a  
25 longer notice. We're going to handle things like

1       that as it comes.

2               We developed a website in St. Bernard and  
3       a Fishery Department that people will be able to go  
4       to now on the St. Bernard website. Go into the  
5       Fishery Department and look at anything coming down  
6       the pipeline, so that was just done last week. So,  
7       that's something new that we're trying to get more  
8       and more communication.

9               And again I've been to so many meetings,  
10       in fact I think if Drue was to not be able to make a  
11       meeting, I think I could give her presentation.  
12       Every meeting I've been to she's there giving that  
13       presentation and a good job.

14               Again thank y'all for the hard work and  
15       all that's done. Any project that does come about  
16       is, is great and we support it, because of not  
17       having anything done before. So, any projects that  
18       come about, St. Bernard would like to again thank  
19       y'all for the projects, yes, we do.

20               I do have to go ahead and copy what George  
21       said and Robert said that we're concerned about  
22       projects, but we're also concerned about local  
23       people. If there's a chance of getting hired, they  
24       have more knowledge than anyone in their own  
25       environment, and they can do a better job. So, I

1 stress that and I stress that at every meeting I go  
2 to. We love the project we -- all of the projects  
3 seem to be great projects.

4 And when it comes down to it, we'd like to  
5 know if someone can give us -- how is the funding  
6 going to be dispersed? Is it going to go through  
7 state, then through wildlife, then come to parish?  
8 Or are we going to be -- three of us are going to be  
9 all brought into this as a group? That way the  
10 parishes who are all involved in projects they have  
11 somewhat of a control. So, that is something that  
12 I'd like for y'all to think about.

13 And again thank y'all for coming and  
14 hopefully we can get all of these projects done. In  
15 fact, I wish we could have that whole draft of the  
16 map to plan done, with the 1500 projects. Which I  
17 know that's not going to happen, because of funding  
18 and all and there will be a plan come for that draft  
19 and all. I know there is a lot of comments  
20 tonight -- go down on that, because St. Bernard  
21 loves all of the projects, but we don't agree in the  
22 phases that they're going. And I'm talking about  
23 the master plan. So, and thank y'all again for  
24 coming.

25 MR. FRANKLIN: Thank you so much and if

1 you would just complete the card with Nancy I would  
2 appreciate that. Any others that would like to give  
3 verbal comment tonight at the microphone? If you'll  
4 state your name and your organization for the record  
5 before you begin speaking. Thank you.

6 MS. NGUYEN: My name is Anh-Dao Nguyen.  
7 I'm the Vietnamese coordinator for S.E.A.F.A., which  
8 is the nonprofit organization -- association for the  
9 Vietnamese and other Southeast Asian Fisher folks  
10 that are affected by the oil spill.

11 Due to the language barrier and lack of  
12 translation and interpretation services, as you  
13 can see all the town hall meeting or a public forum  
14 that I have attended, none of the Vietnamese  
15 Americans or either the Asian showed up for the  
16 meeting to participate.

17 So, I wanted to voice my agreement with  
18 the -- the "oyster guy", I'm sorry and Tony. That  
19 with all of you guys should consider us, the  
20 Vietnamese Americans, and other Asian Fisher folks  
21 into the projects and as of the work force or so.  
22 As some of them, most of the them, they have fish  
23 all of their life before they came to this country.

24 So, they don't know, they may not know as  
25 much as the natives here, the natives' fishermen

1 here, but their knowledge of fishings -- of fishing  
2 is great. So, we like you to involve them, to  
3 include them in your planning and in your execution  
4 of the projects.

5 MR. FRANKLIN: Thank you very much, and if  
6 you'll also complete a card for us for the record,  
7 thank you.

8 If I could just thank the trustees  
9 representatives again for participating in this  
10 meeting, this evening. And if you have comments and  
11 you did not submit those tonight, please don't  
12 forget about the February 14th deadline. And to  
13 close it out tonight, Ms. Drue Banta.

14 MS. BANTA: Thank you all so much for  
15 joining us this evening. We truly appreciate your  
16 time, your input, your comments, and your  
17 participation in this process. Public input is  
18 invaluable to the process, and we hope that you  
19 learned some information tonight and we certainly  
20 have gained some information from you all.

21 We hope to continue the dialogue, please  
22 remember that this is still a draft plan. Your  
23 comments will be reviewed and addressed before the  
24 plans finalized. And there will be future rounds  
25 of -- of Early Restoration plans as well as the

1 continued long term assessment of our resources  
2 through the Natural Resource Damage Assessment  
3 process.

4 So, please continue to interact with us,  
5 have a dialogue with us, come to our meetings.  
6 These are your meetings, as well as they're our  
7 meetings, and we hope that you'll continue this  
8 dialogue with us for quite some time as we work  
9 through future phases of Early Restoration and the  
10 long term assessment process. So, thank you all  
11 again for coming tonight.

12 If you have any additional questions,  
13 we've got some subject matter experts who will be  
14 here for a few minutes after. So, if you need  
15 anything else please feel free to reach out to them  
16 and they can answer any additional questions. Thank  
17 you all so very much for coming.

18 (Time Noted: 7:44 p.m.)

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I, SAMMANTHA MORGAN, Certified Court Reporter, do hereby certify that the testimony was reported by me, transcribed under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That I am not of counsel, not related to counsel nor to the parties hereto, and have no interest in the outcome of this event.

I further certify that the witness was placed under oath by me to truthfully answer all questions in the matter.

\_\_\_\_\_  
SAMMANTHA MORGAN, CCR #2011016  
Certified Court Reporter  
State of Louisiana

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DRAFT PHASE I ENVIRONMENTAL  
RESTORATION PLAN/ENVIRONMENTAL ASSESSMENT  
PUBLIC MEETING  
EMERALD COAST CONVENTION CENTER  
FORT WALTON BEACH, FLORIDA  
JANUARY 11, 2012  
7:00 p.m. to 8:30 p.m.

SPEAKERS

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PERRY FRANKLIN,  
Professional Facilitator, Franklin Associates

MIMI DREW, Florida Department of Environmental  
Protection Special Advisor, Florida Trustee  
Representative

NICK WILEY, Florida Fish and Wildlife Conservation  
Commission Executive Director, Florida Trustee  
Representative

BRIAN SPEARS, Restoration Program Manager,  
Department of the Interior

LEE EDMISTON, Florida Department of Environmental  
Protection NRDA Science Expert

DEBRA MCLEAN, Department of the Interior

DAVE PARISOT, Vice-Chair, Okaloosa County Commission

1           MR. PERRY: My name is Perry Franklin. I will  
2 be serving as tonite's facilitator. I would like  
3 to welcome you to the Deepwater Horizon Oil Spill  
4 Natural Resource Damage Assessment Early  
5 Restoration Public Meeting.

6           Over the next three weeks, there will be  
7 public meetings held in the states of Florida,  
8 Alabama, Mississippi, Louisiana, Texas and  
9 Washington, D.C.

10           The objective of tonight is to receive your  
11 comments on the proposed projects included in the  
12 Draft Phase I Early Restoration Plan.

13           There will be a dedicated comment period  
14 following a PowerPoint presentation, which will  
15 give you updated information on the early  
16 restoration process. Please hold your comments  
17 until we get to that portion of tonight's meeting.

18           Let's go ahead and get started. If you would  
19 like to learn more about the Draft Early  
20 Restoration Plan or the projects proposed  
21 specifically for Florida or have come to provide  
22 additional input, you are in the right location.

23           At this time, if everyone could find a seat,  
24 there are many seats up front, and silence their  
25 cell phones, we will proceed.

1           Please take any personal conversations, if you  
2 will, into the hall or outside to keep the noise  
3 level down and to respect your fellow neighbor.

4           Providing tonite's sign language  
5 interpretation services are Charity and Daphne Cox.  
6 You also see we have a court reporter on hand to  
7 ensure the accuracy of tonight's proceedings.

8           First I would like to draw your attention to  
9 the handout packet which outlines the early  
10 restoration process, which also contains a listing  
11 of the proposed projects. If you did not pick one  
12 of these up, it's a very important reference  
13 document, and we can always give you one if you  
14 will just raise your hand or after the meeting you  
15 can go back to the open house portion of the  
16 meeting.

17           In the open house area, you will find many  
18 subject matter experts, human health, seafood  
19 safety, Gulf Coast Ecosystem Restoration Task Force  
20 and others, which though are not the focus of  
21 tonight's meeting, they may be of interest to you  
22 and are here for your convenience.

23           If you have questions or want more information  
24 on these topics, we encourage you to visit the open  
25 house area during or after tonite's meeting. The

1 experts staffing the stations will also be on hand  
2 until the last person leaves.

3 Additionally located in the same area, there's  
4 an input section where you can type in your  
5 comments if you do not want to give oral comments  
6 this afternoon or this evening, and we will discuss  
7 other ways that you can give your comments.

8 Tonight is about you. This meeting will have  
9 two parts: First, there will be a presentation to  
10 provide you with more detail on what has occurred  
11 thus far with regard to the development of the  
12 early restoration projects.

13 The second and most important portion will be  
14 an opportunity for you to provide comments on the  
15 proposed projects included in the Draft Phase I  
16 Early Restoration Plan.

17 Your comments are integral to the  
18 implementation of these projects that begin to  
19 compensate for natural resource injuries, including  
20 the loss of human use of Gulf resources.

21 When you checked in, there was an opportunity  
22 to sign up to provide oral comments. If you would  
23 like to make comments tonight on the microphone  
24 during the second half of tonight's meeting, please  
25 raise your hand, and we will get one of these cards

1 to you so that we can put you on that list.

2 Is there anyone who would like to make  
3 comments who did not fill out one of these cards?  
4 Please raise your hand. It's not the last  
5 opportunity. So just think about it. If something  
6 hits you and you want to come forward, at any time  
7 of the meeting you can go back to the sign-in table  
8 and put your name on one of these cards and we will  
9 call you up.

10 There are four ways to get your comment into  
11 the record. Tonight verbally, tonight at the input  
12 stations that are across the hall. You can also  
13 fill out a hard copy and leave this with us or mail  
14 it in, or you can go online and there are several  
15 websites that you will learn about tonight.

16 On the second page of your handout, there are  
17 the website addresses for your convenience. Please  
18 remember the comment period is open until  
19 February 14th.

20 The objective of tonight's meeting is to share  
21 updates with you and to receive your comments on  
22 the proposed projects that are included in the  
23 Draft Phase I Early Restoration Plan.

24 On behalf of the trustees, I would like to  
25 thank everyone for attending. And to formally

1 begin tonite's proceedings, I would like to ask  
2 Mimi Drew, who is a Florida Trustee with Florida  
3 Department of Environmental Protection, to come  
4 forward. Ms. Drew?

5 MS. DREW: Thank you very much, Perry.

6 Welcome everybody, and it's great to see you  
7 all again. I've seen a lot of you over the last  
8 year or so, as we've had these public meetings. I  
9 appreciate your continuing interest in following  
10 the process.

11 The process, as you know, has been  
12 time-consuming and complicated and hopefully  
13 tonight after our presentations you will have a  
14 better feel for where we are in that process.

15 Before I begin my comments, I want to  
16 recognize my fellow trustee and good friend and  
17 colleague, Nick Wiley. He's the Executive Director  
18 of the Florida Fish and Wildlife Commission. Nick  
19 and his staff have been working with us on these  
20 projects.

21 Nick, if you would like to say a few words.

22 MR. WILEY: Thank you, Mimi. Maybe it's  
23 working now.

24 Hi. Thank you for the introduction. We're  
25 really honored to be here and to be a part of this

1 process. I just want to let you know. I see  
2 familiar faces out there. The people you see at  
3 this table and many of those that are working on  
4 this process, we are here with you too during the  
5 response. When everybody was really worried and  
6 concerned about what would happen and where things  
7 were headed. So we're all following now through  
8 this process, with a lot of passion and interest  
9 and concern for the impacts on the Gulf community  
10 and our resources that are precious to all of us.

11 So thank you for coming and taking the time to  
12 continue to be a part of this process and see it  
13 through. Your comments are so important to us, and  
14 we really appreciate you coming and sharing. So  
15 please don't leave with anything on your mind that  
16 you want to share. So thank you so much and thank  
17 you, Mimi.

18 MS. DREW: Thank you.

19 Also up here at the table with us is Brian  
20 Spears from the Department of the Interior. You  
21 will hear from Brian in a few minutes. Lee  
22 Edmiston from the Florida Department of  
23 Environmental Protection. And we have Debra McLean  
24 with the Department of the Interior.

25 So why are we here tonight? You-all will

1           probably recall in April 2010 when the Deepwater  
2           Horizon exploded and lives were lost and people  
3           were very frightened, and people here in Florida  
4           spent the next six to eight or more months worried  
5           about what was going to happen.

6           That explosion triggered a process that you  
7           will hear the acronym for again and again, NRDA,  
8           Natural Resource Damage Assessment. That is  
9           described under OPA 90, which is the Oil Protection  
10          Act of 1990, which was enacted after the Exxon  
11          Valdez.

12          The importance of this is, for the State of  
13          Florida, we really haven't had to deal with that  
14          law, except in a very small way, prior to the  
15          Deepwater Horizon.

16          So all of us have learned through this process  
17          that it is a process, there are a lot of steps.  
18          The step that we're at tonight is, we are ready to  
19          say to the public that we have a couple of projects  
20          that we want your comments on.

21          I think this is really good news. We signed  
22          what was called an early framework agreement about  
23          a little over a year ago with BP that set aside  
24          \$1 billion. This is the first time in history that  
25          there's ever been that kind of settlement up front

1 for early restoration.

2 The billion dollars to split among the  
3 state -- other state trustees and federal trustees  
4 and through the requirements of the law, the  
5 various trustees across the Gulf have been meeting  
6 regularly and trying to develop projects that  
7 reflect the need to restore damaged resources or  
8 lost human use.

9 So what you will hear tonight, you will hear a  
10 list of those projects and you will hear what  
11 Florida projects there are for round one.

12 What I want to make sure everybody understands  
13 is that tonite is just the beginning. It's the  
14 first set of projects. The trustees are already  
15 working on getting a second set of projects.

16 So when you come up and speak to us at the  
17 microphone, it will be really helpful if you have  
18 some thoughts about what you would like to see in  
19 the second round. So we don't want to end here  
20 tonight.

21 I think, you know, we tried very hard working  
22 with all of our trustee partners to make this  
23 meeting a learning experience. Across the hall, we  
24 have a whole lot of staff who have shown up to  
25 provide expertise on various subjects. So if you

1 haven't had a chance to go over there, I would  
2 encourage you to use the opportunity to ask  
3 questions or dig into what some of the other  
4 agencies are going. Hopefully we will be able to  
5 get some good comments tonight that will help steer  
6 the trustees forward as we go to the next round of  
7 the project.

8 After we conclude the presentation, as Perry  
9 said, we will open the floor up for public  
10 comments. But if you have detailed questions and  
11 you would like an answer, I would encourage you to  
12 hang around after the presentation, meet us across  
13 the hall and let us have some exchange with you  
14 about that.

15 Before I turn this over to Brian, I'm very  
16 pleased to be able to welcome Commissioner  
17 Dave Parisot, who is Vice-Chair of the Okaloosa  
18 County Commission, to say a few words. He's been  
19 working very hard with us trying to get us through  
20 this process in a way that reflects the needs in  
21 Florida.

22 MR. PARISOT: Thank you, Mimi.

23 I want to welcome -- we've got with us --  
24 again, as Mimi said, we've got people from the  
25 United States Department of the Interior, the

1 Florida Department of Environmental Protection,  
2 Florida Fish and Wildlife, and also welcome the  
3 citizens that are here this evening and have taken  
4 an interest in these programs. Welcome to Okaloosa  
5 County and Beautiful Okaloosa Island.

6 I've been working with this NRDA process since  
7 November of 2010. I actually started my first  
8 meeting on it the week before I was sworn in as  
9 County Commissioner.

10 So I'm not an expert on it as some of these  
11 folks up here at the table are, but I am learning.

12 And I personally want to thank Mimi Drew and  
13 her staff from DEP for the participation that they  
14 have been doing.

15 Back in November of 2010, we formed -- it was  
16 a seven-county coalition along the Gulf, that runs  
17 from Escambia over to Wakulla County and all the  
18 counties on the Gulf, with the idea of rather than  
19 competing on this for these NRDA projects  
20 individually as counties and competing with each  
21 other, to form a united front to channelize the  
22 restoration efforts and the damage assessment as a  
23 coalition rather than as individual counties.

24 So far, I think it's been very successful.  
25 And again, Mimi and her staff have been very active

1 participants in the meetings that we have had on  
2 that, and we really do thank you for that. Not  
3 only at the meetings, but over the phone and  
4 e-mails with the staff and addressing the projects  
5 that all eight of the counties have put forward.

6 So with that, I'm going to go back now and sit  
7 down. But at any rate, again, I welcome all of you  
8 to Okaloosa County. We hope you enjoy your stay.  
9 I know some of you are probably staying overnight  
10 because you have another meeting tomorrow evening  
11 in Escambia County.

12 Thank you again for coming, and I will turn it  
13 back to you, Mimi.

14 MS. DREW: Thank you, Commissioner. I did  
15 have an opportunity to drive across the island  
16 tonight on my way here. And I have to say it is  
17 some of the most stunning scenery I've ever seen.  
18 Thanks for arranging the weather and everything for  
19 us.

20 MR. PARISOT: My pleasure.

21 MS. DREW: Brian Spears is going to come up  
22 and take over from here. But before he does that,  
23 I want to mention something. For those of you who  
24 thinks that the government moves slowly, Brian  
25 deserves a whole lot of credit for getting the

1 product that you're going to hear tonight, because  
2 normally these plans take months and months and  
3 months, and the trustees came together and said, We  
4 have got to move some projects, and we need to do  
5 some plans, and Brian really stepped up. So I want  
6 to thank him for his help before he takes you  
7 through this.

8 MR. SPEARS: Thank you, Mimi.

9 And I want to share with you all, when  
10 somebody this important says, Spears, we need this  
11 by tomorrow, we say, "Yes, ma'am. Right away,  
12 ma'am."

13 As Mimi said, my name is Brian Spears. I work  
14 for the U.S. Fish and Wildlife Service, which is  
15 part of the Department of the Interior out of our  
16 Fairhope, Alabama office, right down the road here.

17 My job tonight is not to go into depth  
18 explaining OPA or NRDA or any of these other  
19 nebulous acronyms, but rather just give a  
20 preliminary, just a summary overview of OPA and  
21 Natural Resource Damage Assessment, to try to give  
22 some context to what we're doing here with this  
23 First Draft Early Restoration Plan.

24 So to start with OPA, the Oil Pollution Act  
25 was developed and enacted in 1990 after the Exxon

1 Valdez spill, to help give some guidance to how to  
2 respond to oil spills.

3 Within OPA, there are these regulations  
4 referred to as Natural Resource Damage Assessment,  
5 and these regulations provide laws for us to hold  
6 folks accountable and assign liability for injuries  
7 to natural resources.

8 Within the United States, natural resources  
9 are a public commodity. They're owned by all of  
10 us. And what these regulations do is allow us to  
11 hold folks responsible for oil spills and injuries  
12 to our resources accountable and help compensate us  
13 for those injuries, as it's stated in the  
14 regulations, to make the environment and our public  
15 whole for what has happened to our resources.

16 It's important to note that Natural Resource  
17 Damage Assessment is not punitive. It's not an  
18 avenue to levy fines. It's strictly related to  
19 getting our natural resources back to the point  
20 they were before the spill event. So keep that in  
21 mind as we go through the presentation.

22 The regulations designate state, federal,  
23 tribal agencies affected by oil spills as trustees  
24 for the public. Their job is to ensure that  
25 resources injured, public resources injured by a

1 spill are brought back to baseline or compensate  
2 the public fully.

3 So in regards to the Deepwater Horizon oil  
4 spill, all five Gulf of Mexico states were  
5 affected. So here you see all five states  
6 represented in the trustee group.

7 A couple of the states have different agencies  
8 within them representing them. Of course for  
9 Florida, we have the Department of Environmental  
10 Protection and the Fish and Wildlife Conservation  
11 Commission, who Lee is a part, and you will hear  
12 about more in a few minutes here.

13 For the federal trustees, we've got the  
14 Department of Commerce represented by John, and the  
15 Department of the Interior, who I'm a part of, Park  
16 Service and the Bureau of Land Management and some  
17 of the resources they manage were also affected.

18 So that sets the stage of what the group here  
19 is working together.

20 In the Natural Resource Damage Assessment,  
21 there's three main components of the process to  
22 simplify things. You start with the  
23 pre-assessment. Soon after, the trustees go out  
24 and collect data to evaluate whether there are  
25 injuries occurring or whether injuries are likely

1 to occur and whether we should go out and collect  
2 more data to evaluate that more comprehensively.

3 If so, then we go out and collect more data,  
4 and that's what is happening now with Deepwater  
5 Horizon. The assessment is ongoing. There are  
6 folks all across the Gulf still out there  
7 collecting data to further evaluate the nature and  
8 extent of some of the injuries to our natural  
9 resources, as well as start the restoration  
10 planning. Try to come up with a plan, a path  
11 forward, a scope and extent of appropriate  
12 restoration that we need to do to get us back to  
13 baseline.

14 Once that's done, then we get to restoration  
15 implementation. That's really the whole point of  
16 this whole process, to go out and restore injured  
17 resources.

18 What you will hear about tonight as far as the  
19 Early Restoration Plan is part of that process,  
20 while the injury assessment and a broader  
21 restoration planning process is still going.

22 The NRDA process is very public centric. It  
23 was set up that way. It's designed that way in the  
24 regs. It's very important to all of the trustees  
25 that we keep the public engaged, not only informing

1           them in the assessment part, but also to get the  
2           public involved in the restoration, scope and  
3           planning process.

4           That's been happening, believe it or not,  
5           since really soon after the spill happened. Back  
6           in the fall and winter of 2010, as Nick stated,  
7           while several of us were still running around  
8           collecting and cleaning up birds, there were  
9           already meetings going on, public meetings.  
10          Trustees were holding meetings across the five  
11          states, including Florida, there were a couple.  
12          Coming to you-all, not only educating people about  
13          what was going on, but trying to solicit projects  
14          right up front about what we should do about it on  
15          the restoration end.

16          The next year, Spring 2011, this was a  
17          different meeting, but scoping meetings for the  
18          preliminary Environmental Impact Statements  
19          started, which has to do with a broader, big  
20          picture restoration plan and process that is really  
21          beyond the scope of this meeting, but it helps to  
22          inform us what we would like to see.

23          And then in April of last year, the trustees  
24          signed a framework for early restoration, which as  
25          Mimi stated, is really unique in this site in terms

1 of the size of it. My last site, if we signed one  
2 of these for a million dollars, we thought we were  
3 doing pretty good for the public. So it was a  
4 really, really significant deal and big step in  
5 getting restoration on the ground, accelerating  
6 meaningful actions for Gulf resources.

7 These meetings were ongoing. We're having one  
8 tonight that we're not only accepting comments on  
9 our proposed plan for this very first round, but  
10 also we continue to go back and look at our  
11 database. Somebody asked me a few minutes ago,  
12 When is the next window for submitting comments? I  
13 said, Well, it's now, it's always, it's ongoing.

14 So we continue to keep scoping the public and  
15 looking back at the projects and discussing among  
16 the trustees as we go through our framework here in  
17 the regulations how to pull in the best course of  
18 action as we go along.

19 Of course there's more information. The  
20 websites are still up. There are multiple websites  
21 including the Florida one you can go to to get  
22 information and submit projects that the trustees  
23 do see and look at. And there's one at the bottom.  
24 I don't know if all of you can read it. It's also  
25 listed or it should be listed on the fact sheets on

1 the restoration plan itself. There's information  
2 there.

3 Okay. So I know a whirlwind, but in a  
4 nutshell, that's OPA and that's NRDA, that's what  
5 we're doing here.

6 So given the agreement last April on early  
7 restoration, that's why we're here tonight. That's  
8 what has got us to this public meeting.

9 So as I stated, the agreement with BP provided  
10 us \$1 billion worth of early restoration. Early  
11 restoration, of course, allows us to get a jump  
12 start on restoring Gulf resources before the actual  
13 assessment is completed, which is important to a  
14 lot of us.

15 As I said earlier, it's important to note that  
16 injury assessment is not going away. It's just a  
17 lot of scientists, a lot of people going out  
18 collecting data that continues to build the  
19 assessment case in coming up with what a total  
20 restoration should look like.

21 Within the framework, it allocates a billion  
22 dollars among trustees, and this is just a summary  
23 of what this looks like. There's \$500 million  
24 split equally among Gulf state trustees,  
25 prioritized restoration projects as they best see

1 fit. \$200 million split equally among Department  
2 of Commerce and the Department of the Interior.  
3 And \$300 million is set aside for Interior and NOAA  
4 to discuss basically state-proposed projects.

5 So this being said, while it gives some  
6 authority for the different trustees individually  
7 to bring forth and prioritize projects, I don't  
8 want to lose the fact on you-all that it's still a  
9 cooperative effort. As Mimi stated, the trustees  
10 still get together, we meet regularly to discuss  
11 strategies and how best to go about this.

12 There is quite a selection process that we're  
13 going through, we've been going through for a  
14 couple years. First of all, the Oil Pollution Act  
15 outlines the specific criteria that we need to look  
16 at. So that's the first and foremost threshold  
17 that we look at when we see a project and start  
18 evaluating that as far as our restoration strategy.

19 The Early Restoration Framework Agreement,  
20 which is available online, by the way, is publicly  
21 available. You can go online and read it. The  
22 outline is similar, but some additional criteria we  
23 also have to work through. I will mention that in  
24 a couple seconds here, some of that process. And  
25 then the other practical considerations that we

1 want to hit also that I will hit on.

2 This is a list of the Oil Pollution Act  
3 criteria. It gives you kind of a feeling of the  
4 first-cut threshold criteria that we look at when a  
5 project comes in.

6 Framework agreement. Again, similar, but also  
7 starts getting at how well we can implement these.  
8 The whole intent of early restoration is to put  
9 restoration out on the ground that we can implement  
10 relatively quickly and start seeing benefits from  
11 relatively quickly.

12 Again, it's not to take away the broader  
13 restoration strategy and what's going to happen in  
14 the future. But one of the criteria that we look  
15 at under the Framework Agreement is whether we can  
16 implement that quickly.

17 And of course we're always looking at whether  
18 it's technically feasible and cost effective as we  
19 vet through projects.

20 And finally some of those practical  
21 considerations I talked about. Use of types of  
22 restoration with predictable cost and likely  
23 success. I will hit on that here in a second.  
24 That's important one in negotiation framework. And  
25 again, ready for implementation.

1           So graphically, that's kind of what this  
2 process looks like. I'm not going to go through  
3 all of this specifically. This is straight out of  
4 the draft plan. So you can look in it there, and  
5 it dives into more of what this is about.

6           But basically I wanted to put this up there.  
7 Right now, we are over on the orange on the  
8 right-hand side. So the blue is supposed to  
9 represent the broader restoration plan and concept.  
10 As you see the arrow down at the bottom, the  
11 process continues, we're still on that path.

12           In the meantime, we've got this first draft  
13 proposal out to you-all, with just a real limited  
14 number of projects that the trustees felt best met  
15 all of those criteria you just saw in this first  
16 round to implement.

17           Okay. So that whole process gets to what you  
18 are here to comment and are here about really  
19 tonight, this Draft Phase I Early Restoration Plan.

20           The Phase I is important because the trustees  
21 expect that there will be a number of restoration  
22 plans, more than one at least. So this is just a  
23 very small step in getting to restoration of Gulf  
24 affected by the oil spill here.

25           Within the plan you will see two proposed

1 alternatives. Alternative A is a no-action natural  
2 recovery alternative. It's important to note  
3 that's required by the Oil Pollution Act. The  
4 trustees are required to evaluate what would happen  
5 and how we would be compensated if we do nothing.  
6 So it's not that we want to propose that, but it's  
7 required by law that we do look at that. So it's  
8 in there.

9 Alternatively, you will see Alternative B in  
10 there, the Proposed Early Restoration Projects for  
11 Phase I, which consists of the eight projects that  
12 you've been learning about tonight.

13 Each project while they all fit into this  
14 process, it's important to remember that they're  
15 each separately independent. So while the trustees  
16 are proposing the group of eight as the first  
17 round, depending on public comment, which we will  
18 be considering every comment that we receive, you  
19 may see the plan as it stands or all eight or a  
20 number of those, seven, six, five, depending on  
21 what kind of public comments received and how we go  
22 about evaluating that as we come out with a final  
23 plan.

24 So just keep in mind it's not an  
25 all-or-nothing approach, but at this time, that's

1 what the trustees propose as the best course of  
2 action.

3 Okay. This is just a quick graph that you  
4 also can see in the plan of all of the projects,  
5 starting in Florida. You will see a little dots  
6 for the boat ramps and dune restoration. Moving  
7 through Alabama, more dune restoration and marsh  
8 restoration. Moving through Mississippi, we've got  
9 oyster cultch restoration and -- I'm sorry, more  
10 marsh restoration. And moving to Louisiana, we've  
11 also got oyster restoration and more marsh  
12 restoration. So that's just a quick graphic  
13 summary.

14 Tabularly this is what it looks like for cost,  
15 and you will see this all in the draft plan. So  
16 out of the \$1 billion we've mentioned, this first  
17 proposed round is adding up to about \$57 million.  
18 Of course these are best estimate costs from this  
19 point for all of the proposals.

20 Okay. So I'm just going to go through real  
21 quickly the projects here, so we can get more of a  
22 sense of what is in the plan. There's a lot more  
23 information about how the trustees came up with  
24 each of these projects and how they fit into the  
25 selection criteria I mentioned a couple minutes ago

1 in the plan. So I would encourage you to read back  
2 through there if you're interested.

3 Louisiana project in the plan proposes to  
4 conduct some marsh restoration in Plaquemines  
5 Parish on top of an already-moving project. So the  
6 trustees thought it was a really good use of  
7 mobilized resources in that project and add on some  
8 marsh restoration that wasn't otherwise going to be  
9 able to be done. Estimated cost at the bottom  
10 there, about \$13 million.

11 Also in Louisiana is a proposed oyster cultch  
12 project, among several areas there you see in the  
13 bottom right, approximately 850 acres benefiting  
14 oysters in Coastal Louisiana.

15 The next project is also an oyster project in  
16 the Mississippi waters, doing some oyster cultch  
17 work in some already used oyster areas, about  
18 1,400 acres of cultch restoration.

19 Also in Mississippi, we've got a proposed  
20 artificial reef project, which would provide  
21 material to approximately 100 acres in nearshore  
22 artificial reef.

23 In Alabama on Marsh Island, a marsh creation  
24 project, creating and protecting salt marsh in  
25 tidal creeks.

1           In Alabama, one of the proposed projects from  
2           DOI in this plan is to conduct 55 acres of primary  
3           dune restoration, primarily consisting of work with  
4           some sand fencing and planting.

5           And then we've got Florida projects. And  
6           since Florida was gracious enough to host us, we're  
7           going to kick off with Lee Edmiston from Florida  
8           Department of Environmental Protection to go  
9           through those with you. Lee?

10           MR. EDMISTON: Thanks and welcome.

11           I harken back to November of 2010 when we had  
12           our first meeting on NRDA, and it was at this  
13           location, with local government officials.

14           So I bring that up to say that for the last  
15           year, we have been looking and soliciting  
16           restoration projects from citizens, local  
17           governments, state agencies, nongovernment  
18           organizations, et cetera.

19           And I stress again that the Early Restoration  
20           Project process is the first round. The \$1 billion  
21           dollars is a down payment. There will be more.  
22           But this is a beginning. And this first round that  
23           we're talking about tonight is the first round of  
24           the first round, so to speak. So there's going to  
25           be more projects coming.

1           Just to give you an idea on how Florida  
2 started, as I said, a year ago we started  
3 soliciting projects. The last slide you will see  
4 tonight, in your packet, there's a website, the DEP  
5 website. We have over 250 projects that have been  
6 submitted to date totaling two-and-a-half million.  
7 On that same DEP website, we have 150 projects on a  
8 second list that is the list that we are moving  
9 forward and looking at for early restoration. And  
10 what Florida has done is looked at the projects  
11 submitted, and for early restoration we have  
12 limited our projects to the eight-county area in  
13 the Panhandle that was most impacted.

14           We have projects submitted from all over the  
15 State of Florida. Those are eligible for  
16 restoration, but for the early restoration process,  
17 as I say, we've limited it to eight counties.  
18 We've also used criteria that is the practical  
19 considerations that have been mentioned in how  
20 quickly can these be done, haven't they been  
21 permitted, what's the permitting process that will  
22 take awhile, how quickly can they be completed, and  
23 also is there matching funds available to stretch  
24 to get the biggest bang for the buck.

25           So those are the criteria generally that the

1 State of Florida has used to get to this  
2 150-project list. And from that, we have looked at  
3 the projects and we have projects that we have  
4 moved forward in the first round, and we have  
5 projects we are working on for the second round.  
6 So as I stress, this is just the beginning.

7 One of the things that's a little unclear in  
8 the NRDA process, the Natural Resource Damage  
9 Assessment, it mainly focuses on ecological  
10 restoration. But there is a caveat in there that  
11 you also look at human use laws.

12 As many of you know, Florida had a large human  
13 use loss. Let me explain what human use loss is.  
14 This is not the economics that was set up by BP to  
15 repay people for their lost economic use. This is  
16 the loss that the public suffered because they were  
17 unable to use the natural resources in the State of  
18 Florida or the services. And this includes  
19 boating, fishing, beach-going, any kind of boating  
20 activities, snorkeling, diving, et cetera.

21 So because of the vast amount of tourism that  
22 goes on, especially in the Panhandle, we've  
23 suffered a large loss of human use. That's one of  
24 the reasons that Florida is addressing some of this  
25 in the first round, along with some ecological

1 projects.

2 So that's the thing you need to understand, is  
3 most of NRDA involves ecological, but also the  
4 public loss of public resources is also addressed.

5 Okay. Let me get specifically into the two  
6 projects we're going to talk about. The first one  
7 is the Florida Boat Ramp Enhancement and  
8 Construction Project. You will see on this map  
9 it's located in Escambia County. It affects the  
10 Perdido Bay system and the Pensacola Bay system.

11 There are two new boat ramps that are proposed  
12 in this project, the Mahogany Mill Project and the  
13 Perdido Boat Ramp Project. Those would be brand  
14 new boat ramps.

15 That is Mahogany Mill here on Pensacola Bay  
16 and the Perdido Boat Ramp on the Pensacola River.  
17 Then we have the Navy Point Public Boat Ramp and  
18 the Galvez Landing Public Boat Ramp. These are  
19 existing boat ramps, but they would be enhanced.  
20 There would be improvements made on these projects.

21 So these are the two projects, the four boat  
22 ramps that would be used to increase public use and  
23 regain some of that lost use of public resources  
24 because of the spill and the response in clean-up.

25 These projects were put together along with

1 local governments. They were suggested by folks,  
2 and the Escambia County Marine Resources Division  
3 and Marine Advisory Committee were also involved in  
4 submitting these projects and giving us  
5 information.

6 The estimated cost of these projects is about  
7 \$4.4 million. Again, it benefits the human use in  
8 Escambia County.

9 Okay. Again, these projects are estimated to  
10 be able to be finished in seven to 12 months. Some  
11 of them are already permitted. Some of them are  
12 undergoing the permitting process. And again,  
13 affect the Perdido and Pensacola Bay and increase  
14 use of fishing, boating, et cetera.

15 Again, these are estimated costs. The costs  
16 for the projects are about 150,000 for the planning  
17 and permitting, 3.4 million for the construction  
18 and implementation. Operation and maintenance,  
19 what we've put in here is 15 years' worth of O&M  
20 funds that would come from BP that would be used to  
21 operate and maintain these. It would save the  
22 counties money. For a subtotal of 3.7 million.  
23 And then we have project management cost for a  
24 total project cost to BP of \$4.3 million.

25 In addition, Escambia County has contributed

1 money, the \$2 million Escambia County has already  
2 sent to acquire the land for the two boat ramps,  
3 the two new boat ramps, and they've also spent some  
4 money on design and permitting.

5 So keep in mind this \$2 million provided by  
6 Escambia County for this project, because it is  
7 used as we credit these projects down the road.

8 Okay. I'm going to try to explain something  
9 that's difficult for people to figure out, and  
10 that's offsets, credits. And basically, what we  
11 are looking at is the crediting for this -- in  
12 other words, as you go through a damage assessment,  
13 you figure out what all of your losses are, whether  
14 they were monetized dollar values for human use  
15 loss or whether they were ecological values. And  
16 then the responsible party is credited for projects  
17 they do. They have to have a time period when they  
18 know they've evened the score, so to speak.

19 So the offsets are the credits that the  
20 trustees give the responsible party for the  
21 projects that they propose and that we carry out.  
22 And the offsets are credited over multiple years.

23 For example, the boat ramp project is expected  
24 to last 25 years. These are expected to be usable  
25 for 25 years. And we've -- as I've said, we've

1 included operation and maintenance as part of this  
2 for 15 years.

3 The dollar value for credits that we used was  
4 using the Fish and Wildlife Conservation  
5 Commission's Florida Boating Access Facility  
6 Inventory and Economic Study. And this is a model  
7 that they developed that we used to come up with  
8 what is the benefits to the public in dollar values  
9 of adding or enhancing boat ramps. And it depends  
10 on what you're doing, you're adding lanes, putting  
11 fish cleaning stations, et cetera.

12 So it takes into account all of these things.  
13 And the total offset is \$10.1 million. The reason  
14 I wanted you to think about the 2.2 million that  
15 was Escambia County's contribution, as we went  
16 through this model, we ran the model, and the  
17 offset number was actually greater. But because  
18 Escambia County is providing about 31 percent of  
19 the funding for these, the responsible party was  
20 only given 68 percent of the credit that the model  
21 said they were due, so to speak, because some of  
22 the money comes from BP and some of the money comes  
23 from Escambia County. So this is the way the  
24 offsetting and crediting works.

25 If anybody has questions about more details

1           about how this works, you can talk to me later  
2           after the meeting.

3           The second project we have is the Pensacola  
4           Beach Dune Restoration Project. This is located in  
5           Escambia County also. It's addressing the impacts  
6           to the dunes and the dune vegetation from the oil  
7           spill and response activity. That's the injury  
8           we're addressing.

9           It covers approximately 20 acres. This is  
10          about a 4.2-mile stretch of beach on Pensacola  
11          Beach. We would be planting vegetation  
12          approximately 40-foot wide in front of an existing  
13          dune. This would be planting about 400,000 plants.  
14          It would be a mixture of sea oats, panic grasses,  
15          smooth cordgrass, and some others. It comes out to  
16          about 20 acres of coastal dune habitat.

17          The benefits, again, are restoration of the  
18          dune and the vegetation loss, also erosion control  
19          and stabilization of the beach to prevent further  
20          loss. One of the things with early restoration is,  
21          you're looking at trying to minimize the loss and  
22          prevent further loss. Revegetating the primary  
23          dune habitat and providing a variety of benefits to  
24          the birds, turtles, et cetera, beach mice.

25          The cost of this project, the total cost is

1 about \$585,000, and that is divided. 47,000 for  
2 planning. Most of the money, 455,000, is for  
3 implementation and construction. There is  
4 monitoring as part of this project because we need  
5 to monitor the success of the project, whether or  
6 not we get a certain number of plants to survive.  
7 If not, we will have to come back in and replant.  
8 And then there's some project management costs that  
9 bring the total up to just under 600,000.

10 Okay. Getting back to the offsets. This is a  
11 little more complicated. The offsets that were  
12 offered that have been tentatively agreed upon with  
13 BP is 105 DSAYs. I'm going to try to explain to  
14 you what a DSAY is.

15 As we move through restoration, for example,  
16 if you lose 20 acres of marsh, then you need to  
17 figure out how you're going to replace the marsh,  
18 and you need to figure out a way to credit the  
19 responsible party for that replacement of marsh.

20 DSAY stands for discounted service acre year.  
21 So what we are offering is a discounted service  
22 acre year of primary vegetative dune habitat.

23 We're planting 20 acres, and part of the  
24 calculation, we use what's called a Habitat  
25 Equivalency Analysis. The calculation entails a

1 discount because created habitat is generally not  
2 as productive as natural habitat. So there's the  
3 discount added on yearly basis. You figure out how  
4 many years you expect this to survive. And the  
5 calculations include the frequency of hurricanes,  
6 the frequency of different size hurricanes, how  
7 much we expect to lose from a hurricane, and what  
8 is the value of this new marsh.

9 So the offer for the replacement -- I keep  
10 saying marsh. The offer for the replacement dune  
11 vegetation is 105 DSAYS. This is over a 25-year  
12 time period, with, again, the calculations looking  
13 at how long is this going to stay, how long does it  
14 take to get to full service? In other words, when  
15 you plant the vegetation, it will be a year or two  
16 before you get a full vegetative dune structure.  
17 So they'll get a certain amount of credit, percent  
18 credit in the first year, second year, and then it  
19 increases.

20 So these are the two Florida projects. One  
21 address the ecological, one addresses the human  
22 use. And I guess from here I will turn it back  
23 over to Mimi.

24 MS. DREW: Thank you, Lee, for that heroic  
25 attempt to explain DSAYS and offsets.

1            Luckily for Florida, really this is the first  
2            time that most of us have ever been involved in  
3            having to delve into the arcane world of figuring  
4            out DSAYs. I think Lee has done a very good job in  
5            trying to bring it home in a way that hopefully you  
6            can understand it.

7            But I would suggest that after the comment  
8            period is done, go across the hall and spend some  
9            time. There are some folks here that would be  
10           happy to help you through that.

11           So our next step, the public comment period  
12           ends February 14th, as Perry mentioned. The  
13           trustees will take all public comments and will  
14           have a discussion about the comments that come in  
15           and try to figure out if some of the projects need  
16           to be modified or if we need to rethink.

17           If we get through the process and we have good  
18           projects, we will complete the negotiations with BP  
19           and at that time be ready to implement the  
20           projects.

21           Again, the projects you heard about tonight is  
22           really our first step out there. Getting a sweep  
23           of projects across the Gulf. Hopefully you'll  
24           notice that there's quite a variation in the  
25           projects. We got a little bit of each kind of

1 project. I think that we learned a lot as we  
2 developed the crediting for the projects. And we  
3 hope the second round will be larger and quicker.

4 As you also heard earlier tonight, we're going  
5 to continue to get project submissions. There are  
6 multiple ways you can submit projects to us, and we  
7 will be looking at that and happy to talk to you  
8 about that.

9 We're having a dozen public meetings. Tonight  
10 is the first one. If you look here at the screen,  
11 we have another public meeting in Pensacola to do  
12 basically the same thing that we're doing tonight.

13 You're welcome to join any of the public  
14 meetings, whether it's in Florida or any of the  
15 other states if you're interested. Meeting details  
16 are available on the NOAA website, listed in the  
17 fact sheet that you should have gotten at the  
18 information table. They're also available on the  
19 Florida DEP website. If anybody needs more  
20 information about that, we will be happy to provide  
21 it.

22 As I said earlier, after we are finished with  
23 the public session tonite, if you have more  
24 questions, I encourage you to go across the hall  
25 and talk to some of the subject matter experts.

1           Just to reiterate, the trustee  
2           representatives, so you -- the trustees are  
3           representing the interest in the State of Florida,  
4           these negotiations for Florida, the Department of  
5           Environmental Protection, Fish and Wildlife  
6           Conservation Commission, partners, Nick Wiley,  
7           Department of the Interior, works with us.

8           You know, when you think about the process,  
9           there are five states, very different. There are  
10          two federal agencies. That's seven entities that  
11          have had to come together, look at the projects,  
12          agree on the projects, and take them forward for  
13          negotiations.

14          So I think, you know, it's certainly been a  
15          huge effort, and some of the people are with us  
16          tonight who have helped us get there. If we could,  
17          before we go to public comment, I would like  
18          everybody who has worked on the projects with us,  
19          including the county staff, who we frequently call  
20          and say, We need information, we need it tomorrow,  
21          you know, get it to us. Could everybody who has  
22          worked either state, federal, county, whatever,  
23          just raise your hand, because I would like the  
24          group to get a sense of how many people it has  
25          taken to get us here.

1           Thank you all very much for your time and  
2           attention. With that, I will turn it back over to  
3           Perry and look forward to your comments.

4           MR. PERRY: Okay. As we mentioned, there are  
5           several ways to submit your comments. Tonight, you  
6           can come forward to the microphone and make your  
7           oral comments. You can type comments in at the  
8           computers, which are in the stations across the  
9           room. If you are shy and don't want to say what  
10          you have to say, you can go online, and we have  
11          talked about those websites that you can utilize.  
12          Or you can go over and fill out one of these forms  
13          and we will put the information into the system on  
14          your behalf.

15          So we encourage you to do that. Not many  
16          people like to come forward in a setting like this.  
17          But there are three other ways for you to make your  
18          comments. We want to encourage you. If you came  
19          out tonight, this is on your mind, and it's on your  
20          mind in a big way. So we encourage you to submit  
21          your comment into the record.

22          And don't forget, Valentine's Day is the final  
23          day for this process. So we want to hear from you.

24          If you have not completed one of these cards  
25          and you want to come forward to submit your comment

1           verbally, please raise your hand and we will get  
2           one of these cards out to you, so we can get the  
3           correct spelling. We need one card here, we need  
4           one card there. And that's very important, because  
5           we need to make sure we get the spelling of your  
6           name right. If you are part of the organization,  
7           we want to get the name of the organization  
8           correct, because this is an official process.  
9           Again, I want to remind you that we have a court  
10          reporter who is capturing the proceedings of  
11          tonight.

12                 So I will ask my assistant, Ms. Kate, to come  
13          forward. She's going to be our timekeeper. We  
14          would ask you to keep your comments to three  
15          minutes. Once we get to three minutes, you will  
16          get a friendly reminder from Ms. Kate, who will ask  
17          you to please try and wrap up. There are many  
18          people who want to make comments. We want to be  
19          respectful of everyone's time.

20                 When you come forward, if you will state your  
21          name clearly. And if you are part of an  
22          organization or an affiliate of an organization and  
23          you want that as part of a comment, please state  
24          that as well for the record.

25                 So I will call you up in the order in which

1           you signed in to ensure that we respect your time.

2           Any questions? The trustees in front here are  
3 here to aggressively listen to your comments.  
4 They're not here to engage in a dialogue. They're  
5 not here to debate. They're not here to do any of  
6 those things. They are here to really listen to  
7 what you have to say.

8           If you have something that requires some  
9 extensive exchange, that's why we have the subject  
10 matter experts across the hall, and we'd encourage  
11 you to allow that process to take place, please.

12           First up is Mr. Dutch Petro. Okay. He  
13 stepped out momentarily. He is still in the  
14 vicinity. So we will go back when he comes back  
15 in.

16           Next is Ms. Rebecca Sherry, President of Condo  
17 Alliance of Okaloosa Island.

18           MS. SHERRY: I am Rebecca Sherry. I'm  
19 president of the Condo Alliance of Okaloosa Island.  
20 I thank you for the opportunity to speak tonight.

21           I have spoken at 12 NRDA public meetings  
22 starting in November of 2010, traveling across  
23 Florida, Alabama, Mississippi, Louisiana and Texas,  
24 in favor of our \$34,000 grant application for sea  
25 oats, and against the \$12 million Okaloosa Island

1 Beach Restoration Project that would spoil our  
2 beach.

3 Our organization's request is simple: We  
4 supply the \$42,000 in labor, obtain permits,  
5 provide water, and you supply the sea oats. Total  
6 cost, \$34,000 for 84,355 sea oats. You pay 40  
7 cents per sea oat and 1.25 for sea oat mature  
8 plant, and we get it planted in the dunes before  
9 tourist and hurricane season. Inexpensive and  
10 almost immediate habitat restoration.

11 Owners from 32 condos have been ready since  
12 January 2011. Again this year we're shovel-ready  
13 and can be done before turtle-nesting season begins  
14 May 1st.

15 What we vehemently don't want or need is  
16 Okaloosa Island restoration. Last year I gave each  
17 trustee at every single meeting our native sugar  
18 white sand samples and the planned fill, dark and  
19 shell shard laden samples, which now covers the  
20 beach a few miles away. Any doubt the fill is poor  
21 quality was put to rest by a judge last year.

22 The judge in our permit challenge, ruled it  
23 was not compatible fill for the unusual, if not  
24 unique character of Okaloosa Island's beaches. He  
25 ruled the restoration fill was too dark, had too

1 many shell shards and too many large chunks and  
2 therefore the project should be denied.

3 Last year I handed you photos, and tonight I  
4 handed the trustees photos. I will show the  
5 audience. This is our beautiful native beach, and  
6 this is the restored fill that's down in three  
7 places just about a mile from here.

8 Last year we gained bipartisan support for sea  
9 oats planting grant with Democratic U.S. Senator  
10 Bill Nelson and Republican State Representative  
11 Matt Gaetz writing letters of support. Surfrider  
12 supports our grant. We're actually their top  
13 action alert for the week, is to prevent the  
14 Okaloosa Island Beach Restoration Project.

15 We submitted local environmental advocacy  
16 group support too with the local Audubon Society  
17 and Panhandle Fly Fisherman. The Northwest Florida  
18 Legislative Delegation unanimously opposes the  
19 Okaloosa Island Restoration Project, and I handed  
20 you a copy of that resolution. And local Tea Party  
21 and Libertarian Party of Okaloosa County opposed  
22 the Okaloosa Island Project too.

23 I've heard tonight you received over  
24 \$2.5 million in requests for NRDA funds. Your  
25 choice on Okaloosa Island and Okaloosa Island in

1 Okaloosa County is easy. Please approve \$34,000  
2 for dune planting and deny the \$12 million dredge  
3 and fill project.

4 Why deny the project -- thank you.

5 I will just say, in conclusion, please approve  
6 our \$34,000 dune planting grant and deny the  
7 controversial and destructive \$12 million Okaloosa  
8 Island Beach Restoration Project.

9 As I heard, I think Lee Edmiston mentioned  
10 tonight, we can provide 21 percent of the Pensacola  
11 Dune Restoration Project grant for only 6 percent  
12 of the cost. So I don't know the exact DSAYS, but  
13 we're a much better value than one of the two  
14 projects you've already approved. Thank you.

15 MR. PERRY: Thank you, Ms. Sherry.

16 Next up, T.J. Marshall, Ocean Conservancy.

17 MR. MARSHALL: Thank you for the opportunity.

18 I will try to keep it at three minutes. I will  
19 keep it on the two projects. With as many projects  
20 as you have, three minutes is tough.

21 I guess I want to start by saying OC, Ocean  
22 Conservancy, will provide a detailed written  
23 analysis on all of the projects. I am just going  
24 to kind of touch on the two Florida projects and  
25 then some general comments.

1           The first project, the Boat Ramp Enhancement.  
2           You went into the benefit of increasing access and  
3           increasing use.

4           The concerns that we have with this project  
5           are the construction of additional boat ramps could  
6           in big part alter or damage natural habitats in  
7           that immediate project area. So that's one  
8           concern.

9           The second is that the increased boat traffic  
10          at all the ramps could result in collisions with  
11          marine animals and increase shoreline erosion in  
12          those areas.

13          We support this project, but we do have some  
14          caveats and some recommendations that we put with  
15          it.

16          The first is that there should be an  
17          Environmental Impact Statement particularly for the  
18          two areas that are going to have new boat ramps put  
19          in. There could be significant impacts associated  
20          with that, and those should be built into the  
21          project.

22          The restoration, when you're aiming to restore  
23          lost recreational use, there should be some  
24          component of fishery monitoring in here. I see  
25          that you have about 15 years of maintenance for the

1 ramps themselves. If you have lost use, you're  
2 going to have increased use now at these  
3 facilities. We highly recommend that you build  
4 into these programs some fishery monitoring at  
5 those sites.

6 A lots of times it's dockside inspections for  
7 people coming in and out. And if we can take care  
8 of this particular area, that's going to help with  
9 the whole fishery monitoring, a more comprehensive  
10 restoration that we're looking to do in the Gulf.

11 And the last part is also on the monitoring  
12 side, where you're going to be looking at increased  
13 effort, and you can also be able to have better  
14 monitoring of that effort to put into the fishery  
15 models. Again, we support this project with those  
16 caveats, that they can be addressed.

17 The second project, dune enhancement, the  
18 living shorelines, the dune stabilization,  
19 prevention of habitat loss, all of these things are  
20 great. The concerns that we have is that in the  
21 project design that you have, it doesn't describe  
22 how local communities and workers would be engaged  
23 in the implementation phase.

24 We think that's a large part of restoring the  
25 communities that have been impacted, and we need to

1 keep a lot of the project work local.

2 It should have a full EA, Environmental  
3 Analysis, not to the bar that we think the boat  
4 ramps need an Impact Statement, but it does need an  
5 EA to kind of have a benchmark for it.

6 So my time has ended. Can I extend to go  
7 through the additional points or do you want me to  
8 wait until the end?

9 MR. PERRY: Sure, please take another minute.

10 MR. MARSHALL: Okay. The other concern that  
11 we have with that project is, you're going to have  
12 ongoing oil spill clean-up activities, and may  
13 negatively impact the success of the project.

14 So our recommendations are that you build  
15 local workforce into it or give a preference as you  
16 design the project and who will build it. You have  
17 an EA for the project, and then you have a more  
18 thorough maintenance and monitoring plan.

19 Essentially we want to be able to see that you have  
20 some public review to make sure oil spill clean-up  
21 activities don't negatively impact the project.

22 We find this is actually one of a model  
23 projects of the 12 that are out there. This is an  
24 excellent project and we really look forward to  
25 seeing it completed.

1           And I just want to segue one moment, or I can  
2           come back again at the end, about something that we  
3           had mentioned of looking at the future of  
4           restoration, where it goes and monitoring, and how  
5           crucial monitoring is to that. We think of the  
6           billion dollars that you have here, there needs to  
7           be some type of comprehensive monitoring program  
8           out of that billion dollars that looks at all of  
9           these projects comprehensively, how have they come  
10          together to make the Gulf a better place. The  
11          cumulative impacts here are really important. I  
12          can come back at the end.

13           MR. PERRY: Yes. And if you have written  
14          comments, we encourage you to submit your written  
15          comments as well, to ensure that 100 percent of  
16          your comments get into the record.

17           Thank you, Mr. Marshall.

18           Next we have Susan Forsyth.

19           MS. FORSYTH: I'm Susan Forsyth, and I live  
20          over in Sandestin. I've been monitoring the oil  
21          spill since it hit our beach on June 23rd of 2010.  
22          And because of that, I started volunteering with  
23          the Audubon Society to monitor our shorebirds, and  
24          then I was also working with Surfrider, the  
25          Choctawhatchee Basin Alliance. So I've been out

1 quite a bit, and I have about 20,000 pictures of  
2 the disaster and probably 100 hours of film.

3 First of all, I'd like to thank everyone for  
4 all that they have done. The DEP, the DOI, NOAA,  
5 and of course the trustees. We just really  
6 appreciate all that you have done.

7 Now, the word "restoration" means to repair or  
8 reestablish, to revive or renew damages.

9 I know, Mimi, you had an interview recently  
10 that you talked about, How can we move forward with  
11 NRDA when we still have all of this oil coming  
12 ashore? And that's something that I deal with too.

13 I have chromatograms of recent oil from Walton  
14 County all the way over to Pensacola that still  
15 belongs to BP, and it's still coming ashore.

16 So I find it's difficult, I agree with you,  
17 how can we move forward when we still have all of  
18 this impact?

19 You know, the boats -- having those boat ramps  
20 is not what we would feel would be best use of some  
21 of the funding. We would like to see the ecosystem  
22 restored as best as it can be. So I just hope that  
23 when you're considering all the projects, that you  
24 would consider things that would help the  
25 shorebirds, our ecosystem, and then also even

1 monitoring. If we could fund DEP to help them  
2 continue testing all of our oil that's coming  
3 ashore, so that we can make sure that the chronic  
4 effects of the continued oil coming in day after  
5 day and buried, that we can monitor all of those  
6 efforts. So thank you.

7 MR. PERRY: Thank you, Ms. Forsyth.

8 Next we have a comment from Anita Page.

9 And while Ms. Page is coming up, I will remind  
10 you, if there are others who would like to make  
11 comments, please raise your hand and let me get one  
12 of these cards to you, so that the comment  
13 information is correct.

14 MS. PAGE: I actually have a bit of a  
15 question. You mentioned that there are two tiers  
16 to the restoration. There's the ecological  
17 restoration and there's the loss of use.

18 When I looked at the projects of the other  
19 states in the early restoration, there's a heavy  
20 focus on the ecological restoration. And then you  
21 get to Florida, that flips somewhat, and there's a  
22 pretty heavy emphasis on loss of use with the boat  
23 ramps back in the Bay.

24 So my question, first of all, does that  
25 reflect kind of the attitude of the trustees that

1 in Florida there may be more issues with loss of  
2 use as opposed to the ecology of the area?

3 And secondly, when you're weighing the  
4 projects in terms that don't necessarily meet both  
5 criteria, that may meet one but not the other, loss  
6 of use but not ecological, or ecological but not  
7 loss of use, and so many of them being both.

8 When you're looking at the project, how do you  
9 balance that, or how do you determine so you don't  
10 end up with nothing but loss of use and minimal  
11 restoration or vice versa? What is your approach  
12 to that? How does that work?

13 MR. PERRY: Sure. Mimi?

14 MS. DREW: I know we're not doing Q&A, but I  
15 think this deserves an answer for the group.

16 MS. PAGE: It will help me frame my comments.

17 MS. DREW: Normally when you do a Natural  
18 Resource Damage Assessment -- and the simplest way  
19 to think about it, it's a pie, okay? Normally you  
20 know how big the pie is. So you know how big your  
21 injury is.

22 In this case because assessment is still going  
23 on, in some cases response activity is still going  
24 on, we don't know how big the pie is. So when we  
25 cut a piece of that pie, whether it's for human use

1 or ecological, we want to make sure that we stay  
2 within the size of the pie.

3 Now, in Florida we know we had a large loss of  
4 human use. We don't know the number yet, and we  
5 don't know the number of ecological damage yet.

6 So I think what you saw in this first round  
7 from the trustees is not so much the fact that the  
8 trustees recognized that Louisiana had a whole lot  
9 more damage to the ecosystem and Florida had a  
10 whole lot more damage to human use. You saw all  
11 the trustees trying to pick projects that went into  
12 each of those categories a little bit to do the  
13 crediting.

14 You will see in Tier Two -- we call it  
15 Tier Two. There might be Tier Three or Tier Four,  
16 depending on how long it takes to get through it.  
17 You will see other projects from Florida that have  
18 ecological restoration.

19 So I wouldn't get too hung up in this first  
20 set of projects about what it means that Florida  
21 had a human use and Louisiana didn't have a human  
22 use project, because I can guarantee you the other  
23 states will be looking for human use projects, and  
24 Florida will be looking toward ecological projects.

25 So I hope that helps. The simplist way to

1 answer it is to say that we're still too early in  
2 the process to know what the total damage is. So  
3 it's hard to figure out how to divide up that pie  
4 and say we're done.

5 MR. PERRY: Thank you, Ms. Page. And we will  
6 come back to you if you would like to have a  
7 comment.

8 Next, I'm going to have to have some help with  
9 this one. Is it Markel? Jacquee Markel?

10 MS. MARKEL: Jacquee, only Jacquee. I'm  
11 Jacquee Markel from Walton County.

12 Just like Anita said, that was one of my  
13 concerns in looking at a disproportionate selection  
14 of human use, as opposed to the environment.

15 And I just want to make sure, as we go along,  
16 that we don't lose restoration -- the actual  
17 purpose of this, the main function of restoring the  
18 environment.

19 I know in Walton County several projects had  
20 been bantered around at one of our local meetings,  
21 a fishing pier and beach restoration.

22 And just like the other young lady spoke about  
23 the beach restoration and the quality of the sand,  
24 I worry about that too. Should that be proposed  
25 for Walton County, quality of the beach sand, the

1 timing of a project like that, where we do still  
2 have oil coming in. We don't want to just cover up  
3 what is there. Don't want to make -- I don't want  
4 to say foolish decisions. I don't want to use all  
5 of our money up on something like beach  
6 restoration. When the first hurricane comes in, as  
7 anybody knows down here, it's going to be there and  
8 gone. I could say the same thing for a fishing  
9 pier.

10 So I would just like to make sure that we're  
11 addressing specifically environmental issues, along  
12 with human loss, loss of use issues.

13 The boat ramps in Escambia County, you know, I  
14 understand the loss of human use, but I just want  
15 to make sure that we don't end up with a  
16 disproportionate amount of human loss -- human use  
17 loss as opposed to restoring the environment.

18 And the gentleman from Ocean Conservancy spoke  
19 about continued monitoring and testing. I would  
20 definitely like to see that incorporated in  
21 projects that are selected, so we are actually  
22 perhaps monitoring the water, monitoring  
23 Choctawhatchee Bay, fish studies. You know, I just  
24 want to make sure that we -- we're here because of  
25 the environment down here. Thanks.

1 MR. PERRY: Thank you, Jacquee.

2 Mr. Dutch Petro?

3 While Mr. Petro is coming forward, the subject  
4 matter experts will remain across the hall to  
5 answer any other questions that you may have that  
6 are not being addressed in this presentation  
7 tonight. And if you would like to make an oral  
8 comment, we'd ask you to please just raise your  
9 hand and we will get you a card.

10 MR. PETRO: Thank you. We all are  
11 acquaintances now at least. I have spoken to you  
12 in Tallahassee, Pensacola, Biloxi, on the street,  
13 at emergency meetings. It's been a hard road, and  
14 I do not pity your position one bit for the next  
15 12 meetings you're going to be going through.

16 First let me apologize. You have now moved  
17 into a segue point that CNN is not carrying a tube  
18 flowing oil out 24/7, and that in a county -- more  
19 than one county, I will put at least Walton County  
20 and Okaloosa County together, where there is more  
21 than 100,000 people, we have 50 that showed up  
22 enough to care. That's bad. I'm ashamed of it.

23 What you are hearing already is what you're  
24 going to hear more of. We are at a point that --  
25 and I'm a veteran, by the way, of everything from

1 Ixtoc to the BP Trader, American Trader, Valdez and  
2 this one, and my body is paying for it.

3 What you are putting in front of these people  
4 tonight on your website as early restoration  
5 planning and for the projects that you are  
6 approving, you are going to get toasted. Not  
7 because you're trying to improve our quality of  
8 life and give open access to more boaters, more  
9 recreational support, more human loss compensation.  
10 But because we have \$100 million given to the State  
11 of Florida, and right off the bat more than  
12 4 percent of it is going to spend, four boat ramps  
13 over a million dollars a ramp? Is this how you are  
14 going to look at spending all of the money that  
15 comes from BP?

16 A lot people are looking at this going, You've  
17 got to be kidding. You give me a million dollars,  
18 I will put asphalt over 10 acres, and I can do a  
19 lot more to restore what needs to be priority  
20 restoration work, whether or not the science is  
21 done on it or not, in fisheries, in the people that  
22 make their living in charter boats, in the hotels  
23 that -- well, you've got oil, so people didn't  
24 come. Those boat ramps are not going to help them.  
25 They're not going to put one cent in their pocket.

1           They're not going to grab back one hour of time  
2           that they have lost?

3           Can I go on?

4           MR. PERRY: One minute.

5           MR. PETRO: Thank you.

6           You're not going to compensate them for the  
7           money that they have lost. They're going through  
8           the claims system and trying to get financial loss  
9           that way. For the time that they have lost, it's  
10          gone, you're not going to get it back.

11          People are expecting you to take a view of  
12          looking forward to what we can do to make this an  
13          opportunity, to look at our fisheries that have  
14          been overfished for the last hundred years and go,  
15          we've got a hundred million dollars and we have in  
16          the State of Florida already built over 30  
17          hatcheries, none of which are currently putting out  
18          commercial grade species that are used and caught  
19          in this state for food. No Snapper, no Jack, no  
20          Cobia.

21          Mote Marine Institute just sent 100,000 Cobia  
22          to Panama. They sent their two top grad students  
23          to Panama because we don't have one single  
24          permitted offshore aquaculture site doing anything  
25          to augment the wild stocks that we have lost. You

1 will not know for the next three to four years how  
2 many tuna died, what state the stocks are in. This  
3 is what people are expecting you to pay a lot more  
4 attention to than boat ramps.

5 Again, I do not relish, and I applaud you for  
6 sitting up there and volunteering to take the abuse  
7 you're going to get over the next 12 meetings. I  
8 know that you're working hard.

9 I know that you have our best intentions at  
10 heart. But there are a lot of things -- and I will  
11 be at more of these meetings, you can count on  
12 it -- that we can do to get the biggest bang for  
13 the buck. Boat ramps are not it.

14 Thank you so much.

15 MR. PERRY: Thank you, Mr. Petro.

16 (Applause)

17 MR. PERRY: At this time I would like to  
18 invite Ms. Page back if would you like to make a  
19 comment.

20 MS. PAGE: That's okay.

21 Mr. Marshall, did you want to continue?

22 MR. MARSHALL: Two minutes.

23 MR. PERRY: Sure, come forward.

24 MR. MARSHALL: Thank you for the opportunity  
25 to follow up. Mimi, this gets to kind of what we

1           talked about, looking at where do you guys go from  
2           here.

3           So you know, we commend the job that you guys  
4           have here and what you have put together. This is  
5           a lot of hard work and it's a lot of negotiation.

6           But the restoration evaluation and monitoring  
7           program that we were talking about out of the one  
8           billion that you have to look at these things  
9           comprehensively, I know as we get into the  
10          300 million that looks at state projects, we're  
11          hoping that some of that money can be used to be  
12          able to kind of pull all of this together.

13          Then obviously, as some of the other folks  
14          have mentioned, we're still continuing to have  
15          impact. So you still have to have the monitoring  
16          of those. And Mimi, you have already addressed  
17          this, that that's continuing to go on.

18          But mainly this was a core component of the  
19          Exxon Valdez spill. That monitoring went on for a  
20          very long period of time, and I think the public  
21          really appreciated that. They felt that the  
22          trustees council was really representing them. I  
23          think with some of the comments you have heard, you  
24          know, that's the challenge that you have. Folks  
25          have an expectation, and they are really putting it

1           upon you to deliver.

2           Now, kind of similar to that, but more  
3 project-focused is setting really high standards  
4 for project scientific monitoring. And that wasn't  
5 in some of these proposals. So there needs to be  
6 sufficient funds for monitoring committed to each  
7 project. We kind of touched on that with the boat  
8 ramps. Surprisingly, the environmental group --  
9 the -- we understand the loss use component, and it  
10 does fit under NRDA, it does meet the EIS. Have  
11 some monitoring there, particularly the fisheries  
12 monitoring, all of those things needs to be kind of  
13 pumped up in each of these projects.

14           Then you have to have specific benchmarks in  
15 there that you're having these goals that you want  
16 to be able to shoot for and that the public can see  
17 that in these proposals that, oh, okay, this is the  
18 measurement, this is the accountability factor.

19           Yesterday Governor Scott gave his State of the  
20 State proposal, his speech. One of the statements  
21 he kept saying is that, Government needs to lean.  
22 It's supposed to be efficient. That's what we want  
23 to see. We want to see those benchmarks, so  
24 there's that accountability that we can say, hey,  
25 you're operating this project efficiently, you

1           either met the bar or you didn't meet the bar.

2           And then there's got to be a minimum duration  
3           for the monitoring. People want to see how long  
4           are you going to monitor these projects. It's not  
5           going to be good enough, people won't be satisfied,  
6           if it just says, we're going to do monitoring.  
7           They want to know the details on that.

8           Then kind of getting back to wrapping it all  
9           together. As you guys come out with your long-term  
10          restoration plan, you know, just when they came out  
11          with the framework, I think you're going to have to  
12          take these early restoration projects and you're  
13          going to have to wrap that in, how these laid the  
14          table for your broader restoration vision.

15          And I as the gentleman mentioned, the offshore  
16          environment took a big hit. If I looked at one of  
17          the charts that we had over there, there's still  
18          25 percent or so of the oil that's unaccounted for,  
19          and we're likely seeing that in the offshore  
20          environment.

21          When you see our written comments, the one  
22          project that we felt didn't work, was mainly  
23          because it looked at improving habitat and the  
24          environment for an artificial reef project, that  
25          should be a loss of use, and that was our one thing

1 with that project. If it's going to be looking at  
2 building more offshore reefs to restore the  
3 offshore environment, we need to understand what is  
4 going on there. We need to have long-term  
5 monitoring.

6 MR. PERRY: Thank you, Mr. Marshall.

7 Before we bring back a speaker for a second,  
8 are there any others who have yet to speak who  
9 would like to speak?

10 I will call you right after Ms. Sherry.

11 Ms. Sherry, and then we will follow with the  
12 lady here.

13 MS. SHERRY: Thank you. Just one more minute  
14 here.

15 My topic was on Okaloosa Island dune  
16 restoration and not the dredging and fill. I  
17 wanted to make a plug for Mr. Marshall and his  
18 Ocean Conservancy, and he speaks at a lot of these  
19 meetings like I do. I think it's so important to  
20 involve the community.

21 I can tell you that for the last year, the  
22 Condo Alliance has been lining up other groups to  
23 work with us. We've been saving sand samples. I  
24 have a huge box in my room. Most of our members  
25 have huge boxes that they've collected. If tourists

1 don't want them, they're certainly not going to  
2 waste.

3 We've got school children and we've got church  
4 members, and we've got environmental groups all  
5 ready to help us plant.

6 I will just make one last plug. Why approve  
7 the plan? It's shovel-ready. It's been  
8 shovel-ready for over a year, and it will  
9 immediately provide bird, beach mice and sea turtle  
10 habitat. Its supplements are healthy mature dune  
11 planting. It's highly visible. Tourists and  
12 locals can see a 2.8-mile stretch of new sea oats.  
13 It will give NRDA, BP and everyone involved huge  
14 positive press. And it's hard to get more mom and  
15 apple pie than volunteers planting sea oats to  
16 restore the dunes.

17 We know, we're out there every year doing it.  
18 We can just do more with your dollars. And it's a  
19 great value. Our 32-member condominiums are  
20 providing all the labor. We're getting all of the  
21 permits. We've got a proven track record of  
22 restoring the dunes. We don't let plants die.  
23 We're out there with Mother Nature using our own  
24 resources, and with your help we can do more.

25 Why should you deny that Okaloosa Island

1 dredge-and-fill? Because it will cover up the  
2 sugar white sands with inferior fill. It will  
3 cover up and destroy healthy mature dunes, and  
4 these new dunes that we're planting.

5 It's a bad value. You will spend \$12 million  
6 in project cost, and you will likely enter the  
7 legal fray. As you've probably learned by now, our  
8 county spent well over a million dollars forcing  
9 this project against our will so far, and the legal  
10 battles.

11 And it's highly visible in a bad way. BP and  
12 NRDA will make the national news for their part in  
13 a manmade disaster. Everyone will know your money  
14 killed the golden geese -- goose, sorry, and you  
15 had the opportunity to do so much good.

16 So in conclusion, our dune grant is a win/win  
17 for NRDA, BP, the environment and everyone  
18 involved. And I thank you so much for the  
19 opportunity to be heard. Thank you.

20 MR. PERRY: Thank you, Ms. Sherry.

21 And before we bring up the last individual to  
22 speak, I just want to remind you, comments need to  
23 be made prior to February 14th. If you are  
24 thinking that you may want to write and mail in  
25 your comment, please pick up one of these in the

1 room across the street or across the hall. The  
2 websites are here where you can make any electronic  
3 submission of your comment.

4 So at this time, we will bring Ms. Forsyth up,  
5 and we will make our final comment before the  
6 conclusion of the meeting.

7 MS. FORSYTH: I just had a quick question for  
8 Mimi.

9 Now, the Department of Justice just allowed  
10 BDOC to start auditing Feinberg's Gulf claims. Are  
11 we going to have any oversight of this huge amount  
12 of money to make sure that the contracting is done  
13 appropriately and the funding? Do we know anything  
14 about that? That needs definitely to be in public  
15 record.

16 MR. PERRY: Thank you very much.

17 On behalf of the trustees, we want to thank  
18 you for your time tonight. We invite you if you  
19 have further comment or question to visit with the  
20 subject matter experts that have come to your  
21 community this evening to engage this topic. And  
22 we want you to stay engaged and in the loop and  
23 things are being added to these websites all of the  
24 time. That's a very good way to understand what is  
25 going on. Thank you again. Good night.

(The Public Meeting was concluded.)

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REPORTER'S CERTIFICATE

STATE OF FLORIDA            )  
COUNTY OF BAY            )

I, Lisa Jeter, RPR, do hereby certify that  
I was authorized to and did report the foregoing  
Public Meeting, and that the transcript, pages 1  
through 66, is a true and correct record of the  
Public Meeting to the best of my ability.

Done and dated this 26th day of January,  
2012, at Bay County, Florida.

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LISA JETER, RPR

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DEEPWATER HORIZON OIL SPILL  
NRDA EARLY RESTORATION PUBLIC MEETING  
JANUARY 26, 2012

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MET on January 26, 2012, from 7:00 p.m. to  
7:41 p.m., before AUDREY L. WALDROP, Certified Shorthand  
Reporter in and for the State of Texas, reported by  
computerized stenotype machine at Texas A&M University  
at Galveston, 1001 Texas Clipper Road, Galveston, Texas,  
77554.

1 DEEPWATER HORIZON OIL SPILL

2 NRDA EARLY RESTORATION PUBLIC MEETING

3 JANUARY AND FEBRUARY 2012

4 MR. FRANKLIN: Good evening. My name is  
5 Perry Franklin, and I will be serving as your  
6 facilitator for tonight's meeting.

7 I would like to welcome you to the eighth in a  
8 series of twelve meetings along the Gulf Coast for the  
9 Deep Water Horizon Oil Spoil Natural Resource Damage  
10 Assessment, or N.R.D.A., as you will commonly hear  
11 throughout the night, or "NRDA," N-R-D-A, Natural  
12 Resource Damage Assessment early restoration process.

13 In addition to the meeting held tonight, there have  
14 been two meetings held in the state of Florida, three  
15 meetings held in Mississippi, and two meetings already  
16 held in Alabama. There will be four additional meetings  
17 held over the next two weeks, three in Louisiana and the  
18 conclusive meeting in the District of Columbia.

19 The objective of tonight is to receive your  
20 comments on the proposed projects in the Draft Phase 1  
21 Early Restoration Plan. There will be a dedicated  
22 comment period near the end of the meeting. If you have  
23 any comments which are prepared or comments that come to  
24 you throughout this meeting, if you would hold those  
25 until the end, we would appreciate that.

1           During the comment period, you will be given three  
2 minutes to deliver your comments which will be a part of  
3 the official proceedings of tonight's meeting.

4           So if you'd like to learn more about the Draft  
5 Early Restoration Plan or the projects that are slated  
6 in the plan or have come to provide additional input or  
7 comment, you're in the right location.

8           At this time if you would silence your cell phones,  
9 we would greatly appreciate that.

10           Providing tonight's language interpretation  
11 services are Nikki Bam and Marcie Brewer. Are there  
12 anyone in need of sign language interpretation  
13 assistance tonight? Thank you.

14           Also, you may have noticed we have a court reporter  
15 with us tonight, Ms. Audrey Waldrop, as these  
16 proceedings are very important for the early restoration  
17 process; and she will ensure that these comments made  
18 tonight are accurately captured in the record.

19           When you came in, there were several handouts at  
20 the sign-in table. There's some very good information  
21 in those handouts; and I invite you if you did not pick  
22 up one on the way in, please pick up one on the way out.  
23 It talks about the NRDA process. It lists different  
24 websites that you can stay informed throughout the  
25 process. It also has some of the early ideas for the

1 Texas restoration projects. And I invite you to pick  
2 that up. The agenda was stapled to the front of that  
3 handout.

4 Next, the open house that you hopefully  
5 participated in, those subject matter experts are here  
6 for your additional information. While those topics are  
7 not the focus of tonight, we have found it very  
8 informative to have those topics on hand. Human Health,  
9 NRDA 101, Assessment Task Force, those are the types of  
10 things that we really have found that there are a lot of  
11 questions about; and so those subject matter experts  
12 will be here till the last person leaves. If you have a  
13 question that comes up, if you would just sort of jot  
14 that down, those subject matter experts will be on hand  
15 following tonight's presentation.

16 The second part of tonight's meeting we are going  
17 to bring up some officials who are trustee  
18 representatives, and they're going to receive your  
19 comment. The purpose of their being here is to receive  
20 your comment, not to get into an extensive dialogue; or  
21 if you have specific questions, we will answer those in  
22 the open house area with the appropriate subject matter  
23 expert.

24 Additionally, located in the same area, if you  
25 wanted to put your comments into the record

1 electronically, there's an input station there for your  
2 convenience; and we have a staff member also on the side  
3 of that station to assist you.

4 So tonight is about you. You will receive an  
5 overview of the early restoration process. Tonight's  
6 speakers will also provide details about the Draft Phase  
7 1 early restoration process as well as an overview of  
8 the projects that are slated along the coast of the Gulf  
9 of Mexico. The meeting has two parts, as I talked  
10 about. The first is to give you additional information.  
11 The second is to receive your comments.

12 When you checked in, you may have seen a table with  
13 these cards (indicating). If you would like to make a  
14 verbal comment tonight, if you would just put your name  
15 on this card and also if there's an organization that  
16 you're representing, that will help us to ensure that  
17 the record is accurate. Also, when you come forward if  
18 you make a verbal comment tonight, please restate your  
19 name and the organization that you are representing if  
20 representing an organization.

21 Are there any individuals who would like to make a  
22 verbal comment tonight that did not get a chance to  
23 complete one of these cards? If you'll raise your hand,  
24 we'll get one to you.

25 And at any time tonight if you see something that

1 sparks a comment, please just raise your hand, we'll get  
2 one of these cards to you so that we can call you up.

3 Four ways to comment: You can come forward tonight  
4 and give a verbal comment. You can fill out a form and  
5 hand this in. And you can also mail it in if you would  
6 like if you don't have that today. So I would invite  
7 you to take one of these forms with you so if you, you  
8 know, further explore, go on a website, something hits  
9 you going home. And also you can go onto the website,  
10 and there's a couple website addresses that will be  
11 shown in tonight's presentation. So there are four ways  
12 to do it.

13 The only thing I ask you to keep in mind is that  
14 February 14th is the deadline to submit your comments on  
15 this portion of tonight's meeting.

16 So tonight's speakers, let's get started. We have  
17 two individuals, Mr. Don Pitts, Environmental Assessment  
18 Response and Restoration Program Director, Texas Parks  
19 and Wildlife Department, also a Texas trustee; and  
20 Mr. Dan Audet, NRDA Specialist, Department of the  
21 Interior.

22 And at this time I would like to ask Don to come  
23 forward and to get us started. Don.

24 MR. PITTS: Thanks. Thanks, Perry. Can  
25 you folks hear me out there? I can hear myself, so I

1 guess so.

2 MR. FRANKLIN: Yes.

3 MR. PITTS: Great. I wanted to start off  
4 tonight with a little bit of an assessment. And as you  
5 heard Perry elucidate earlier, "NRDA" is an acronym we  
6 use all the time. The NRDA world is full of acronyms,  
7 and we'll try to minimize them tonight NRDA and try to  
8 explain them. But NRDA is basically Natural Resource  
9 Damage Assessment, and it's the process by which  
10 trustees will evaluate impacts to natural resources that  
11 result from discharges of oil and/or releases of  
12 hazardous materials into the environment.

13 In this particular case, the Deepwater Horizon,  
14 we're obviously dealing with the oil portion of that;  
15 and that's governed by the Oil Pollution Act which then  
16 spawned a whole series of regulations that identified  
17 and provided guidance to the trustees on how to conduct  
18 a Natural Resource Damage Assessment.

19 NRDA, or Natural Resource Damage Assessment, is  
20 really a technical and a legal process by which  
21 designated natural resource trustees evaluate impacts  
22 associated with an oil spill and develop restoration  
23 plans that would then compensate the public for the  
24 losses as a result of that oil spill. It is focused  
25 on natural resources and their uses.

1           What it is not is a process by which commercial  
2 fishermen can recover losses of their catch. Natural  
3 Resource Damage Assessment does not cover that, nor does  
4 it cover impacts to human health. Those are all private  
5 claims, so that's not something that natural resource  
6 trustees can pursue on behalf of the public. Our intent  
7 is to basically make the public whole for losses of the  
8 ecological as well as human uses of those natural  
9 resources.

10           In the case of Deepwater Horizon, what you see  
11 above you and you probably can't read is a list of  
12 natural resource trustee agencies that are all involved  
13 in the damage assessment work. You'll notice that some  
14 states have one trustee, some states have multiple  
15 trustees. You'll also notice we have several Florida  
16 trustees and bureaus of those trustees that are  
17 involved. You might think that with this giant  
18 conglomeration of organizations that all have some  
19 political influence on them, that this might be a messy  
20 process and a difficult process for the natural resource  
21 trustees to undertake. Something this global has never  
22 happened before. Something the size of the spill of the  
23 Deepwater Horizon has never occurred before. So  
24 bringing together five states with all these trustees is  
25 a new occurrence; and, yet, we've formed a cohesive team

1 that really is acting together in unison to evaluate  
2 injuries associated with the damages associated with the  
3 spill as well as starting to talk about restoration.

4 In Natural Resource Damage Assessment, there's  
5 basically three different steps. There's a  
6 pre-assessment; there's injury assessment and  
7 restoration planning; and the last step and probably one  
8 of the most important ones is actual restoration and  
9 implementation.

10 During the pre-assessment stage, what the trustee  
11 is in charge of doing is going out and collecting  
12 ephemeral data, that data that's going to be lost unless  
13 we go out rapidly and collect that information; taking a  
14 look at that information; and deciding whether or not  
15 there's adequate data to show that injuries to natural  
16 resources occurred and that we can, in fact, restore  
17 those on behalf of the public.

18 Once we've reached that threshold, we move over  
19 into an injury assessment and where scientific studies  
20 are developed, some of which are very, very long-term,  
21 in this particular case especially, to evaluate impacts  
22 associated with the spill.

23 In parallel with that evaluation of injuries is a  
24 restoration planning effort. That's a process that here  
25 in Texas we've championed for many, many years where the

1 date that a spill occurs, not long thereafter we're  
2 starting to think about solutions, knowing that we might  
3 have some idea of the types of categories of injuries  
4 that occurred, thinking for solutions of how we might  
5 restore those on behalf of the public. And the  
6 Deepwater Horizon is no different than that in this  
7 particular case.

8         The last and final and most important step is  
9 actual implementation; but that's something that can't  
10 occur until we do things like this where we reach out to  
11 the public and propose restoration projects to the  
12 public, get a reaction from them and approval from them.  
13 Since we're working on their behalf, it's important for  
14 us to get their approval on projects, making sure that  
15 we're doing the right types of things and we're doing  
16 and acting responsibly on behalf of the public.

17         Once that happens, once we go through that  
18 developing a draft restoration plan, putting it out for  
19 public comment, and finalizing it, then we can finally  
20 ultimately go to actually getting the work done on the  
21 ground in terms of restoration.

22         In this particular case given the unprecedented  
23 nature of the magnitude of the spill, the duration of  
24 the spill, the breadth geographically of the impacts  
25 associated with the spill, the trustees have taken large

1 efforts to try to make sure and engage the public at a  
2 higher level than we've ever engaged the public before.

3 From the onset, from early October when we first  
4 went out, at that point, October of 2010, we'd finished  
5 our pre-assessment evaluation, we knew we were moving  
6 forward with a damage assessment; and we put out what we  
7 call a Notice of Intent to do a damage assessment or do  
8 restoration planning, we went out to the public and told  
9 them, hey, this is what's going on, this is what NRDA  
10 looks like, this is NRDA 101; we filled up rooms like  
11 this across the Gulf, and almost 500 people were the  
12 initial, I guess, inoculants, so to speak, of this  
13 information on NRDA. And that's something that we want  
14 to continue to build on, and every time we meet we  
15 continue to try to engage the public and try to  
16 encourage them to stay engaged themselves.

17 Damage assessment is a long process sometimes, but  
18 it's an important one to follow step by step as we go  
19 each way so we make sure that we provide information to  
20 the public and get information back. So not only do we  
21 do it during the early public meeting, but we've also  
22 done what's called a Programmatic Environmental Impact  
23 Statement evaluation where we're going and seeking from  
24 the public ideas of general types of restoration that  
25 might be done to compensate for losses. And, once

1 again, this is both from an ecological perspective as  
2 well as from a human use perspective because this bill  
3 had a combination of both.

4 After that, we started talking to the public about  
5 specific projects. We're not only talking at a high  
6 level about types of projects, we're talking to the  
7 public at a lower level about actual specific projects.  
8 We went out through a number of different media, through  
9 specific meetings as well as websites, to solicit from  
10 the public ideas for restoration, things that they think  
11 we could do to help compensate for the impacts  
12 associated with this spill. This is something that's an  
13 ongoing effort. We're here to talk about early  
14 restoration; but it's only the very first phase of early  
15 restoration. It's not intended to compensate for all  
16 the injuries associated with the spill, but it's a good  
17 first step.

18 And so these websites are going to remain live  
19 because we want to continue to engage the public and get  
20 good ideas on what to do from a restoration perspective.

21 Early restoration is a unique opportunity for this  
22 particular spill and, I guess, the largest settlement  
23 ever set aside for Natural Resource Damage Assessment.  
24 The trustees reached an agreement with BP to set a  
25 billion dollars aside to move forward on early

1 restoration. As I indicated, oftentimes damage  
2 assessments are very, very long-term efforts. We're  
3 talking something in the years or in some instances,  
4 where we're talking about Superfund sites, decades to  
5 try to resolve. This was an effort on both parts to try  
6 to step out ahead of that, start some restoration, and  
7 do it quickly.

8 As I said, it was a billion dollars in early  
9 restoration. It's meant to be completed prior to the  
10 completion of the damage assessment. We're still  
11 continuing on with all the evaluations about trying to  
12 quantify the types of injury, the size of injury, the  
13 duration of those injuries. All that work is continuing  
14 on.

15 At the same time, as I told you before, there's a  
16 parallel process to talk about restoration. In this  
17 case we actually have some money to actually implement  
18 some of that early restoration. So that's what this  
19 process is all about is early restoration.

20 With regard to how the money was split up, each of  
21 the Gulf States was allocated a hundred million dollars,  
22 each of our two Federal trustees were also allocated a  
23 hundred million dollars, and the remaining \$300 million  
24 was in a pot that our Federal trustees were to kind of  
25 manage over and allocate to the various states and react

1 to various projects that were important, that were being  
2 brought up by the states.

3 As you might expect, this is not a process by which  
4 pet projects win, so to speak. This is meant to be, the  
5 Natural Resource Damage Assessment process is one where  
6 the law sets out very, very concrete criteria that we  
7 have to follow in terms of identifying and selecting  
8 restoration projects, making sure they're the right ones  
9 to do.

10 In this case we not only had the Oil Pollution Act  
11 that provided guidance to our early restoration process,  
12 we also had this framework agreement which we entered  
13 into with BP that provided some additional criteria for  
14 selecting projects.

15 And, lastly, there are some things that aren't  
16 necessarily explicit in the law. There's some practical  
17 matters in this particular case that the trustees wanted  
18 to consider in terms of identifying which restoration  
19 projects might be most appropriate for early  
20 restoration.

21 What you see on the board now is a host of criteria  
22 that are required under the Oil Pollution Act,  
23 everything from cost to making sure that we don't do  
24 things to negatively impact public health and safety.  
25 This is kind of a good oversight. A lot of them are

1 very, very pragmatic, making sure that we have a project  
2 that is cost effective, making sure we have a project  
3 that has a very high degree of success. Those are kind  
4 of important; and I think, hopefully, most people  
5 understand that that makes sense just from a business  
6 perspective, from the trustees' business perspective as  
7 well as making sure that we can implement and be  
8 successful in implementing projects on behalf of the  
9 public.

10 In terms of the framework agreement, there's some  
11 very, very similar and parallel type requirements in  
12 terms of making sure that what we do actually does count  
13 towards making the public whole. As I said before,  
14 these early restoration projects are not intended to  
15 entirely cover all the damages that are associated with  
16 the spill, but they're a very, very good start.

17 Oftentimes there are plans that various states may  
18 generate to develop -- they may have long-term planning  
19 associated with restoration. One of the key terms of  
20 the framework is we want to make sure that we don't  
21 interfere with those plans and we don't side-step those  
22 plans, that we respect those plans and implement them  
23 when it's appropriate.

24 And much like the OPA, feasibility and cost  
25 effective, that just makes common sense. I mean,

1 hopefully, folks can use that in their everyday life,  
2 making sure things are feasible and cost effective. So  
3 those are very, very important criteria for us.

4 From a pragmatic perspective in this case, we  
5 wanted to make sure that the early restoration projects  
6 were ready to move forward. I don't want to use the  
7 word "shovel ready," but I will, I guess. It's an  
8 overused term these days. But we wanted to make sure  
9 that these projects were primed; ready to go; and that  
10 once they were implemented, they would start bringing  
11 benefits back quickly. I mean, that's the whole purpose  
12 behind the early restoration is to jump-start  
13 restoration, jump-start that recovery period for the  
14 natural resources. So it's very, very important to do  
15 that.

16 The other thing, as a trustee group, we wanted to  
17 make sure and implement kind of a broad, sweeping scope  
18 of projects, not focus everything on one type of  
19 restoration but kind of hit a smattering across the  
20 board of different types of restoration as we were doing  
21 this so we would gradually move the ball forward in all  
22 areas where restoration is needed.

23 In terms of how we evaluated and how we solicited  
24 projects, as I mentioned before, we went through great  
25 efforts to talk to the public through public meetings

1 and through web access and in the potential for written  
2 comments from the public to get these ideas on  
3 restoration projects. I'll tell you as well resource  
4 agencies went back to their shops and made sure they  
5 went through the list of projects that were available  
6 and on the top of the list of folks of things that they  
7 wanted to get done and could provide benefit to the  
8 marine and estuary environment. So there were large  
9 efforts to try to solicit projects.

10 The trustees then went through and are still going  
11 through a process by which we're screening those, taking  
12 a look at those projects, comparing them to the OPA  
13 criteria, the framework criteria, as well as our  
14 pragmatic criteria, I guess we'd want to call them, and  
15 evaluating those and seeing what filters up. And during  
16 this process, we are talking to all the other trustees  
17 as a collegial group, talking about the projects,  
18 scaling the projects, getting good budgets on the  
19 projects.

20 And once we're at that point, then the first step  
21 is to go to BP; present those to BP as kind of a package  
22 describing the project, who would do it, how it would be  
23 done, what type of cost might be involved, what type of  
24 benefit they would get from a credit perspective.  
25 Because that's important for them. As I said before,

1 they want to know if it's starting to make the public  
2 whole by implementing these early restoration projects.

3 Once there is an initial agreement or I guess  
4 somebody would call it an agreement in principle on  
5 those types of parameters between the trustees and BP,  
6 then these projects would then move forward in a  
7 restoration plan to the public. Because, like I said  
8 before, we're not going to implement any projects until  
9 we get that public feedback that these are the right set  
10 of projects and we're on the right track.

11 So that's what this Early Restoration Plan is is  
12 that first set of projects moving forward to the public  
13 to kind of get your feelings on them and input. Once we  
14 finish this round of meetings in D.C. later next month,  
15 I guess, right, the comment period ends; we take all  
16 those comments, incorporate those into a final  
17 restoration project; and basically at that point we  
18 would finalized negotiations with BP and move towards  
19 implementation. As I said before, they can't go to  
20 implementation until we get feedback from the public and  
21 which is critically important for us, I guess.

22 Dan had the challenge of managing the development,  
23 I guess, of this early Draft Phase 1 Restoration Plan;  
24 and I think he wants to share some thoughts on that with  
25 you as well this evening. Dan Audet with the U.S. Fish

1 and Wildlife Service.

2 MR. AUDET: National Parks.

3 MR. PITTS: Excuse me, the Park Service.

4 MR. AUDET: U.S. Department of Interior.

5 Thank you, Don.

6 Well, good evening, everybody. And I am going to  
7 focus on the actual Draft Early Restoration  
8 Plan/Environmental Assessment. This document was  
9 released in December of 2011 just months after the  
10 framework settlement agreement had been met. This is  
11 somewhat unprecedented to get an Environmental  
12 Assessment and a Restoration Plan out in under a year.  
13 We wanted to do this. The trustees wanted to get this  
14 out as quickly as possible to get public input on  
15 projects we'd like to see move forward, and we're very  
16 interested in your comments on this.

17 This is both a Restoration Plan and an  
18 Environmental Assessment, so it meets the NEPA  
19 requirements. We have some projects where the NEPA  
20 process has already been completed. We have a number of  
21 projects where the EA is included as part of this  
22 Restoration Plan, and we have a few that actually have  
23 categorical exclusions associated with them. And those  
24 are the dune restoration projects which you'll hear  
25 about here in a little bit.

1           As with any Environmental Assessment, we have  
2 alternatives identified in the document. Obviously,  
3 there's the no action alternative which would not allow  
4 us to actually conduct early restoration activities. We  
5 would wait for either using natural recovery or wait for  
6 a final settlement and negotiations to settle the entire  
7 Natural Resource Damage Assessment. And I don't think  
8 any of the trustees really wanted to wait that long; or  
9 not knowing how long that would be, it was important to  
10 actually get some on-the-ground restoration. Once we  
11 have on-the-ground restoration, the length of the injury  
12 to these natural resources we have is going to be  
13 shortened; and that's a key goal that we were hoping to  
14 meet with this early restoration.

15           Alternate B is the proposed early restoration  
16 projects which you've seen at the open house. And we  
17 have fact sheets on all of these projects, and what we'd  
18 like to do is make clear that we are introducing them as  
19 independent projects. Their Environmental Assessment,  
20 their evaluation has been done independently. You can  
21 pick and choose. There's either one project that can  
22 move forward, there's eight projects, or somewhere in  
23 between. So they're all independent projects, but these  
24 are the types of projects in general all the trustees  
25 would like to see move ahead. So what you're going to

1 hear about specific projects being proposed, view these  
2 as projects you're going to see more of in future  
3 Phase 2, Phase 3 Early Restoration Plans at different  
4 locations throughout the Gulf.

5 Here's the general locations for these projects.  
6 They're scattered among four states. We have projects  
7 in Florida where we have dune restoration and we have  
8 various boat launch construction and improvements. We  
9 have marsh creation in Alabama, dune restoration in  
10 Alabama. We have artificial reef and oyster cultch work  
11 being proposed for Mississippi. In Louisiana, as well,  
12 we have oyster cultch, oyster hatchery, and marsh  
13 creation.

14 Here's a list of the actual projects. As I said,  
15 there's two in each of the four states. Seven of these  
16 projects have a state lead; and one project, the Alabama  
17 dune restoration, actually has a Federal lead. What you  
18 have here, though, is \$57 million in total projects of a  
19 1-billion-dollar settlement agreement we have for early  
20 restoration. So this is a very small piece of a lot of  
21 additional projects; and as I said, there's going to be  
22 additional tiers or phases of early restoration.

23 We have a lot of opportunities out there, and we're  
24 looking forward to your input on where we might want to  
25 spend that money and what type of resources we can

1 restore.

2 So I'm going to go through each of the projects.

3 We've got nice exhibits on each of these projects.

4 There's fact sheets as well to give you lots of details  
5 on each project that's being proposed.

6 The first project is the Lake Hermitage Marsh  
7 Creation Project in Louisiana, in the coastal areas of  
8 Louisiana. The nice thing about this project, this is  
9 an expansion of a project that's already been approved,  
10 so we're adding 104 acres to a project that had already  
11 been approved. Because we're going to have equipment  
12 out there, this is going to make it a lot easier and a  
13 lot more cost effective to proceed with additional marsh  
14 creation. So it was a really good opportunity that  
15 Louisiana would like to propose as one of the first  
16 projects.

17 In addition, Louisiana is proposing approximately  
18 850 acres of cultch placement on public oyster beds,  
19 oyster seed grounds; and this is to help stimulate some  
20 of the oyster populations that were affected during the  
21 spill. This is about a 14-, 15-million-dollar project.

22 The next project we have is in Mississippi, and  
23 this is the Mississippi oyster cultch restoration  
24 project, just over 1400 acres to help restore oyster  
25 populations in Mississippi at about \$11 million.

1           In addition, Mississippi is proposing an artificial  
2 reef habitat restoration project of about a hundred  
3 acres. Nearshore habitat in the Mississippi Sound would  
4 be restored, and that's about a 2.6-million-dollar  
5 project.

6           In Alabama, we have a proposed marsh island/marsh  
7 creation project. It's protecting existing wetland  
8 habitat, marsh habitat, as well as creating 50 acres of  
9 additional salt marsh habitat with about \$9.4 million.

10          The Alabama dune restoration project is a  
11 cooperative project that includes the National Wildlife  
12 Refuge, Bon Secour National Wildlife Service; the Fish  
13 and Wildlife Service; BLM, Bureau of Land Management; as  
14 well as some of the counties within Alabama that have  
15 dune habitat. This is to restore dune habitat. A lot  
16 of this, the injury to dune habitat, occurred during  
17 some of the response actions. As you know, there was a  
18 lot vehicles out there and a lot of disturbance, a lot  
19 of lights causing disruption to populations of beach  
20 mice, the Alabama Beach Mouse. So this is to try to  
21 restore some of that habitat as well to provide some  
22 additional vegetation on the dunes which will help the  
23 stabilization of these dunes.

24          And in Florida, we have a boat ramp construction  
25 and improvement project. There are four boat ramps, and

1 this is also in response to some of the response  
2 activities which either may have caused some damage to  
3 boat launches or these boat launches were not accessible  
4 to the public. So this is what's called a human use  
5 project, trying to deal with lost recreational use that  
6 the public faced during the spill.

7 And, finally, Florida also has a dune restoration  
8 project, 20 acres along the coast of Florida is also  
9 being proposed.

10 So the next steps. As Perry said, the public  
11 comment period closes on February 14th, which is  
12 Valentine's Day, and so don't procrastinate. If you're  
13 like me, you'll be procrastinating other things like  
14 flowers and candy on the 14th, so hopefully you'll get  
15 your comments in before then.

16 We have to consider all the comments that we  
17 receive; and we are receiving quite a few comments at  
18 this point, so please keep them coming.

19 We're going to finalize the approved projects with  
20 BP, and the final Early Restoration Plan/Environmental  
21 Assessment will include several pieces. It will be the  
22 agreed-upon projects based on our review of public  
23 comment; it will include a summary of all the comments  
24 we received and our responses to those comments; and it  
25 will include the actual NEPA analysis, which is a

1 requirement for all projects as well. Soon after, there  
2 will be a final settlement with BP on these projects,  
3 and we can begin implementation.

4 So here's where we're at with the public meetings.  
5 As you can see, we're getting through them. We've got  
6 three in Louisiana left and one in D.C., and we  
7 appreciate everyone coming out to this one.

8 At this time I'd like to turn it back over to Perry  
9 who's going to talk about how we're going to deal with  
10 the public comments tonight.

11 MR. FRANKLIN: Thank you, Don; and thank  
12 you, Dan.

13 As I mentioned, there are four ways to receive your  
14 comments. Before we get into the comment portion, I  
15 wanted to see if we had anyone in the audience who was  
16 in need of sign language assistance. Is there anyone in  
17 the audience in need of sign language assistance? (No  
18 response.) Okay. We'll carry on.

19 There are four ways to make your public comment, as  
20 mentioned. You can come forward tonight; you can go to  
21 one of the input stations that's located out in the open  
22 house area; you can fill out one of the forms, turn that  
23 in or mail it in; or you can go online up until February  
24 14th to provide your comments.

25 Are there any individuals who did not fill out one

1 of these cards to make comment tonight and you would now  
2 like to make comment? We will just need to get your  
3 name on one of these cards so that we can call you up  
4 properly. (No response.) Okay.

5 Let me bring up the Trustee Representatives who  
6 will receive your comments. You've already heard from  
7 Mr. Don Pitts, Texas Trustee with TPWD; Mr. Tommy  
8 Mobley, GLO, Texas Trustee; Mr. Richard Seiler, TCEQ,  
9 one of the Texas Trustees; Mr. Dan Audet you've already  
10 met, DOI, NRDA Specialist; and, lastly, Ms. Debora  
11 McLain, DOI, Deputy Case Manager.

12 Sammy Ray, did you want to make your comment?

13 MR. RAY: No, I put that in just in case  
14 something was said; and I didn't hear anything that  
15 bothered me. So...

16 (Laughter.)

17 MR. FRANKLIN: Very well. And just for the  
18 record, Mr. Ray is associated with the Texas A&M  
19 University at Galveston. Thank you, Mr. Ray.

20 Next, Mr. Jeff Barger, Ocean Conservancy.

21 MR. BARGER: Thanks a lot, and good evening  
22 tonight. Well, let me restate my name. I'm Jeff  
23 Barger, here tonight representing the Ocean Conservancy.  
24 And I've got my statement prepared here, so I'll just  
25 read it into the record for y'all.

1           We appreciate the opportunity to comment on the  
2           Draft Phase 1 Early Restoration Plan and Environmental  
3           Assessment for the Deepwater Horizon Oil Spill. We  
4           commend the Trustees for recognizing early restoration  
5           as an important step toward making the environment and  
6           public whole from the natural resource injuries and  
7           human use losses related to the Deepwater Horizon oil  
8           disaster and look forward to reviewing the  
9           Texas-specific projects in subsequent phases of the  
10          early restoration process.

11          As restoration progresses and Texas plans for  
12          project implementation, it is critical that the Trustees  
13          set a high standard for scientific monitoring. The  
14          practices initiated in early restoration will establish  
15          precedents for the broader, longer-term restoration  
16          program. Therefore, we strongly recommend that Texas  
17          commits sufficient funds for monitoring site-specific  
18          projects' performance, identifies the benchmark by which  
19          progress will be judged, and specifies the type and  
20          minimum duration of monitoring needed to track progress  
21          and attain project goals.

22          Additionally, we recommend the Trustees establish a  
23          Deepwater Horizon Oil Spill restoration evaluation and  
24          monitoring program with a portion of the 1 billion  
25          provided by BP for early restoration to measure the

1 collective impacts of restoration projects on recovery  
2 of injured resources and lost services.

3 Finally, it's critical that the trustees continue  
4 to monitor oil-related impacts well into the future and  
5 ensure that the responsible parties are held fully  
6 accountable.

7 Ocean Conservancy is committed to helping the  
8 Trustees develop a restoration program and plan that is  
9 geographically and ecologically comprehensive with  
10 respect to the injured natural resources and lost  
11 services as a result of the Deepwater Horizon. We  
12 encourage the Trustees to complement the coastal nature  
13 of these Phase 1 early restoration projects by proposing  
14 additional projects that address injuries to offshore  
15 resources and related loss in services.

16 Thank you.

17 MR. FRANKLIN: Thank you, Mr. Barger.

18 Ms. Charlotte Wells, did you want to make your  
19 comment? Ms. Charlotte Wells is with the Galveston  
20 Baykeeper Organization.

21 MS. WELLS: All I really have are questions  
22 versus comments. Can I ask questions?

23 MR. FRANKLIN: You can come forward, and  
24 they'll be part of the record. This panel will not  
25 answer that question and what we'll do is get with you

1 following this meeting and we'll try our best to answer  
2 your question.

3 Would you like me to bring you a microphone?

4 MS. WELLS: That would be wonderful. Thank  
5 you so much.

6 One of the questions I have is to ask when the  
7 Texas trustees are going to choose the projects and why  
8 there are not any listed so far.

9 Another is that we just read that the trustees  
10 consider public comments. I'd like to know more about  
11 how those comments are actually integrated and, you  
12 know, what exactly happens to the comments once we've  
13 made them.

14 And then I also noticed that on television, BP has  
15 an advertising campaign that says basically that  
16 everything's okay and that the oil is gone. The  
17 question is is there still oil from the BP Deepwater  
18 Horizon washing ashore along our coastline.

19 MR. FRANKLIN: Thank you, Ms. Wells. Are  
20 there any others who would like to make a verbal comment  
21 as part of tonight's proceedings? (No response.)

22 Okay. This has been a brief group. I think that  
23 means that you have all been informed and feel as if  
24 you've got the information that you've required. At  
25 this time I'll turn it back over to Don. Thank you.

1                   MR. PITTS: First I wanted to apologize to  
2 Dan for getting his organization wrong.

3                   (Laughter.)

4                   MR. PITTS: I mean, I know Dan as Dan Audet  
5 with the trustee, I don't know Dan as National Parks  
6 Service, you know. So maybe it's a sign of how we're  
7 working together as a team. So I apologize, Dan.

8                   MR. AUDET: No problem.

9                   MR. PITTS: I do want to make sure to  
10 recognize and let you know I appreciate your attendance  
11 today. I do want to encourage you to stay informed of  
12 the process and what's going on.

13                   Those of you who did not get a chance to sign in on  
14 the sheet outside, please make sure and do so on the way  
15 out. I would assume that the sheet's still out there.  
16 There's an opportunity to make sure and check the box so  
17 we can get you on the mailing list. Give an e-mail  
18 address so we can keep you connected to this group so  
19 you're aware of future activities and things that are  
20 going on. So that would be very, very beneficial if you  
21 could do that. Just make sure and sign in. We want to  
22 make sure we have a good record of that and make sure we  
23 can tie you back into this community as we try to move  
24 forward with restoration planning.

25                   With that, like I said, I appreciate your

1 attendance and encourage you to continue.

2 Thank you.

3 (Applause.)

4 (End of meeting.)

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1 THE STATE OF TEXAS

2

3 I, Audrey L. Waldrop, Certified Shorthand Reporter  
4 in and for the State of Texas, hereby certify that that  
5 the above-referenced meeting was taken in shorthand by  
6 me, later reduced to typewriting under my direction, and  
7 the preceding pages represent a true and accurate  
8 transcription of the meeting.

9 I further certify that I am neither attorney nor  
10 counsel for, related to, nor employed by any of the  
11 parties to the action in which this proceeding was taken.  
12 Further, I am not a relative or employee of any attorney  
13 of record in this cause, nor do I have a financial  
14 interest in the outcome of this action.

15 GIVEN under my hand and seal of office on  
16 this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

17

18

\_\_\_\_\_  
AUDREY L. WALDROP, TEXAS CSR NO. 6218

19

Expiration Date: 12/31/12

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1 DRAFT PHASE 1 ENVIRONMENTAL RESTORATION PLAN

2 ENVIRONMENTAL ASSESSMENT

3 PUBLIC MEETING

4 KAISER REALTY MEETING FACILITY

5 1557 GULF SHORES PARKWAY

6 GULF SHORES, ALABAMA 36542

7

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10 GULF STATES OF FL, AL, MS, LA, TX

11 DEEPWATER BP OIL SPILL

12 PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (PEIS)

13

14

15

16

17 PUBLIC MEETING

18 HELD ON JANUARY 24, 2012

19 COMMENCING AT APPROXIMATELY 7:00 P.M.

20 AT KAISER REALTY MEETING FACILITY

21 1557 GULF SHORES PARKWAY

22 GULF SHORES, ALABAMA

23

24

25

## A P P E A R A N C E S

1  
2 OPENING:

3 PERRY FRANKLIN - PROFESSIONAL FACILITATOR, FRANKLIN  
4 ASSOCIATES

5  
6 COOPER SHATTUCK - GOVERNOR'S CHIEF LEGAL ADVISOR,  
7 ALABAMA TRUSTEE REPRESENTATIVE

8  
9 GUNTER GUY - COMMISSIONER WITH THE DEPARTMENT OF  
10 CONSERVATION AND NATURAL RESOURCES

11  
12 PRESENTATION:

13 BRIAN SPEARS - RESTORATION PROGRAM MANAGER, DEPARTMENT  
14 OF INTERIOR

15 JEREMY PHILLIPS - REFUGE MANAGER BON SECOUR, NATIONAL  
16 WILDLIFE REFUGE.

17  
18 WILL BRANTLEY - STATE LANDS MANAGER, ALABAMA DEPARTMENT  
19 OF CONSERVATION AND NATURAL RESOURCES

20  
21 INTERPRETER:

22 MARQUITA RICHARDSON - ASL INTERPRETER

23  
24 COURT REPORTER:

25 LINDA K. MCSWAIN, CCR, RPR

1 (The following public meeting was held.)

2  
3 MR. FRANKLIN: Okay, good evening. If we can  
4 have everyone to file in and to find a seat. Good  
5 evening. My name is Perry Franklin, and I will be  
6 serving as tonight's facilitator. I'd like to welcome  
7 you to the 7th of 12 public meetings for the Deepwater  
8 Horizon Oil Spill Natural Resource Damage Assessment or  
9 N-R-D-A or NRDA, as you will commonly hear it tonight.

10 In addition to the meeting we are having  
11 tonight, there have been two meetings already held in  
12 the State of Florida, three meetings already held in the  
13 State of Mississippi, and one meeting last evening in  
14 Mobile. There will be five additional meetings held in  
15 the States of Louisiana, Texas and the District of  
16 Columbia over the next two weeks.

17 The objective of tonight's meeting is to  
18 receive your comments on the proposed projects included  
19 in the draft Phase 1 Early Restoration Plan. There will  
20 be a dedicated comment period, and we ask that you hold  
21 your comments until that portion of tonight's meeting.  
22 During the comment period each commenter will be given  
23 three minutes to deliver their comments. If you have  
24 extended comments, we ask you to hit the highlights  
25 during the three minutes and that you bring or type in

1 your written comments. And we will talk about how to do  
2 that in just a little bit.

3 If you would like to learn more about the  
4 draft of a restoration plan or learn more about the  
5 process, specifically slated for the State of Alabama or  
6 have come to provide additional input on these projects,  
7 you are in the right location. At this time if you can  
8 silence your cell phones for us, we would greatly  
9 appreciate that. And if there are any conversations, if  
10 you can just take those in the open house area, that  
11 would help to keep the noise level down.

12 Providing tonight's translation services  
13 are Ms. MarQuita Richardson. We also have a court  
14 reporter with us tonight, Ms. Linda McSwain, to my  
15 right. And we are also audio recording this meeting as  
16 a part of the official proceedings.

17 Before we begin tonight, there was a lot of  
18 information out in the open house area. The first  
19 packet had an agenda with it and also had a lot of  
20 detail about the restoration projects, the early  
21 restoration projects, for the Gulf Coast, specifically,  
22 for the State of Alabama. There is also a lot of good  
23 information in this, and so I invite you to pick this up  
24 if you did not pick one up already before you leave.

25 Also, the first room that you walked

1 through was the open house. While that is not the focus  
2 of tonight's meeting, the focus of tonight's meeting is  
3 the draft of the Early Restoration Plan, it has been  
4 found very helpful to have that information on hand.  
5 Seafood safety, restoration, public safety. And we have  
6 found that that has really answered a lot of questions.

7           Tonight's setting is one that we are going  
8 to have, in the second part of the meeting, a listening  
9 opportunity to receive your comments. If you have a  
10 specific question, we will answer that specific question  
11 in the room behind you. So please state your question,  
12 if it is such a question in the form of a comment,  
13 because this is not going to be a setting where you are  
14 going to get a response. We are going to have subject  
15 matter experts help you with that issue, if you have not  
16 already received your answer for the issue that brought  
17 you here tonight.

18           Additionally located in that same area  
19 there is an input station. If you would like to type in  
20 your comment and you don't want to do a verbal comment,  
21 there is an input station where a member of the staff  
22 will help you input that comment.

23           Tonight is about you. You will receive a  
24 lot of information tonight. You will receive an  
25 overview of the NRDA process, as well as the early

1 restoration process. Tonight's speakers will also  
2 provide you with information about the draft restoration  
3 plans, as well as an overview of the Alabama specific  
4 plans. The meeting has two parts, as I mentioned. The  
5 first, we will give information to you. The second, you  
6 will give information to us.

7           When you checked in, if you want to make  
8 verbal comments, if you would, just fill out one of  
9 these cards. Is there anyone seated who has yet to fill  
10 out one of these cards who would like to make a comment;  
11 if you have already filled out a card and have already  
12 gotten it; if you would like to make a verbal comment  
13 tonight please, if you will, just raise your hand and we  
14 will get one of these cards to you.

15           Right over here in the orange shirt.

16           And at any time tonight if you see  
17 something that has triggered a comment, please just  
18 raise your hand and the lady in the rear will get a card  
19 completed for you.

20           There are four ways to make your comment.  
21 The first is, you can come up to the microphone tonight  
22 and make a verbal comment. You can go into the adjacent  
23 room to one of the input stations, you can go online.  
24 And we will give you the website to which you can go  
25 online and submit your comments electronically. Or you

1 can have them written and mail them in or hand them in  
2 this evening.

3 I ask you to keep in mind the date of  
4 February 14th, as that is the deadline to get your  
5 comments in on the first round of the early restoration  
6 projects.

7 The objective, again, is to hear back from  
8 you after we give you a little bit more information. So  
9 on behalf of the trustees, I would like to thank  
10 everyone for attending. And before we begin tonight's  
11 proceedings, I will introduce tonight's speakers.

12 First up, we are going to have Mr. Cooper  
13 Shattuck from the Governor's Office. Then we will hear  
14 from Commissioner Gunter Guy, Department of Conservation  
15 and Natural Resources. Following the Commissioner, Mr.  
16 Brian Spears, Fish and Wildlife Service, Restoration  
17 Manager, Department of Interior. Following Mr. Spears,  
18 Jeremy Phillips, Refuge Manager Bon Secour, National  
19 Wildlife Refuge. And then following, Mr. Will Brantley,  
20 State Lands Manager, Alabama Department of Conservation  
21 and Natural Resources.

22 To begin tonight, Mr. Shattuck.

23 MR. SHATTUCK: Thank you, Perry. On behalf  
24 of the Governor's Office and the Governor, I want to  
25 bring greetings to all of you. We appreciate you being

1 here. This is an important process. It's one that is a  
2 high priority for the Governor. It affects all of us,  
3 as natural resources belong to all of us. So we  
4 appreciate you being here.

5 I want to take just a minute to recognize  
6 some of the other public elected officials who are here,  
7 and hopefully I haven't missed anybody. When I call  
8 your name, if you would, just stand and say hello.

9 Carolyn Daugherty -- or Dotie? Okay.  
10 Steve Jones, a member of the City Council in Gulf  
11 Shores. Joni Blalock, Joni, with Orange Beach City  
12 Council. And then Brett Gaar? Did I pronounce that  
13 right?

14 MR. GAAR: Gaar.

15 MR. SHATTUCK: Yeah. Good to see you,  
16 Brett. Thank you.

17 And, finally, one other person as a special  
18 guest is the executive director of the Gulf Coast  
19 Ecosystem Restoration Task Force, which is a mouthful,  
20 I'm going to have to practice that. The executive  
21 director is John Hankins, who happened to be coming  
22 through here our way. John, if you would, stand.

23 The task force has done a great job coming  
24 up with a strategy for restoration of the ecosystem of  
25 the Gulf as a whole. And it's a separate process from

1 this, but, John, we appreciate the work we've done  
2 together and we're glad you're here.

3           So I wanted to thank you all for being  
4 here. Again, the natural resources that have been  
5 affected by this oil spill are natural resources that  
6 belong to all of you. And your public comment, as you  
7 will see as this process is explained, was critical to  
8 helping us get this process going, and it is a critical  
9 part of going forward.

10           I also want to thank the trustees from the  
11 other states, the other Gulf States that were affected,  
12 Mississippi, Florida, Texas and Louisiana, along with  
13 our federal trustees, NOAA, and the Department of  
14 Interior. This has been a true collaborative effort  
15 where we have worked together to tackle a big problem.  
16 And unlike most things that emanate from Washington  
17 these days, it has been a process that has not been  
18 marred by gridlock or politics. It is a very impressive  
19 group of people who genuinely are focussed on restoring  
20 the natural resources as their goal. And I have been  
21 honored to work with them. And it has been a  
22 collaborative process with BP, as part of the process.  
23 So it is really an unprecedented effort that has dealt  
24 with an unprecedented tragedy.

25           And then lastly, I would like to thank our

1 trustees, our Alabama trustees. Gunter Guy,  
2 Commissioner with the Department of Conservation and  
3 Natural Resources. And Nick Tew, our State Geologist.  
4 Their teams have put forth a tremendous amount of effort  
5 to get us to this point. And the reason I wanted to  
6 thank them publicly is, it's only the beginning. We  
7 have a lot of work to do. We have a lot of resources  
8 that need to be addressed, a lot -- a lot of projects  
9 yet to come. And they have worked tirelessly to get to  
10 this point, and they are going to have a lot of work to  
11 do to get us home. So I wanted to thank you and all of  
12 your teams as well.

13 So with that said, let me turn it over to  
14 Commissioner Gunter Guy. Gunter?

15 MR. GUY: Thank you, Cooper. And thank all  
16 of you for being here tonight and being a part of this  
17 very important process, as Cooper said. And for me  
18 personally, it's always enjoyable to come down to the  
19 coast and to talk to my friends and to learn, you know,  
20 what's important to you. Tonight is -- is about you, as  
21 Perry said earlier. It's about your projects. It's  
22 about your resources. And it's about your remedy for  
23 the horrific damage that was caused by the Deepwater  
24 Horizon oil spill back on April 20th, 2010.

25 Tonight, of course, we are going to just

1 talk about the Phase I Early Restoration Plan and those  
2 projects that are contained therein. But I want you to  
3 know that we hope to be back here soon with some more  
4 projects that address the injuries to Alabama resources  
5 and the services derived therefrom.

6 I also want to thank a few people, and I  
7 want to thank, number one, Governor Bentley for his  
8 support and for his intense interest in what we are  
9 doing. And I can assure you, as Cooper said, he keeps  
10 up with what we're doing. And he is all about making  
11 sure that we are doing what we need to do for you and  
12 our resources.

13 Next, I also want to thank Cooper. I don't  
14 know if a lot of you realize this, but there is not a  
15 person working with the trustee council of the  
16 importance that we have here in the State of Alabama, as  
17 we do to the legal advisor. And that's huge for the  
18 State of Alabama. It's huge for our Alabama NRDA team,  
19 and it's huge for you, the citizens of the State of  
20 Alabama. And I want you to know that what he does with  
21 this process and how he manages to do the rest of his  
22 job is beyond me.

23 I also want to thank Nick Tew, of course,  
24 who is my cotrustee. We got to speak last night and I  
25 need to say some kind words about him. He and I,

1 believe it or not, along with the rest of our team, we  
2 take it very seriously what we do. And we are always  
3 discussing the projects that you have submitted to us,  
4 trying to make sure that we are constantly understanding  
5 those projects and how they fit into this natural  
6 resource damage assessment. I want you to know, Nick is  
7 always there and we are always talking about it. And we  
8 are always mindful of our obligation to you and to the  
9 natural resources.

10           And then I also want to thank a couple of  
11 other folks that are here tonight. Patti Powell.  
12 Patti, stand if you would. Everybody knows Patti, of  
13 course, our lands director. And Will Brantley, who will  
14 be speaking in a minute. And Will Gunter. Where is  
15 Will? Right here, who is legal counsel for the  
16 Department. And countless other folks with the Alabama  
17 Department of Conservation and Natural Resources I want  
18 you to know -- and you know many of them. Phillip Hines  
19 is here. There are too many to mention. I'm going to  
20 leave somebody out. Of course, they work every day in  
21 addition to their regular jobs to try to get this  
22 process right. And they deserve -- you know, they  
23 deserve the applause that I think we would like to give  
24 them. Really, I would like to give them an applause.

25           (Attendees applauding.)

1           MR. GUY: It's a team effort. And we talk  
2 about that all of the time, our mega-team, and we have a  
3 great team. And we -- and I promise you, we are doing  
4 everything we can to do it right. So, again, thank  
5 y'all for allowing me to be here tonight and to speak to  
6 you. And with that, I am going to turn it over to Brian  
7 Spears with the Department of Interior.

8           MR. SPEARS: Good evening. Thanks for  
9 coming and thanks for having us tonight. It's good to  
10 be here in Gulf Shores with you all tonight.

11           My name, again, is Brian Spears. I work  
12 for the U.S. Fish and Wildlife Service, part of the  
13 Department of Interior, out of our Fairhope office right  
14 up the road here. And, again, this night is about  
15 hearing what you have to say. But we know it is  
16 important to provide just a little bit of background  
17 about the Oil Pollution Act and about the Natural  
18 Resource Damage Assessment Regulations under the Act to  
19 help provide some context to this, and what this Draft  
20 Phase I Early Restoration Plan is all about and where it  
21 fits in in our overall process here. I hope to  
22 reiterate a couple of times tonight to y'all, it is  
23 still ongoing. So if you don't get that by the end,  
24 definitely let me know.

25           That being said, there is quite a bit of

1 information here in the next couple of minutes, but I am  
2 actually going to skip over a lot of information that is  
3 out there. A number of websites are available with more  
4 information. The draft plan itself has a lot of  
5 information in it. Some of the fact sheets you may have  
6 picked up have more information. And if you feel so  
7 inclined, the Oil Pollution Act, actually, is very  
8 exciting to read. So you can actually pull that off of  
9 the Web and read that yourself if you would like to.

10 Okay. So the Oil Pollution Act was  
11 actually developed and enacted in 1990, following the  
12 Exxon VALDEZ spill. And what it does, it basically  
13 provides general guidance on how to respond to oil  
14 spills. Within the Oil Pollution Act we have these  
15 regulations called Natural Resource Damage Assessments.  
16 And what those do is, they provide us a legal avenue for  
17 holding people accountable for injuries to natural  
18 resources caused by oil spills.

19 As you heard Cooper say, within the United  
20 States natural resources are a public commodity. They  
21 are owned by all of us. I own them, you own them. And  
22 so these are actually very powerful regulations that we  
23 came up with for ourselves to help compensate us for  
24 losses caused by oil spills. And so in the regulations  
25 themselves it actually talks about making the public

1 whole for injuries to those natural resources, as well  
2 as services they provide.

3           And so through this process you might hear  
4 about human use. And so that's why, for example, in  
5 this first round plan you will see a boat ramp project.  
6 Some of the services and natural resources provide a  
7 recreation. So it is important to remember that human  
8 use is actually a part of, a significant part sometimes,  
9 of Natural Resource Damage Assessment in compensating  
10 the public.

11           As well as what the NRDA does, it is also  
12 important to remember what it doesn't do. You all are  
13 probably very familiar with the number of different  
14 claims processes going on as part of the spill. Natural  
15 Resource Damage Assessment deals specifically with  
16 natural resource injuries. So it doesn't handle human  
17 health claims. It is not punitive. It specifically  
18 deals with natural resource injuries. So while one of  
19 these trustee reps may also be involved in some of that  
20 other claims processes, this plan tonight is  
21 specifically about natural resources injured under this  
22 spill.

23           Okay. So trustees, who are these so-called  
24 trustees? The Oil Pollution Act regs designate state,  
25 federal and travel agencies affected by spills as

1 trustees for the public. And the trustee's job is to  
2 make sure that the public is adequately compensated for  
3 injuries to natural resources.

4 In regard to the BP spill here, all five  
5 states along the Gulf of Mexico are affected. So that  
6 is why you see all five states here represented as  
7 trustees.

8 In addition to those, resources managed by  
9 the Department of Congress, represented by NOAA, and the  
10 Department of Interior, represented by the Fish and  
11 Wildlife Service, Bureau of Land Management, as well as  
12 Park Service were affected. And so we are also here as  
13 trustees as part of this spill.

14 Sometimes, depending on the scope of the  
15 spill or the state, if the state likes to represent  
16 itself or the federal trustees like to represent  
17 themselves, you will see several agencies involved. And  
18 so like here, you may see more than one agency  
19 representing each trustee.

20 Okay. So that's who we are. What is this  
21 all about, Natural Resource Damage Assessment? There  
22 are three main stages to NRDA. First is what we like to  
23 refer to as the pre-assessment stage. So soon after a  
24 spill, the trustees would go out and evaluate what is  
25 happening, whether injuries are occurring or whether

1 they are likely to occur.

2           Sometimes that is really complex. For  
3 example, here we had scientists taking water, water  
4 chemistry samples from a thousand feet below the sea  
5 surface. Sometimes it's a little more simple. We had  
6 oil birds wash up on the beach, which, you can infer,  
7 probably causing injury. So we had both of that happen  
8 here.

9           The purpose of a pre-assessment is to go  
10 out and figure out whether you should go into a larger  
11 phase called an injury assessment phase. And that is  
12 where we are at now. The point of this phase is to  
13 further evaluate what happened in the spill, what  
14 resources might have been injured, and how badly they  
15 were injured with the whole intent of getting to  
16 restoration planning.

17           The purpose of NRDA is to, again,  
18 compensate the public. So the whole point is to figure  
19 out how much restoration is owed us, and then figure out  
20 how best to get back those service losses and those  
21 resources. And, again, this is where we are at now. So  
22 while we are talking about this plan out here tonight,  
23 there are still a lot of people on the Gulf evaluating  
24 injury. So that process is still ongoing.

25           Restoration planning and NRDA, as well as

1 these particular trustees, is very important and  
2 critical to our process. Way back in the fall of 2010,  
3 when a lot of us were still walking the beaches  
4 evaluating what cleanup needed to be done or picking up  
5 oil birds to clean and release them, the trustees were  
6 already holding scoping meetings. They were already  
7 coming to each state asking folks, okay, we are going to  
8 need to do restoration here, what would you like to see  
9 happen. And those continued through the spring of 2011  
10 as part of this process called a programmatic  
11 environmental impact statement, which is just a name for  
12 some of the larger restoration planning that is  
13 occurring that this process falls under.

14           And then in April 2011 something really,  
15 really big happened. The trustees at BP signed what we  
16 refer to as the framework for early restoration. That  
17 was the one billion dollar agreement you may have heard  
18 about. That was a big, big deal. Not only here on the  
19 Gulf, but also in the whole NRDA world. Just to put  
20 that a little bit in context, the last NRDA project I  
21 came from, the trustees were parties to the largest  
22 environmental settlement in the history of the U.S. And  
23 then this happened.

24           On my last project we would have been  
25 really, really pleased with this sort of agreement that

1 would have provided a couple of million dollars to go  
2 out and jump start restoration while the assessment was  
3 going on. So this was a good, good thing our trustee  
4 negotiators did for us in working with the BP  
5 negotiators.

6 Okay. Since that happened, we kick start  
7 this early restoration planning process. We had  
8 specific early restoration plan meetings, including here  
9 in Alabama. And it is ongoing. This is just the first  
10 phase, Phase 1. That's why it's part of the title of  
11 the plan. There are still websites you can go to to  
12 submit projects. The trustees are, as we move forward  
13 to a second round, in continual planning, we look back  
14 at these new projects and projects that may already have  
15 been in our queue, and re-evaluate continually how to fit  
16 those into the continuing effort that is ongoing here in  
17 restoring our resources.

18 But at this point the trustees have a  
19 proposal for you to comment on and review. Now, we have  
20 the Phase 1 Early Restoration Plan out. And that is all  
21 working underneath this early restoration framework  
22 process. I mentioned, it provides a billion dollars for  
23 early restoration to help jump start restoring our  
24 injured resources here on the Gulf, again, while the  
25 assessment is still ongoing. And that is what these

1 other bullets are about.

2           So within the agreement, if you pull it off  
3 of the Web and read it, you actually see that it does  
4 allocate money across the trustees. So what it did was  
5 split equally among the seven trustees one hundred  
6 million dollars to use to help prioritize projects they  
7 want to see. So while this is a collaborative process  
8 among the trustees, Alabama, for example, brought forth  
9 projects for the trustee to consider that they wanted to  
10 see happen. And we have all been doing that throughout  
11 this process. The other three hundred million dollars  
12 allocated in that one million is designated for the  
13 federal trustees to help prioritize projects that the  
14 State puts forward. So, again, part of the overall  
15 collaborative process.

16           How do we select what we want to do with  
17 what we want to put on the ground? There are a number  
18 of selection criteria factors that we must and we do  
19 consider as part of getting through all of these  
20 proposals on the ground. The last time I looked on our  
21 database of projects, there were something like 800 to  
22 900 proposals that we are considering. So it is a big,  
23 big job just to figure out how best to get to those  
24 appropriately and how all of those fit into our overall  
25 restoration strategy.

1                   So the Oil Pollution Act, which provides  
2                   some selection criteria that we use, the early  
3                   restoration framework agreement itself provides similar  
4                   criteria that we use.

5                   And, finally, I will get on to a couple of  
6                   things here, these other practical considerations that  
7                   the trustees think about when they evaluate which  
8                   projects we want to put on the ground. These are Oil  
9                   Pollution Act criteria. Some include how much these  
10                  things cost. Is there a specific link between what was  
11                  injured and what you are trying to restore. That is an  
12                  important part of NRDA, that we have to evaluate and  
13                  make sure that is happening. Will it work? That is  
14                  important. And, finally, these other factors that we  
15                  consider.

16                  The framework agreement was very similar,  
17                  some of these selection criteria. Here is that link  
18                  between what was injured and what we are trying to  
19                  restore. The whole point of NRDA is to make the public  
20                  whole.

21                  Is it consistent with our broader strategy  
22                  and how does it fit in to what we are thinking about  
23                  restoration across the Gulf. And then, again, is it  
24                  feasible and is it going to work. And then, finally,  
25                  you know, there are practical considerations to be

1       thrown in. Some are intuitive, but make important  
2       sense.

3                     One of the things that the trustees need to  
4       try to do as part of this early framework is to try to  
5       get stuff on the ground quickly. The whole intent of  
6       this early restoration process is to accelerate  
7       restoration in the Gulf. So will it provide benefits  
8       quickly?

9                     Another factor that the trustees want to  
10      consider as part of this first phase of the plan  
11      especially is, we want to hit on projects that address a  
12      number of injuries. So that's why you will see Oyster  
13      Project. That's why you will see Proposed Marsh  
14      Project. That's why you see Human Use Project. So that  
15      was important to us.

16                    And then, finally, are they ready for  
17      implementation. Can we get them on the ground quickly  
18      after a plan is finalized.

19                    Okay. So just to summarize that whole  
20      process, this is a graphic taken out of the draft plan.  
21      It's summarized a little bit. But basically this is  
22      meant to show that this whole project screening and  
23      restoration planning process is still ongoing. We have  
24      project proposals. We went through that whole criteria  
25      process of screening. And the larger process is still

1 ongoing. We continue that, you can tell.

2 I want to hit on, though, this negotiation  
3 area. This is really an important part of why these  
4 early restoration plans will look the way they do.  
5 Under the early restoration framework agreement, we  
6 negotiated with BP how much the proposal cost and what  
7 they are going to provide as far as benefits go. Now,  
8 it is important to remember not -- not to confuse that  
9 with who is driving the ship here. NRDA is a trustee  
10 process. So we are -- we are the ones that come to the  
11 table with plans about what we want to do.

12 But because we have not settled our claim  
13 with BP yet, we have to come to a preliminary agreement  
14 with them on if they fund these proposed projects, what  
15 they will provide as far as resources go. Because at  
16 the end of the day, that goes into this whole claim  
17 process.

18 So, enough on that. But in a couple of  
19 minutes here, when we talk about projects, you will see  
20 the words "credits" or "offset," and that refers back to  
21 those benefits that we estimate that they will provide.

22 And, finally, here we are to public  
23 comment. After we receive public comment on this plan,  
24 we will consider everything that we have heard and  
25 respond to those in the final plan that you will see

1 here soon, later this year. And then depending on  
2 public comment, you may see a different plan than you  
3 see today. While each of these -- while each of the  
4 proposed projects fall within one alternative in the  
5 plan, they are each considered independent. So feel  
6 free to comment on one project independently tonight or  
7 all of them if you would like, and that may make a  
8 difference in the final strategy that you see as the  
9 final plan comes out.

10           Okay. In the plan itself you will see two  
11 proposed alternatives. Alternative A is what we call  
12 the no action or natural recovery alternative. I want  
13 to make clear that that is not what the trustees are  
14 proposing. The Oil Pollution Act requires that we  
15 evaluate what would happen. How would the public be  
16 compensated if we do nothing. Obviously, we are not  
17 here to propose that tonight.

18           As an alternative to that, the trustees  
19 have come to you proposing of eight projects. Again,  
20 each one was developed independently, even though they  
21 all do good things for Gulf resources. And, again,  
22 there at the bottom you see -- you may see in the final  
23 plan all of those projects again together, if we get  
24 good support on all of those proposals.

25           Tonight we want to leave more time for the

1 Alabama specific projects, since Alabama is hosting us,  
2 So I am going to just skip over the majority of the  
3 other ones. This is a map taken straight out of the  
4 draft plan showing where they are all at, starting from  
5 the Dune Restoration Project and program projects in  
6 Florida, moving through the states, all the way into  
7 southwest Louisiana. And again, just to summarize  
8 quickly, here is the graphic showing what the total  
9 costs of these projects are.

10 And, finally, just to keep this in  
11 perspective, again, we are talking about one billion  
12 dollars under this agreement. This is just the first  
13 phase. This is the first group of projects the trustees  
14 were ready for and thought we could implement quickly,  
15 and it is ongoing. You can really consider this just  
16 really the very first start on the down payment toward  
17 restoring the Gulf. Just the very first step. And you  
18 will see much, much more of this in the future.

19 Okay. Let's talk about the First Alabama  
20 Project. I am going to defer to my good friend here,  
21 Jeremy Phillips.

22 MR. PHILLIPS: All right. Okay. Good  
23 evening. It's good to see such a good turnout tonight.  
24 I see some familiar faces and neighbors from the Refuge.  
25 And thanks for braving such a cold winter night in Gulf

1 Shores to come out here.

2 I want to talk a little bit about the  
3 Alabama Dune Restoration Project. While the Department  
4 of Interior is the lead, we are really proud of this  
5 project. We developed it locally. We worked with the  
6 Cities of Gulf Shores and Orange Beach, the Bureau of  
7 Land Management and the Gulf State Park to develop this  
8 project. And the purpose is very simple and the design  
9 is very, very simple in this project. It is to provide  
10 early restoration to vegetated dune habits that were  
11 affected by not only the oil spill, but by the response  
12 to the oil spill. So all of the ATVs and heavy  
13 equipment and everything that we have all seen for the  
14 past year.

15 It is a little bit difficult to see in this  
16 slide here, but this is the project area shown in  
17 yellow. And it basically includes much of the Alabama  
18 coast this side of Mobile Bay. And it includes areas  
19 such as Bon Secour National Wildlife Refuge, Bureau of  
20 Land on Fort Morgan Peninsula, a portion of the Gulf  
21 State Park that's in Gulf Shores, the City of Gulf  
22 Shores east of the Refuge, and then much of the City of  
23 Orange Beach, with the exception of an area just east  
24 and west of Perdido Pass there.

25 And this project has three main components.

1 It is mainly a planting project. It's also sand fencing  
2 in some areas. And educational science will be a part  
3 of this, as well. So we will start with the planting  
4 portion of the project. Our goal is to mimic what you  
5 find out there naturally in the primary dunes. So we  
6 are planning to plant about 70 percent Sea Oats, about  
7 20 percent panic grasses, then about 10 percent of what  
8 we call groundcovers. And then in certain areas,  
9 especially where there is more development around them,  
10 such as property in the Cities of Gulf Shores and Orange  
11 Beach, there will also be a sand fencing component to  
12 the project. And then in all of these areas we will put  
13 out educational signs to help protect those areas after  
14 we have planted them.

15 All total, this is about 20 miles of  
16 coastline. Or to calculate it another way, about 55  
17 acres of primary vegetated dune habitat that will be  
18 restored. Some of those areas also include habitat for  
19 the endangered Alabama Beach Mouse.

20 And Brian talked earlier about DSAYS or  
21 Discounted Service Acre Years. And, again, which is  
22 basically just a currency in which we give credit to BP  
23 for these projects that will ultimately be applied for,  
24 whatever the final plan is. So in this case, that was  
25 240 DSAYS or Discounted Service Acre Years of vegetated

1 dune habit, the credit that BP will get for this  
2 project.

3           On the other side of the ledger, an  
4 assessment or a study to figure out the impacts from the  
5 oil spill will also be calculated similarly. And then  
6 this will be applied to that debit. So -- and this  
7 particular project is estimated at about 1.1 million  
8 dollars. And our goal is to have this -- get this  
9 underway as soon as possible. And I know for myself and  
10 many of us that live here on the Gulf Coast, it is going  
11 to be really wonderful to, after a year, have lots and  
12 lots of activity out there on the beach. Some of these  
13 natural areas, it is going to be wonderful to see the  
14 restoration started on the ground as soon as possible,  
15 and that's what our goal is.

16           So with that, it is my honor to introduce  
17 Will Brantley, with the Alabama Department of  
18 Conservation and Natural Resources.

19           MR. BRANTLEY: Thank you, Jeremy. I am  
20 Will Brantley, with the Department of Conservation and  
21 Natural Resources. And with the State land division, we  
22 have been actively engaged in this process since  
23 April 20th, 2010. And we will continue to be engaged in  
24 this, as well.

25           But we are here tonight to talk -- I am

1 here tonight to talk about the second of two projects  
2 that are being proposed within the State of Alabama in  
3 this Draft Phase 1 Early Restoration Plan. And this is  
4 the Marsh Island Restoration Project. And I need to  
5 distinguish, there's a couple of marsh islands within  
6 Alabama coastal waters, and this is the marsh island  
7 located at Portersville Bay.

8           You will see on this graphic that we have  
9 up there. You will see a little bit more on the project  
10 area you will see this cluster of island right there,  
11 Marsh Island is located -- that small -- it's small.  
12 But it is located in Mobile County in the Mississippi  
13 Sound in the waters in between the Dauphin Island and  
14 the mainland. And it's an area that we have some  
15 experience in doing other work.

16           The objectives of this project are really  
17 very simple. The existing island is about 24 acres in  
18 size. And so the first objective is to simply protect  
19 that acreage. And you will notice on this closest  
20 picture, you will see a red line and a yellow line. The  
21 red line indicates historic shoreline locations. The  
22 red line -- the red line is a 1958 shoreline. And the  
23 yellow line is a 2001 shoreline. So there is clearly an  
24 erosional pattern, erosion processes going on. And this  
25 one island is located in a high energy environment

1 within the Mississippi Sound.

2 The second objective of this project is to  
3 construct an additional 50 acres of new salt marsh. So  
4 we would protect what we have, and then build additional  
5 acres as well.

6 To take sort of just a step back and a  
7 bigger look at this, this project, for us, is one that  
8 we have a high level of comfort with as an agency.  
9 Brian talked about various criteria. The ability to  
10 implement and the ability to make a project happen, to  
11 get it on the ground, is important to the trustees. And  
12 this project, for us, falls into that category. We have  
13 done similar projects. This graphic, this picture up  
14 here, is what we call Little Bay Restoration Project.  
15 It is also located within the Mississippi Sound area and  
16 it is a project we concluded about 18 months ago. But  
17 very similar in nature, it will involve utilizing  
18 sediment and plant marsh.

19 So with that as a backdrop, we know we can  
20 put this on the ground and have success with it. And we  
21 certainly are eager to get public input and comment  
22 tonight from you guys, and we hope to see this project  
23 move forward. We think from the time we begin the  
24 efforts, from the time we get approval to go, if we get  
25 approval to go, we think we can have this on the ground

1       within 18 months.

2                   The design, basically we are going to place  
3       breakwaters against the southern side of the island and  
4       the eastern and western sides to provide protection. On  
5       the north side we are also going to utilize a breakwater  
6       structure. But it will probably be different, like an  
7       oyster breakwater. Because the wave energies aren't as  
8       great on that side of the island. But then sediment  
9       will be brought in, fill in the area, then we will go  
10      back and plant vegetation. We will transplant it from  
11      the existing island to populate that with vegetation.

12                  This is just a blowup. I don't want to go  
13      back into the details again, but I do want to highlight  
14      a couple of things. This is a conceptual design that we  
15      have. This project will go through full permitting and  
16      public design phase. But the conceptual design and what  
17      we intend to follow through with is an island, is a  
18      project that is linear in shape and has a lot of tidal  
19      creeks in it. And we want to do that because we want to  
20      maximize the amount of edge marsh. The edge marsh is a  
21      highly productive component of a salt marsh, and we want  
22      to promote as much of that as we can within this  
23      project. So the project will be designed accordingly to  
24      maximize those objectives.

25                  And in terms of the project offsets and the

1 cost, this is a project -- you know, you've heard Brian  
2 and Jeremy speak to this, so I won't dwell on it. But  
3 there are different -- there are various benefits that  
4 are derived from this project, and those are derived  
5 from various natural resource economic modeling  
6 exercises and science and literature and things of that  
7 nature. But for this project, this produces some  
8 benefits. And the measurement for that is 540 acres of  
9 Discounted Service Acres of salt marsh habitat in  
10 Alabama. So that's the credit that will be received for  
11 putting this project on the ground. And the estimated  
12 project cost is about 9.4 million dollars. Again, we  
13 have the luxury of being able to draw from very similar  
14 projects, and we anticipate that will be the estimated  
15 cost.

16 In just a moment I am going to pitch this  
17 back to Perry. But that sort of concludes the project  
18 components of this presentation tonight. But I want to  
19 spend a moment on sort of the next steps. I want to  
20 highlight, the close of the public comment period is  
21 February 14th. We have a couple of more weeks, two or  
22 three more weeks left, and we encourage everybody to  
23 make comments in the manner that has been described  
24 tonight, either here verbally or any of the other areas  
25 we have talked about. And we are looking forward to

1 getting to the implementation phase and concluding this  
2 process, as it will be driven by you guys.

3 We are right here, in Gulf Shores. And  
4 there are five more public meetings left. This will be  
5 the last one in the State of Alabama, but we are going  
6 to Texas and Louisiana and Washington D.C. from this  
7 point forward. We appreciate you coming, and I am going  
8 to now kick this back over to Perry.

9 MR. FRANKLIN: All right. So you have  
10 received a lot of information. Hopefully your  
11 understanding of what we are trying to accomplish has  
12 been increased. We have talked about these four ways to  
13 do this, and now we are going to move to the component  
14 of what has brought you here, and that is to hear from  
15 you.

16 Once again, I would like to remind you that  
17 there is going to be a three-minute time limit given to  
18 each of you for your comments. We have a lot of  
19 comments tonight.

20 Is Carla here? Carla is going to be our  
21 timekeeper. When you have one minute remaining of the  
22 three minutes, she will hold this sign up. And if you  
23 can just -- respectfully, just kind of give her a little  
24 nod, we would appreciate that. And then when you get to  
25 the three-minute sign, if you would, just go ahead and

1 start winding up your comments, that would be greatly  
2 appreciated. We have approximately 18 comment cards,  
3 and so if you do the math on that, you can see that we  
4 have a lot of information to get through. If you have a  
5 very lengthy comment, the way that we would like for you  
6 to present that is, give us the highlights, and then we  
7 will assist you in getting that typed in tonight or give  
8 you the paperwork to get that written up. And so that  
9 would be greatly appreciated.

10 Are there any others who would like to make  
11 a verbal comment at this time who have not completed one  
12 of the cards? And we will get a card to you.

13 Okay. So tonight we are very fortunate to  
14 have a robust representation of the trustees who are  
15 actually working in the trenches every day to ensure  
16 that these projects are brought together mainly in the  
17 general population who are seated here.

18 First up, we have Dr. Nick Tew, State  
19 Geologist, Geological Survey of Alabama. Next, we have  
20 Commissioner Gunter Guy, with the Alabama Department of  
21 Conservation and Natural Resources. Next, we have  
22 Ms. Patti Powell, State lands director, Alabama  
23 Department of Conservation and Natural Resources. Next  
24 up, we have Will Brantley. You have already heard from  
25 Will Brantley. Following Will Brantley, Brian with the

1 DOI. You have already heard from Brian. And, finally,  
2 we have Ms. Debora McClain, deputy case manager, with  
3 the Department of Interior.

4 And, again, if you can -- if you have a  
5 specific question, put your question in the form of a  
6 comment. We will ensure that the right subject matter  
7 expert meets you in the adjacent room to get you all of  
8 the information that you need.

9 First up, Mr. John Hankinson, executive  
10 director of the Gulf Coast Ecosystem Restoration Task  
11 Force.

12 MR. HANKINSON: Well, I trust my comments  
13 will be shorter than my title. It is a pleasure to be  
14 here. And we -- I do work with the task force. And  
15 some of the folks who are in front of you here also have  
16 helped us to develop a strategy for restoring the Gulf  
17 on a broader basis. That's sort of a bookend to this  
18 effort to try to respond to the oil spill impact in a  
19 restoration way. If anyone wants more information, we  
20 have information available at the open houses. And we  
21 work very closely with a lot of citizens, some of you  
22 who were involved.

23 I know that this area has a particularly  
24 robust history of citizen involvement with this issue  
25 here, and it has been a pleasure to watch. Mostly I

1 want to say thank you to the trustees. Because it is  
2 such an encouraging moment to finally begin to see  
3 projects going forward to push back on just the horrible  
4 damage that happened to our Gulf Coast during this  
5 Deepwater Horizon spill. And it's just -- you just  
6 really have done just tremendous work.

7           And I want to make sure, so there is no  
8 doubt, that I put my hat on as John Hankinson. I am not  
9 representing anything but me. But the no alternative  
10 option is unacceptable, and I say we ought to go with  
11 all of those projects. So, again, thanks for all of  
12 your hard work.

13           MR. FRANKLIN: Thank you, Mr. Hankinson.

14           Next, Ms. Margaret Long.

15           MS. LONG: Margaret Long. I really  
16 appreciate y'all being here. I think these projects  
17 that you have already -- presented to us tonight are  
18 just great. I live in Orange Beach. I have been on  
19 Cotton Bayou 62 years. I have a real passion for the  
20 place. And I know one of your categories in future  
21 proposals or future things to be approved, it comes  
22 under improving human use of resources. And I am here  
23 to please ask you to consider some more boat launches in  
24 Orange Beach.

25           I don't think there is anybody in the City,

1 Baldwin County or the State of Alabama that comes down  
2 to visit us will not realize that we don't have enough  
3 boat launches. Cotton Bayou ramp has 38 places for  
4 vehicles and trailers. Bayou Point, 38. So, basically,  
5 what has been happening is all of the vehicles and  
6 trailers are parked along Highway 161, and it has become  
7 a safety hazard, people parking there, crossing the  
8 road. Then they are coming off over on to private  
9 property, trespassing and having people pick them up on  
10 some of my neighbors' peers and whatnot.

11 The other issue, and this has become a  
12 safety issue, another thing, the size of the boats. And  
13 we are promoting -- let's say, I want tourism coming  
14 back. And everybody wants to get out there and fish. I  
15 mean, we are the red snapper capital of the world.  
16 There are a lot of new tournaments that are planned.  
17 But some of those boats have two and three, four 200  
18 power, horsepower motors on it. And if they had another  
19 launch ramp closer to the Gulf of Mexico, and I think  
20 there are some sites, I will not get into that, I will  
21 hopefully let the State of Alabama pick a site; but I am  
22 here to request, please on the future plans, try to help  
23 us out and look into more boat launches. Thank you.

24 MR. FRANKLIN: Thank you, Ms. Long.

25 MS. LONG: Thank you.

1                   MR. FRANKLIN: Next, we have Mr. Tem  
2 Blalock.

3                   MR. BLALOCK: I'm Tem Blalock, from Orange  
4 Beach. I also live on Cotton Bayou. And I was hoping  
5 Margaret would go first, so I wouldn't have to say too  
6 much. She pretty much covered everything that I wanted  
7 to say. I just want to reenforce what she said. That  
8 we definitely -- our tourists economy, we have reached a  
9 point where we are saturated when it comes to launching  
10 boats for the people of Alabama, not to mention the  
11 people from out of state. And I am afraid if we do not  
12 look at this situation and get some relief, that the  
13 progress that we have been seeing is going to go  
14 backwards. People, once they get a bad taste in their  
15 mouth, they don't come back to an area. So I think this  
16 is a very important area that we need to address.

17                   I am encouraged by this group and what I  
18 have heard tonight and to know that we are headed in the  
19 right direction, and I appreciate you. Thank you.

20                   MR. FRANKLIN: Thank you, Mr. Blalock.

21                   The next commenter is Buddy Long,  
22 Southpoint Real Estate.

23                   MR. LONG: My wife already spoke, Margaret  
24 Long. She covered the need for more access to the Gulf.  
25 One item I have not heard talked about, and I think

1 Brian might have answered this, let's talk about the  
2 clean-up of the back bays. We have a tremendous  
3 pollution problem in these areas and there needs to be  
4 something done, and I have not heard anybody talk about  
5 it.

6 I appreciate what you have already done and  
7 are going to do. But this is an area that needs to be  
8 addressed. Cotton Bayou to Bayou Point, the staging  
9 area, the BP boats, the boats, run in and out of there.  
10 They were not clean going in and out of there. People  
11 said they were going to clean them, but they did not.  
12 We have some serious problems at both locations,  
13 especially on Cotton Bayou. Because we have a -- takes  
14 seven days at least for it to flush, and this is not  
15 happening.

16 I appreciate y'all studying on this problem  
17 and I would like to hear your comments on it later on or  
18 whatever. I appreciate it. Thank you.

19 MR. FRANKLIN: Thank you, Mr. Long.

20 The next commenter, Blakely Ellis, Coastal  
21 Conservation Association of Alabama.

22 MR. ELLIS: First, I would like to thank  
23 each and every one of you for your hard work. And I am  
24 sure in the past 24 months you each attended a lifetime  
25 of meetings, and we appreciate all of your efforts and

1 hard work. And the Coastal Conservation Association of  
2 Alabama, we would like to basically agree with Ms. Long.  
3 We need more access to these resources, not only in  
4 Baldwin County, in Gulf Shores and Orange Beach, but  
5 further up the bay and over into Mobile, Mobile County.  
6 And, you know, one -- one more boat ramp would be great,  
7 but we need -- we need more than that. So that would be  
8 one thing that we would like to see in the next couple  
9 of rounds of these programs as they are allowed  
10 mirroring what our neighbors in Florida have in their  
11 first round.

12 And the other item that we would like to  
13 see is similar to our neighbors in Mississippi. The  
14 oyster reefs and inshore reefs. Basically, any type of  
15 sustainable reefs inshore or near shore we would -- we  
16 definitely would support and think it would be a great  
17 addition to these plants. Thank you.

18 MR. FRANKLIN: Thank you, Mr. Ellis.

19 I would like to remind you, just if you  
20 come up, if you will, just state your name. And if you  
21 are representing an organization, state your  
22 organization as well. That will help with the audio  
23 recording. Thank you.

24 Next, Mr. Troy Frady, Distraction Charters.

25 MR. FRADY: I am Troy Frady, Distraction

1 Charters in Orange Beach, Alabama. Ladies and  
2 gentlemen, thank you for allowing me to speak to you.  
3 Well, in order to stay on task right now, I think I  
4 better read what I have to say because I may end up in  
5 Texas if I don't.

6           From a fisherman's perspective, these  
7 projects are important for the first step toward making  
8 the environment and public whole after the oil disaster.  
9 But there is still much work to be done. Restoration to  
10 address damage to our commercial and recreational  
11 important fisheries is critical to long-term success.  
12 As we saw in the wake of the Exxon VALDEZ spill, impacts  
13 to our fisheries are not always identified in the months  
14 following the spill. It may take a while before we find  
15 out the true damage.

16           The lessons learned in the Exxon VALDEZ  
17 point to the importance of long-term monitoring as a  
18 critical and ongoing piece of the process. We need to  
19 monitor not only the success of the restoration  
20 projects, but to continue to rigorously monitor our  
21 coastal and marine environments for changes that could  
22 affect our natural resources and enjoyment of those  
23 resources.

24           It is critical that the trustees continue  
25 to monitor oil-related impacts well into the future and

1 to ensure that responsible parties are held fully  
2 accountable. Setting aside a portion of the one billion  
3 dollars early restoration money given for monitoring is  
4 an important first step. You know, I also encourage you  
5 to reach out to universities who have marine science  
6 departments and grab some graduate students out there  
7 who are wanting to study our ecosystem and help develop  
8 a baseline of the damage from here going forward.  
9 Instead of giving all of the money to a university that  
10 is always chosen to do the same science project, reach  
11 out to an unbiased group and allow some of the charter  
12 boats and commercial fishermen to get involved and to  
13 participate during our slow season to help give back to  
14 the Gulf and to its restoration.

15 We encourage the trustees to complement the  
16 coastal nature of these studies, the restoration  
17 projects, our proposed additional projects to address  
18 injuries to offshore resources and related losses in  
19 services. Ladies and gentlemen, I thank you for your  
20 time.

21 MR. FRANKLIN: Thank you, Mr. Frady.

22 Next, Mr. Larry Summers.

23 MR. SUMMERS: Thank you. I have been  
24 perusing this book a little bit to look and see what the  
25 trustees -- where in the world they get their power to

1 make these decisions, I have no idea. And I disagree  
2 with just about everything that you have said so far.  
3 We wouldn't know a beach. I have never seen any you on  
4 a beach. We don't even have a beach in Alabama anymore  
5 since they dredged up a berm on top of it.

6           And I want to make sure that no more of  
7 this monster-size dredging goes on again. Because all  
8 it did was foul up everything we had. And encourage  
9 more people to spend money putting BP oil in their car  
10 and drive down here and add to it some more. As far as  
11 planting your sea oats and everything, that's a good  
12 idea except you're planning on doing it wrong. And get  
13 the snow fence off the beach, first of all. It's an  
14 eyesore and when the tide comes up it washes out  
15 anything attached to it and takes it all away.

16           And second of all, don't pile up a bunch of  
17 sand and call it a dune. Because that's not. It's a  
18 pile of sand from with dredge spoil, is all it is. And  
19 if you're going to plant anything, you plant it in the  
20 swells between the dunes that exist and let it grow up  
21 that way. And it will grow and if the sand washes over  
22 it, it will grow taller and taller and taller.

23           The third thing you should do is put the  
24 sargassum weed there where you're going to plant,  
25 because that's the only natural fertilizer you need.

1 And it's at the core of every dune, if you ever took  
2 time to take a look at it. If you see a dune that is  
3 eroded in half, you will see that it has sargassum weed.

4 Looking at all of your endangered animals  
5 and what you are going to do for them; well, that's a  
6 joke. Because you are going to be doing the dredging  
7 and the restoration when the sea turtles are nesting and  
8 the -- you're going to stay ten feet away from the beach  
9 now, so I'm sure that's going to help a lot.

10 We want to make sure that this isn't just  
11 another smoke screen to bring more dredging in, and then  
12 building up projects like putting in marinas and turning  
13 Little Lagoon into a boat basin that will be polluted  
14 like Cotton Bayou is now. When I was a kid, Cotton  
15 Bayou was clear. It didn't smell like oil. There's  
16 been plenty of oil pollution going on here for years  
17 now. All of the rigs out in the Gulf have been leaking.  
18 And the Bureau of Land Management, which is a trustee  
19 you can't trust, should know that. Because it's their  
20 policy that let people drill out there in the first  
21 place.

22 Well, let's see. What else. Oh, yeah.  
23 Your marks over there off of Dauphin Island, well,  
24 that's not a good idea because I don't know where you  
25 are going to get your sediment, if it's going to be some

1 more dredge spoil probably dredged up out of the  
2 shipping channel, which is covered with oil down there.  
3 You can get down to the bottom to see it, but you can't  
4 see your hand in front of your face there anymore. When  
5 I was a kid, you could see the bottom of Mobile Bay,  
6 too. You can't see it anymore. We don't want to  
7 encourage more tourism here, we want to encourage less.  
8 Okay, that's about it.

9 MR. FRANKLIN: Thank you, Mr. Summers.

10 I will remind you, if you would like to  
11 make a comment, if you will just raise your hand, we  
12 will get you one of these cards so that we can get you  
13 into the que.

14 Are there any others who would like at this  
15 point to complete a card? And one of the housekeeping  
16 things I may have said earlier, facilities are right  
17 behind this door. You don't have to go down to the  
18 first floor. And so -- maybe I should have said that a  
19 little earlier.

20 Next we will hear commentary from Mr.  
21 Chester McConnell, Mobile Bay Audubib Society.

22 MR. McCONNELL: Chester McConnell, vice  
23 president, Mobile Bay Audubib Society. Thank you for  
24 the opportunity to make a few comments tonight.

25 I have reviewed hurriedly what you have out

1 on the bulletin boards and talked with some of the  
2 people who are out there, and everything that I have  
3 seen that's -- so far as I understood, based on the  
4 information there, looks very good to me. Looks like  
5 some excellent projects all the way from here to Texas  
6 to Florida.

7           So your early efforts we think will do real  
8 well in helping restore the environment. But what I  
9 want to say to the Board more than anything, because the  
10 projects are good, and I want to compliment you again,  
11 but I hope that this is not the calm before the storm.  
12 I have been to a number of meetings, mostly town  
13 meetings, county meetings, where people have been there,  
14 officials, trying to come up with projects to present to  
15 this group, the trustees. And I would say 95 percent of  
16 what I have heard suggested have no relationship at all  
17 to what has happened out in the Gulf and BP's  
18 catastrophe.

19           Some of the elected officials are trying to  
20 get money for roads, for bridges, for convention  
21 centers, all of which would probably end up doing more  
22 harm to the environment than BP's oil spill. So I hope  
23 that the trustees will really be the kind of people I  
24 believe you are and will safeguard the monies and the  
25 use of those monies to do the things that have been

1 actually destroyed or damaged by BP's oil disaster. And  
2 that's a very important thing, I believe, to keep in  
3 mind because the political might has just started.

4 One thing that has already been mentioned  
5 by one gentleman, and I want to reiterate it, and I  
6 think probably you all have thought of this, certainly  
7 you must have; is make sure that a big chunk of these BP  
8 funds are stored in a safe house, so to speak, and held  
9 for the future. For the possibilities of damages that  
10 might come in the future.

11 We don't know how much oil is out there on  
12 the floor right now in some of the deeper areas. And  
13 when the next hurricane or the next or the next  
14 hurricane comes in, you know, millions and millions of  
15 gallons of this might be thrown up in the washes and  
16 estuaries and on the beaches again. So we don't want to  
17 use up all of the money and use up -- what we gained  
18 from BP on this effort, and then we have nothing to  
19 compensate for damages in the future. But some I feel  
20 is -- I don't know. But, anyway, thank you.

21 MR. FRANKLIN: Thank you, Mr. McConnell.

22 The next commenter is Mr. David Walter,  
23 Walter Marine.

24 MR. WALTER: Thank you. My name is David  
25 Walter. I own Walter Marine, which is also the Reef

1     Maker here in Orange Beach. I want to applaud you for  
2     your selection, I think especially Marsh Island. Any  
3     time we create estuary or protect estuaries, we are  
4     doing everybody a favor and our children and our  
5     grandchildren a favor because of what has been going on  
6     in Mobile Bay and in the areas around the Gulf.

7             I do have a little bit of a concern about  
8     the Marsh Island project, that you had chosen a  
9     shoreline protection system. It's pretty antiquated.  
10    And it would send the money to Kentucky, where my  
11    business has a far superior and much better and more  
12    environmentally friendly wave continuation device that  
13    we manufacture right here in Orange Beach. It has been  
14    embraced by the State of Florida. It is being used to  
15    protective Dead Man's Island in Pensacola Bay. It has  
16    been used next door to the Naval Academy and Chesapeake  
17    Bay. The first and only ever wave continuation device  
18    allowed for a marina there. And I have been working  
19    with the Flipper Program in Louisiana, and it's  
20    currently going to be part of a large project over  
21    there.

22             I would just ask that you would consider my  
23    product. We were greatly affected by the oil spill. I  
24    was the first person in the whole Gulf Coast to be put  
25    completely out of business by the oil spill. We have

1 never fully recovered from that. So we would hope that  
2 you would direct these funds to areas that -- of the  
3 people that have been affected by the oil spill, rather  
4 than shipping these funds off to other states. Thank  
5 you.

6 MR. FRANKLIN: Thank you, Mr. Walter.

7 Next, Ms. Joni Blalock, with the City of  
8 Orange Beach.

9 MR. FRANKLIN: Okay. Tracey Holiday,  
10 National Wildlife Refuge.

11 MS. HOLIDAY: I have a no on there, as  
12 well. If you want me to --

13 MR. FRANKLIN: That's fine.

14 Next, Michelle Walker-Harmon, Alabama Oil  
15 Spill Aftermath Coalition.

16 MS. WALKER-Harmon: Hi. I'm Michelle  
17 Walker-Harmon. I'm with the Alabama Oil Spill Aftermath  
18 Coalition. We are a community-based action group here  
19 in Baldwin County that works to kind of dog what's going  
20 on.

21 First of all, I commend your early  
22 restoration plan. But we have a problem, folks. We  
23 still have wildlife washing up daily, every day on our  
24 beaches from Texas to Florida. We need to clean our  
25 water up before we start worrying about bringing boat

1 launches in and inviting tourism in. We need to take  
2 care of the water and take care of the back bays.  
3 They're awful.

4 I know Ms. Long and my family helped found  
5 this island. And as part of my moral obligation to my  
6 community, I am here to stand up and say don't roll over  
7 for BP. Do not let them run the show the way they ran  
8 the show with the Coast Guard in their clean-up  
9 operations. The trustees, I hope will do the honorable  
10 thing and look out for the best interest of the public  
11 and not the best interest of BP and their pocketbook.  
12 Thank you all for letting me speak.

13 MR. FRANKLIN: Thank you, Ms. Harmon.

14 Next forward is Kimberly McCustom?

15 MS. McCUSTOM: McCustom.

16 MR. FRANKLIN: McCustom. Alabama Oil Spill  
17 Aftermath Coalition.

18 MS. McCUSTOM: Thank you for your time. I  
19 would like to reiterate what the charter boat captain  
20 said. Okay. At this point in time we do not know a  
21 year from now what will happen. We don't know two years  
22 from now what will happen. With what evidence we have  
23 from the Spain oil spill in 2002 and from the Exxon  
24 VALDEZ, this takes time to assess. You just can't come  
25 right in and say, hey, this is all there is going to be,

1 this is all the damage there is. We don't know.

2 I also want to mention that the science  
3 that BP-paid scientists have come up with and our  
4 government has come up with is not aligning with the  
5 private, independent science. You take a look at the  
6 Auburn study. All right. You take a look at those oil  
7 maps that are right offshore. And I have a picture of  
8 one today. Sea Crest Beach, Florida. For everybody  
9 that can't see it, the waves will eventually bring this  
10 in. If you start making sand dunes, you are going to  
11 tear up the sand dunes you have already created to clean  
12 this up because you are going to have to remove it. So  
13 all I am saying, we love the beach mouse, we love the  
14 dunes, we love our home. Let's just hold off a little  
15 bit and wait and see before we start doing these  
16 projects.

17 The other point I would like to touch on is  
18 approximately 11 million dollars, a little over that, is  
19 going for the marsh project, and then the dune project,  
20 correct? I believe so. Right around a million. Where  
21 is the other -- who holds the money? Is there any --  
22 how does that work? I'm not sure about that. If that  
23 is in the trustee's possession, then what we need to do  
24 as a community is we need to create a citizens advisory  
25 committee, okay, made up not of business people, not of

1 politicians, but of housewives and people that live and  
2 residents right on the island. And they need to have  
3 input and watchdog over these funds to make sure that  
4 they are used appropriately for the restoration for the  
5 coast of Alabama, to keep it the kind of place that it  
6 was in 2009. Thank you.

7 MR. FRANKLIN: Thank you, Ms. McCustom.

8 Next, Phillip West, coastal resources  
9 manager with the City of Orange Beach.

10 MR. WEST: Welcome. Thank you guys for  
11 coming down. I would like to thank Mr. Shattuck for  
12 being here from the Governor's Office, our State  
13 trustees and their division directors and their staff  
14 but I really want to thank the federal trustees for  
15 selecting the restoration project and funding it out of  
16 your block of money, not the hundred million that was  
17 earmarked for the State initially. We appreciate that  
18 because it is a worthwhile project.

19 I also want to state or make a request that  
20 we may be able to have some dialogue sometime soon. We  
21 have a project that we are permitting that is partially  
22 FEMA funded. We think there may be good value for the  
23 Beach Restoration Project. We are in the permitting  
24 process now. And, of course, there is the stable hand  
25 that will be restored and nourished for that project.

1 And if we go to construction by next fall, time is  
2 short, so I would hope to make a request that we sit  
3 down and talk about that and see if there is good value  
4 there.

5 Also, coming as a citizen, I would like to  
6 make -- we submitted several projects. I think they are  
7 all worthwhile. There are a lot of great projects. I  
8 wish there were ten times the money to fund them, of  
9 course. And a lot of people made some good points. We  
10 don't know what is going to happen in the future. But I  
11 know, Dr. Tew, your team is going to be working on that.  
12 You know, the oil mass, the offshore oil mass and  
13 everything. You know, quantify and locate and eliminate  
14 that. We appreciate that effort.

15 But I want to -- our little division in the  
16 City, one of the things we see on a daily basis, almost  
17 on a daily basis, it's not just stemming from the oil  
18 spill, it's something we can do for the wildlife. We  
19 constantly deal with wildlife impacts along the coast.  
20 You have so many people and such a wildlife. We are a  
21 migratory corridor. We constantly have conflicts,  
22 injuries, entanglements.

23 And one of the projects that we have  
24 submitted was to have a wildlife -- a bona fide wildlife  
25 rescue rehab facility funded and staffed that would

1 provide meaningful response to wildlife in the service  
2 area of Baldwin County, all the way to Foley. I wish  
3 you guys would consider that and engage in conversation  
4 to better learn what -- how our mindset is about that.

5           It could be a real -- even a resource for  
6 tourists, where appropriate they could see part of this  
7 operation. But we see it every day. We don't like that  
8 our visitors that we bring from other areas have to also  
9 witness some of that painful happening where you have  
10 entanglements or other sick wildlife. So I just  
11 appreciate the time and thanks again for being down here  
12 with us. Hope to see you again soon. Thanks.

13           MR. FRANKLIN: Thank you, Mr. West.

14           Next, Daniel Storey, Occupy.

15           MR. STOREY: My name is Daniel Storey. I  
16 am from Fairhope, part of the Occupy movement.

17           First of all, I would like to reemphasize  
18 what this gentleman said. I think we are putting the  
19 cart before the horse by trying to do a restoration  
20 and -- before we know what the impact is going to be  
21 next hurricane season. You know, if we spend all of the  
22 money doing restoration, then we are going to have to  
23 redo it all again. So I totally agree with that.

24           So I believe, like on Dauphin Island, I was  
25 a supervisor during the oil spill cleanup. Well, BP

1       came in, they took sand from the north side and moved it  
2       to the south side and now there are sea oats out there.  
3       Well, sea oats are endangered plants, so we can't go out  
4       there and dig them up. So now we have those sea oats  
5       out there. How are you going to get rid of those dunes  
6       without destroying an endangered plant? So keep that in  
7       mind.

8                   And my last point is, I am going to be very  
9       point, why are we having a public meeting in a private  
10      corporation? And that's why I am here. So thank you.

11                   MR. FRANKLIN: Thank you, Mr. Storey.

12                   Next forward, Mr. Donald Waters, Waters  
13      Fishing.

14                   MR. WATERS: Good afternoon. Thank you for  
15      letting me speak. I am from Pensacola. I kind of  
16      stepped across the line here.

17                   Some of the projects you are doing, I see,  
18      is very helpful to your community. I have fished in the  
19      State of Alabama and Florida. I tell everybody, I'm  
20      from lower Alabama because I only live about six miles  
21      across the line. But I missed the meeting in Pensacola  
22      because I was in Tampa doing reef fish stock  
23      assessments.

24                   And I agree with Mr. Frady and some of  
25      these other people. None of the data in any current

1 stock assessment is post-oil spill. It takes five to  
2 seven years of data to feed into a stock assessment.  
3 The unknown is the most fearful thing in my life, right  
4 now. Because there is things -- I have fished for over  
5 four decades in the Gulf of Mexico and in the State  
6 waters of Alabama and Florida. There are things that I  
7 have never seen before. Unusual, displaced. It's like  
8 somebody broke into a house. It's not -- we do not know  
9 the damage that this oil spill has created. I want to  
10 emphasize that.

11 I want to also congratulate you on some of  
12 the things that you are doing to bring back economy to  
13 the States, to Pensacola, to Florida and to Alabama. It  
14 is a good first step. But I am here mostly to caution  
15 you of what lies in our future and be prepared for the  
16 worst and hope for the best. Thank you very much.

17 MR. FRANKLIN: Thank you, Mr. Waters.

18 Next commenter, John Greene, Intimidator  
19 Sportfishing.

20 MR. GREENE: Good evening. I appreciate  
21 your time. I just want to make a real quick comment. I  
22 like your inshore restoration programs. I think they  
23 are pretty well thought out. I think you have covered  
24 your bases on that real well.

25 The inshore program is real critical to the

1 offshore. I don't think most people realize how the two  
2 are intertwined between each other. You have tidal  
3 currents coming in and out, there are a lot of things  
4 that happen. But the early stuff that you are doing is  
5 critical. I think it is beneficial. I think maybe, if  
6 nothing else, we will maybe learn what not to do, what  
7 to do. I think we can work this out moving forward.

8           But just remember, the long-term  
9 restoration monitoring is going to be key to that. So  
10 let's get the inshore stuff done. That is something  
11 that we can handle right here right now. It's real  
12 stuff that we can get our hands on. Let's look down the  
13 road towards a long-term monitoring project. Make sure  
14 the fisheries and stuff that we can't see, like Mr.  
15 Waters said earlier, you know, fear of the unknown is  
16 really something that really gets us all. We can make  
17 it into being anything that you want it to be, but let's  
18 make sure that we are cautious. Proceed ahead and keep  
19 doing it. I think you're doing a good job. Thank you.

20           MR. FRANKLIN: Thank you, Mr. Greene.

21           Next up, Joan Sung, retired.

22           MS. SUNG: Hi. Thank you very much for  
23 having us here tonight. My name is Joan Sung, retired  
24 academic librarian from the University of Mobile.

25           I have a unique background/experience that

1 has me at this meeting tonight. I used to work for the  
2 field manager in the Prudhoe Bay Oil Spill in Alaska  
3 during the building of the Alaska pipeline and its  
4 implementation. I can't tell you the horror we all  
5 felt, and me in particular, when this oil spill  
6 occurred, and then went on and on and on. I was truly  
7 frightened for everybody here and our way of life in  
8 this area. This has as much horror to us, it's a 9/11  
9 to people who live in the northeast.

10 So my comments to you tonight that I would  
11 like you to be aware of, I like your initial projects  
12 and I appreciate the work that you have done. But there  
13 is one special natural resource that has been alluded  
14 to, but nobody has really said it. I would like you to  
15 be aware, since you are in the early project stages to  
16 be able to set the tone and direction of your efforts.  
17 I would like you to consider how you can incorporate the  
18 work on these projects as they go along with the young  
19 people, particularly early grade students. I agree that  
20 you should try to get graduate students involved. But  
21 the impact of what has happened here isn't just decades  
22 out. Having been there and seen this, you're looking  
23 at -- we need to raise our own scientists from this area  
24 to be aware to monitor for the remainder of their lives.

25 Everybody in this room, every agency here

1 probably won't exist in 50 to 100 years. So we need to  
2 train our young people to watch and monitor and be the  
3 caretakers of the future. So, please, design whatever  
4 projects to involve and include all the schools or the  
5 libraries. Places where young people need to learn and  
6 understand what is happening to their world. Thank you  
7 very much.

8 MR. FRANKLIN: Thank you, Ms. Sung. I have  
9 one remaining speaker, Mr. Nick Wilmott, as he is coming  
10 forward. If there is anyone else who would like to make  
11 a verbal comment tonight, then please raise your hand  
12 and we will get a card to you.

13 Nick Wilmott, Gulf Highland, LLC.

14 MR. WILMOTT: My name is Nick Wilmott, I am  
15 with Gulf Highland, LLC. I want to say thank you for  
16 putting this informative meeting on tonight. It is --  
17 it helps so many of us, me included, explaining a  
18 somewhat confusing process to so many, and I appreciate  
19 that.

20 The second thing I want to say, as a local  
21 I appreciate a lot of the comments already made and I  
22 hope they are considered in future phases. But what I  
23 wanted to come up and say, with the criteria set forth  
24 that you have, and this being Phase I, I agree with the  
25 projects you have selected. I think they address a

1 diverse selection that you have in front of you. So  
2 thank you.

3 MR. FRANKLIN: Thank you, Mr. Wilmott.

4 Are there any others that would like to  
5 make verbal comments this evening?

6 (No response.)

7 MR. FRANKLIN: Okay. On behalf of the  
8 Alabama State trustees and the federal trustees  
9 assembled here tonight, we would like to thank you for  
10 taking time out of your schedules to participate.

11 Subject matter experts will be going back  
12 to the open house area, if you have additional questions  
13 or comments that you would like to pose, they will be in  
14 that area. Thank you very much for your time tonight,  
15 and have a good night.

16 (The meeting concluded at 8:25 p.m.)

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STATE OF ALABAMA

COUNTY OF ALABAMA

I do hereby certify that the above and foregoing transcript of proceedings in the matter aforementioned was taken down by me in machine shorthand, and the questions and answers thereto were reduced to writing under my personal supervision, and the foregoing represents a true and correct transcript of the proceedings had upon said hearing.

I further certify, that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Linda K. McSwain  
LINDA K. MCSWAIN, RPR, CCR# AL-CCR-272  
NOTARY PUBLIC FOR THE STATE OF  
ALABAMA AT LARGE  
COMMISSION EXPIRES JULY 15, 2013

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IN RE: PUBLIC SCOPE MEETING FOR BP  
OIL SPILL

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PUBLIC SCOPE MEETING FOR BP OIL  
SPILL, taken at the Terrebonne Council  
Chambers, 8026 Main Street, Second Floor,  
Houma, Louisiana, beginning at or about  
p.m. on Tuesday, the 31st day of  
January, 2012.

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FACILITATOR:

Perry Franklin

RESTORATION MANAGER, U.S. FISH & WILDLIFE  
SERVICE:

Brian Spears

COASTAL RESTORATION & PROTECTION  
AUTHORITY:

Drue Banta

REPORTED BY:

Ralph Preveau  
Certified Court Reporter

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1           MR. FRANKLIN: Good evening. My  
2 name is Perry Franklin and I will be  
3 serving as your facilitator for tonight's  
4 meeting. At this time, if we could ask  
5 everybody to silence their cell phones and  
6 to make yourselves comfortable we would  
7 appreciate it so that we can begin  
8 tonight's very important meeting.

9           To start off, I'd like to ask  
10 Drue Banta, who represents the Coastal  
11 Protection & Restoration Authority of  
12 Louisiana, to come forward to open our  
13 meeting. Drue?

14           MS. BANTA: Good evening. I'm  
15 Drue Banta with Coastal Protection &  
16 Restoration Authority, the Deepwater  
17 Horizon lead trustee. On behalf of the  
18 trustees, I'd like to thank you all for  
19 joining us today and I'd like to take an  
20 opportunity to introduce you to our team  
21 who has been working on this spill for  
22 almost two long years. We've got  
23 representatives from the Louisiana  
24 Department of Wildlife & Fisheries,  
25 Department of Natural Resources,

1 Department of Environmental Quality, the  
2 Coastal Protection & Restoration  
3 Authority, and Louisiana Oil Spill  
4 Coordinator's office. If you all could  
5 just stand up so we can recognize you.

6 (Applause)

7 MS. BANTA: Thanks so much. We  
8 greatly appreciate you all taking the time  
9 to be here tonight. Your involvement in  
10 the natural resource damage assessment  
11 process is very important and we  
12 appreciate the time that you've taken, and  
13 since the beginning of the spill we've  
14 made a concentrated effort to continue to  
15 reach out to our state in this process and  
16 your contribution is invaluable tonight.

17 I'd like to also introduce a  
18 number of officials who are here with us  
19 tonight. We've got President Michel  
20 Claudet from Terrebonne Parish, and we've  
21 got President Charlotte Randolph from  
22 Lafourche Parish here with us tonight.  
23 Then we have Mr. Steve Vassallo, who is  
24 new to Terrebonne Parish, with the  
25 Terrebonne Economic Development Authority.

1 Thanks so much.

2 Thank you all for your continued  
3 support. Before we get started I'm going  
4 to have President Claudet and President  
5 Randolph come up and say a few words of  
6 welcome.

7 PRESIDENT CLAUDET: We also have  
8 Brenda Babin on our school board and I  
9 know she's around here somewhere. I saw  
10 her here.

11 I'd like to welcome everybody to  
12 Terrebonne Parish. Of course, Terrebonne  
13 means The Good Earth. We're also Ground  
14 Zero for land loss in Louisiana and in the  
15 United States.

16 Also, we were severely impacted  
17 by the BP spill. In fact, we were  
18 probably the fourth most impacted parish  
19 in Louisiana and we are, obviously, very  
20 hopeful for NRDA Early Restoration and,  
21 hopefully, how it will affect Terrebonne  
22 in the future.

23 We thank you for coming to  
24 Terrebonne, we hope that you come back,  
25 and certainly hope that there are many

1 projects in the future for Terrebonne.

2 Thank you.

3 PRESIDENT RANDOLPH: Thank you,  
4 Michel. I'm Lafourche Parish President  
5 Charlotte Randolph. It is so good to see  
6 so many of you here tonight. To have  
7 public input into this process is  
8 essential. We sit in our offices and know  
9 about the many projects that are out  
10 there, but to have the public input, and  
11 the input of so many NGOs who are in here  
12 now, is essential to making this process  
13 work.

14 Yes, we are sitting in the heart  
15 of the parishes that were impacted by this  
16 spill. From St. Bernard to Plaquemines,  
17 to Lafourche to Terrebonne, you could  
18 identify the areas that were most impacted  
19 by it.

20 This is the beginning of a long  
21 process. It is not necessarily how we  
22 would have begun because certainly all of  
23 our hopes and plans that we sent to the  
24 NRDA process are based upon more  
25 restoration projects.

1           Again, it's a reminder that this  
2           is only the beginning and we have  
3           intentions of including many of those  
4           projects along the line. By the time this  
5           is over we will see many new projects  
6           coming in.

7           Finally, the best part of this is  
8           that with every disaster comes a silver  
9           lining. We have learned that from  
10          governance. This one, unfortunately, had  
11          to have tragedy before we did find the  
12          silver lining, but the silver lining in  
13          there is that we will finally achieve some  
14          of the projects that we have had on the  
15          books for many years.

16          Michel and I certainly have some  
17          coordinated projects, as well as some  
18          individual ones, but the Barataria  
19          Terrebonne Estuary is certainly the heart  
20          of the land loss problems and we represent  
21          those areas.

22          Again, I thank you for your  
23          participation. It is critical that the  
24          public gets involved in this process.  
25          Your effort to this is laudable. Thank

1     you.

2                     (Applause)

3             MR. FRANKLIN:  Thank you,  
4     Presidents.  I'd like to welcome you to  
5     the ninth of twelve public meetings for  
6     the Deepwater Horizon Oil Spill Natural  
7     Resource Damage Assessment Process, or  
8     NRDA or N.R.D.A., as you will hear it  
9     throughout this presentation.

10            In addition to the meeting held  
11    tonight, there have been two meetings held  
12    in Florida, three meetings held in  
13    Mississippi, two meetings held in Alabama,  
14    and one meeting held in Texas.  There are  
15    two remaining meetings in the State of  
16    Louisiana, one in Chalmette tomorrow night  
17    and one in Belle Chasse on Thursday night.

18            If you have any colleagues,  
19    friends, or relatives who could not make  
20    it to tonight's meeting, and would like to  
21    have their comments input for the record,  
22    please invite them to those two meetings  
23    tomorrow night and Thursday night.

24            The objective of tonight is to  
25    receive your comments on the proposed

1 projects included in the Draft Phase I  
2 Early Restoration Plan. There will be a  
3 dedicated comment period following a  
4 presentation and we ask you to hold your  
5 comment until that time.

6 Each of you who would like to  
7 make a comment will be given three minutes  
8 to give your comment. If you have not yet  
9 filled out a card to speak, which looks  
10 like this, if you would, just let us know.  
11 We'll get a blank card to you so that we  
12 can get your name correct for the record.  
13 Very important.

14 As you can see, we have two sign  
15 language interpreters for tonight, Mr.  
16 Clifford Watts and Ms. Gayle Barnett.  
17 Thank you very much. Are there any here  
18 in need of these services?

19 (No response)

20 MR. FRANKLIN: Thank you very  
21 much. As you may have noticed, we also  
22 have a court reporter, Mr. Ralph Preveau.  
23 He is here to record the proceedings of  
24 tonight's meeting, as this is very  
25 important, and we're going to have that

1 for the transcript as well.

2           When you walked in there was an  
3 informational packet that you could have  
4 picked up. I invite you to pick this up,  
5 if you did not, as there are many  
6 important topics in here. This is a good  
7 reference document. There are some  
8 website addresses in this document. It's  
9 just good to have following tonight. So,  
10 if you feel like "This is what I would  
11 like to say" or "A comment has now hit me"  
12 there is information in this packet for  
13 you.

14           Also, you may have noticed the  
15 Open House. While those topics are not  
16 the aim of the tonight's meeting, we  
17 thought those had been very helpful in the  
18 nine meetings preceding tonight. So, if  
19 you have a question about seafood safety,  
20 human health, the assessment process, the  
21 Restoration Task Force we invite you to  
22 revisit that area as it was open preceding  
23 this meeting and we will be here until the  
24 last person exits the facility.

25           Additionally, there is an input

1 station in that area. If you are not  
2 comfortable making your comments into the  
3 record verbally on the microphone this  
4 evening you can go to the Open House area  
5 and there's an input station. There's an  
6 individual there who can assist you as  
7 well.

8           Tonight is about you. There's a  
9 lot of information. There are a lot of  
10 missed facts that are going around and  
11 tonight is for us to, hopefully, impart  
12 some information to you that will give you  
13 a better understanding and heighten your  
14 awareness of the process that's going on  
15 with the NRDA process, as well as the  
16 early restoration process.

17           Tonight's speakers will also  
18 provide details of the Draft Phase I Early  
19 Restoration Plan. There are copies. If  
20 you would like to read more about this you  
21 can go online and read a copy, you can  
22 pick up a hard copy outside, or you can  
23 pick up a C.D. to take with you if this  
24 information warrants that level of  
25 reading.

1           The meeting has two parts. The  
2 first part will be a presentation and the  
3 second, most important, portion will be  
4 the receiving of your public comment.

5           At that time, as I said before,  
6 you will be given three minutes to do so.  
7 All you need to do is just fill out a  
8 comment card, and those cards will be  
9 given to me, and you will be called in the  
10 order in which those cards are completed.

11           Are there any individuals here,  
12 at this point, who did not fill out a  
13 comment card and would like to complete  
14 one? One here.

15           (Hands being raised in audience)

16           MR. FRANKLIN: Two here. Three  
17 here. We will pick those up. Once you  
18 complete them just raise them in the air  
19 and we will pick those up for you.

20           Again, four ways to comment,  
21 which is the purpose of tonight's meeting.  
22 You can come forward tonight and verbally  
23 give your comment, you can complete this  
24 form and hand it into us tonight, or  
25 there's an address right in the middle.

1 You can mail that in. You can go to the  
2 input station or you can go online at your  
3 leisure. The only thing I ask you is to  
4 remember that February 14th is the last  
5 day to get public comment on the early  
6 restoration process.

7 So, on behalf of the trustees, I  
8 would like to thank everyone for  
9 attending.

10 And to formally begin tonight's  
11 proceedings we have two speakers, Ms. Drue  
12 Banta and Mr. Brian Spears. Drue Banta  
13 serves as the counsel for coastal  
14 activities for Governor Bobby Jindal. She  
15 represents Louisiana's lead trustee and  
16 trustee agency on the state's Deepwater  
17 Horizon Natural Resource Damage Assessment  
18 team.

19 In that capacity, Ms. Banta  
20 coordinates day-to-day management issues  
21 and provides policy, communications,  
22 counsel for the case. She also serves as  
23 the coordinating role between the other  
24 states and the federal trustees.

25 Following Ms. Banta will be Mr.

1 Brian Spears, Restoration Manager, U.S.  
2 Fish & Wildlife Service which is under the  
3 direction of the Department of The  
4 Interior. Mr. Spears currently works out  
5 of the Fairhope, Alabama office where he  
6 is the Branch Chief of the U.S. Fish &  
7 Wildlife Services Deepwater Horizon Oil  
8 Spill restoration efforts. Ms. Banta.

9 MS. BANTA: Thanks, Perry.  
10 Tonight I'm going to talk to you a little  
11 bit about the natural resource damages  
12 assessment process and, specifically, the  
13 early restoration process that we are here  
14 to talk about tonight and the eight  
15 projects that are included in the first  
16 phase of early restoration.

17 For those of you who are not  
18 familiar with the NRDA process, it's the  
19 Natural Resource Damage Assessment  
20 Process. It's a legal process under the  
21 Oil Pollution Act. That's the federal law  
22 whereby trustees are designated to restore  
23 the natural injuries and the services they  
24 provide as a result of the oil spill. So  
25 almost two years ago the Deepwater Horizon

1 oil spill set in motion the largest  
2 N.R.D.A. in history.

3 So NRDA is a legal process. It's  
4 set forth under the Oil Pollution Act of  
5 1990 and it's got corresponding  
6 regulations, the NRDA regulations. It was  
7 enacted following the Exxon Valdez oil  
8 spill and it's the law for establishing  
9 liability.

10 So it's a little bit different  
11 from private claims that people might  
12 have, the claims that you have as a  
13 property owner, or the state might have  
14 for lost revenue. This is specifically  
15 for restoration and assessment of the  
16 injuries to natural resources and the  
17 restoration of those injuries. So it's  
18 looking at the impacts to the birds, the  
19 fish, the wildlife, the wetlands, and loss  
20 of the use of those. So the inability to  
21 go bird watching, or to go on a beach, or  
22 to do recreational fishing, those are the  
23 sorts of things that are compensable under  
24 the N.R.D.A. process.

25 So the objective of NRDA is to

1 make the environment and the public whole  
2 for the injuries to our natural resources  
3 and the services they provide from an oil  
4 spill.

5           Natural resources is done by  
6 trustees. The N.R.D.A. process is done by  
7 the trustees and it's the process to  
8 develop a claim. And the way it works is  
9 that the trustees will develop studies to  
10 figure out what the injuries are to our  
11 resources and they'll develop restoration  
12 plans to restore for those injuries.

13           So, as I mentioned, the process  
14 is run by trustees. So it's the five Gulf  
15 states (Louisiana, Mississippi, Florida,  
16 Alabama and Texas) who have been  
17 designated as the natural resource damage  
18 assessment trustees, as well as two  
19 federal trustees. The Department of  
20 Interior and the Department of Commerce  
21 through NOAA.

22           In Louisiana we've got a number  
23 of trustees. Our trustees are here  
24 tonight. As I've mentioned before, we're  
25 led by the Coastal Protection &

1 Restoration Authority and Garrett Rays is  
2 our a lead trustee. We've also got the  
3 Department of Wildlife & Fisheries, the  
4 Department of Natural Resources, the  
5 Department of Enviromental Quality, Office  
6 of Coastal Protection & Restoration, and  
7 the oil spill coordinators office.

8 So NRDA is a multi year process,  
9 it's long-term, and it's got several  
10 phases, three phases.

11 What happens in the preassessment  
12 phase is that data is collected, federal  
13 data, things that might disappear really  
14 quickly, soil samples, water samples,  
15 samples of the oil to figure out what the  
16 injuries might be and whether a NRDA  
17 should be conducted. In this case, the  
18 spill was so large it was pretty clear  
19 that we would do a damage assessment.

20 So once you've developed and you  
21 collect some of that data and start  
22 looking at it you figure exactly how  
23 you're going to start studying what those  
24 injuries are. So that's the injury  
25 assessment phase where you really start

1 developing specific scientific studies led  
2 by teams of experts, scientists, and  
3 lawyers who develop these sample  
4 parameters.

5           And for fish you might take  
6 samples of what they eat, or you might  
7 take samples of the fish themselves to  
8 figure out what the long-term impacts are.  
9 And once you have an idea of what the size  
10 and scope of the injury is to the resource  
11 then you start to develop restoration  
12 plans to compensate for those injuries.

13           In the case of early restoration,  
14 we're going to begin conducting  
15 restoration planning before the long-term  
16 damage assessment is complete and before  
17 we have a full understanding of what the  
18 long-term impacts are. This is just an  
19 opportunity for us to get started. In a  
20 regular NRDA it might take ten years.

21           And, so, in this case, we don't  
22 know really how long it's going to take,  
23 but we want to make sure we're  
24 compensating for our injuries sooner  
25 rather than later.

1           And then, finally, those  
2   restoration plans are implemented. The  
3   trustees will develop plans to compensate  
4   for those injuries, will pick certain  
5   types of projects to compensate for  
6   certain types of injuries. And right now  
7   the trustees are working on both the  
8   injury assessment and the restoration  
9   planning phase at the same time.

10           Throughout this whole process  
11   public involvement has been very, very  
12   important and we're trying to make a  
13   concentrated effort to get the public  
14   engaged in the process and to get feedback  
15   both on the projects, the types of  
16   projects we might use to really talk about  
17   what we're doing out there in the field to  
18   the extent we can because, as I mentioned,  
19   this is a legal process, so some things  
20   are confidential, but to the extent that  
21   we can get information out to the public,  
22   get your feedback, put the copies of the  
23   studies online and the data that we  
24   collected online for the public to review,  
25   that's been really, really important to

1 us.

2 So, in the fall and winter of  
3 2010, we started with the round of public  
4 meetings just to familiarize folks with  
5 the NRDA process. It's not something a  
6 lot of people are familiar with. It's not  
7 like we have really huge oil spills all  
8 the time. I mean, Exxon Valdez was, I  
9 believe, in 1989 or '88.

10 So, what we did next, in the  
11 spring of 2011 we did another round of  
12 public meetings on a problematic  
13 environmental impact statement. That's  
14 part of the environmental compliance  
15 process where we go out and look at the  
16 different types of projects that might  
17 compensate for different types of injuries  
18 from the oil spill. And we did a round of  
19 those across the Gulf Coast and, in  
20 particular, we did several in Louisiana.

21 Then in the summer of 2011, after  
22 the early restoration announcement was  
23 made, we went out to the public to  
24 specifically solicit for projects to  
25 potentially be included as early

1 restoration projects.

2 In Louisiana we do specific  
3 outreach, we do outreach to individuals,  
4 to non-profits, to community leaders, as  
5 well as host Coastal Protection &  
6 Restoration Authority meetings every month  
7 where there is an opportunity to have  
8 public comment. We encourage you all to  
9 come out and do those.

10 In addition, we do some specific  
11 outreach with the oyster industry through  
12 the oyster advisory committee that was  
13 formed specifically to advise on this  
14 spill.

15 We've got a website set up. It's  
16 listed here, [LASCO-DWH.com](http://LASCO-DWH.com). You can get  
17 additional information about the spill, as  
18 well as the work plans and the data that's  
19 available related to this natural resource  
20 damage assessment.

21 So now we are going to turn to  
22 talk a little bit about early restoration.  
23 As I mentioned, um, there is a long-term  
24 process. So one year after the still BP  
25 and the trustees announced a billion

1 dollars to begin restoring our resources  
2 as a result of this spill before the  
3 long-term process was complete. It's not  
4 the last step, it's only the first step,  
5 and this plan that we're going to talk  
6 about today is the first step of this  
7 first step in early restoration.

8           So, a billion dollars was  
9 committed. The trustees and BP developed  
10 an agreement. As I mentioned, it allows  
11 restoration to begin prior to the  
12 completion of the long-term assessment  
13 and, at this time, the injury assessment  
14 will continue. So while we're working on  
15 early restoration the scientists will  
16 continue to develop work plans to study  
17 the long-term injuries.

18           And, ultimately, this does not  
19 release BP from full liability. It only  
20 goes for beginning to restore our  
21 injuries. They are still liable for the  
22 full measure of restoration that's due to  
23 the damage to our resources.

24           So, between the trustees, that's  
25 the state and the federal trustees that

1 I've mentioned, we developed an allocation  
2 formula and that's to divvy up the billion  
3 dollars. So each of the five trustees  
4 will get a hundred million dollars to be  
5 used for projects. NOAA and DOI, the  
6 federal trustees, will each get a hundred  
7 million dollars. Then there is a three  
8 hundred million dollar pot of money for  
9 state sponsored restoration projects to  
10 compensate for impacts. All of this is to  
11 restore injuries as a result of the oil  
12 spill and it has to go toward projects  
13 that will restore from those injuries.

14 In Louisiana we are particularly  
15 concerned about restoring our injuries  
16 since we got the brunt of the impacts  
17 here. We primarily intend to restore our  
18 projects through coastal restoration  
19 projects, through oyster reestablishment  
20 projects, and through a fish hatchery  
21 project. And tonight's projects, we've  
22 got two in this early restoration plan, a  
23 marsh creation project and an oyster  
24 restoration project. That is the  
25 beginning of our first step towards

1 restoring our injuries as a result of this  
2 spill.

3           So, I'm just going to tell you a  
4 little bit about the way the process  
5 worked. So, as I mentioned, we solicited  
6 for projects. That means we went out into  
7 the community, we looked at the projects  
8 that we had on the books for a long time,  
9 we met with individuals, and we took a  
10 look at -- There was a whole list of  
11 projects that were available to compensate  
12 for our injuries from the oil spill.

13           We narrowed that down, based on  
14 some criteria set forth in the Oil  
15 Pollution Act, between an agreement with  
16 the trustees and some state specific  
17 criteria. Brian, here, is going to tell  
18 you a little bit more about that next.

19           Once we had that list of projects  
20 that we felt met the criteria we narrowed  
21 those down and then we began to negotiate  
22 with the other state and federal trustees.  
23 Once there was an agreement between the  
24 trustees then we negotiated with BP.

25           And the next step in the process

1 is the development of an early restoration  
2 plan. As I mentioned, that is the first  
3 of, potentially, multiple plans that we  
4 will have on early restoration, but  
5 tonight is the next step in this process.

6 The plan is out for a 60 day  
7 public comment period through February  
8 14th, so tonight is an opportunity to get  
9 your comments on the early restoration  
10 plan that's here before you. The trustees  
11 will take into account all of the comments  
12 that are made throughout the Gulf Coast,  
13 either in person, through the form Perry  
14 mentioned, or through the website. We  
15 will take a look at all of those and then  
16 we will have final selection of  
17 alternatives. Once the plan is finalized,  
18 after we've looked at those comments, then  
19 the plan can go towards implementation.  
20 So that's the next step to the process.

21 I'm going to turn it over to  
22 Brian now to walk you through the criteria  
23 and some of the specifics on the early  
24 restoration plan.

25 MR. SPEARS: Thanks, Drue. Good

1 evening. Thanks, again, for having us  
2 here. It's great to be here with you all  
3 in Houma tonight. Again, my name's Brian  
4 Spears. I work for the U.S. Fish &  
5 Wildlife Service, which is out of the  
6 Department of the Interior out of our  
7 Fairhope, Alabama office.

8           And, like Drue mentioned as part  
9 of her job, part of my job in that role is  
10 not only to help develop restoration  
11 projects for responding to oil spills for  
12 the Fish and Wildlife Service, but also to  
13 help facilitate coordination among the  
14 trustees, and figuring out how to fit this  
15 early restoration framework in some of the  
16 projects we're talking about tonight into  
17 an overall restoration strategy responding  
18 to injuries caused by the spill, so that's  
19 a big job. There are a lot of selection  
20 factors that we had to go through, which  
21 I'm going to hit on here.

22           Last I looked on the NOAA web --  
23 NOAA hosts a website that shows a lot of  
24 the projects on the table that the  
25 trustees are considering. As of six

1 o'clock tonight, I think there were just  
2 over seven hundred proposals on that one  
3 alone. As you will hear more tonight,  
4 there are probably additional ones that  
5 some of the states are further evaluating.

6 And, also, we continue to look at  
7 not only those project but new projects  
8 that are being proposed and come into  
9 those databases and proposed to the  
10 trustees to continue to go back and  
11 reevaluate what best to do here and in the  
12 property time frame. So it's a big, big  
13 job getting through those.

14 Fortunately for us, the Oil  
15 Pollution Act, as well as this early  
16 restoration framework, provide really good  
17 selection criteria that we must consider  
18 when we look at all these projects. Also,  
19 some of the states have their own  
20 selection criteria that they use before  
21 bringing some of these proposals to the  
22 rest of the trustees for consideration.

23 For example, Louisiana had, in  
24 2007, signed a Regional Restoration  
25 Planning Program document, which is really

1 a proactive step that Louisiana took to  
2 help streamline some of this restoration  
3 planning responding to oil spills.

4 And, also, the trustees have,  
5 what we call, other practical  
6 considerations that we look at. We  
7 evaluate which projects we should go  
8 forward with. And I'll hit on those here  
9 in a second as well.

10 So, I mentioned the Oil Pollution  
11 Act criteria and within the Oil Pollution  
12 Act you can actually pull this down  
13 off-line and read it for yourself which,  
14 by the way, is incredibly exciting if you  
15 need to go to sleep some night and need  
16 some helpful reading, but it lists a  
17 number of selection criteria that we must  
18 look at, including how much do projects  
19 cost.

20 Some of what you may hear about  
21 over and over again in this NRDA process  
22 is nexus, or what's the link between a  
23 restoration proposal and what was injured  
24 as part of this particular spill. So, do  
25 those projects return injured resources

1 and lost services? And that's a really  
2 key component. They must do that for us  
3 to impliment them.

4           Again, how do they compensate us  
5 for our losses for that oil spill? Will  
6 they work? That's a pretty good one to  
7 consider. One of the things that the  
8 trustees want to do as part of this first  
9 plan you all are seeing tonight is try to  
10 compensate the public for injuries, for  
11 several kinds of injuries. That's why in  
12 this plan you'll see oyster projects,  
13 that's why you'll see a human use project,  
14 like Drue mentioned, in terms of the  
15 Florida boat ramp. That's why you'll see  
16 reef projects. That's why you'll see dune  
17 projects. So that was a key component of  
18 what we tried to get at here, first, out  
19 of the gate.

20           And, again, in the framework  
21 criteria very similar but additional  
22 criteria we'll look at. Again, how does  
23 it compensate us for our losses? Does it  
24 address more than one injury? I mentioned  
25 long-term restoration planning. Drue

1 mentioned the P.E.I.S. effort.

2           This early restoration process is  
3 just one process going on right now.  
4 We've got what can we do on the ground?  
5 What we can get out on the ground? What  
6 can we impliment as part of this early  
7 restoration framework? There's also this  
8 larger restoration planning process going  
9 on. Someone asked me the other night when  
10 does the window close for submitting  
11 projects for you guys to consider?

12           Well, it's open. It's always  
13 open. Like I mentioned, the trustees are  
14 always taking new ideas in planning the  
15 next step, in planning what we're going to  
16 do here across the Gulf. So, is what we  
17 are doing now consistent with that  
18 strategy? And, finally, can it be  
19 implimented and is it cost effective?

20           And then here are some of these  
21 other practical considerations we look  
22 at. You can think of these as more  
23 intuitive but make complete sense. Here's  
24 that nexus again. Does it address the  
25 injuries that we have? I mentioned we

1 wanted to try to put out a diverse array  
2 of projects.

3           Is it predictable and what's the  
4 likelihood of success? These early  
5 restoration projects we want to get on the  
6 ground as quickly as possible and we want  
7 to see them start providing benefits as  
8 quickly as possible, so a lot of these  
9 projects the trustees have experience  
10 implementing already and feel pretty  
11 comfortable that we can do that in a  
12 timely manner.

13           And, finally, how ready are the  
14 proposals? Can we take a proposal and  
15 implement it ASAP? The whole intent of  
16 the early restoration process, again, is  
17 to get them on the ground. Can we do that  
18 this year, and if we can't that's a good  
19 point to consider.

20           I mention Louisiana specific  
21 projects. Very similar, again, to the  
22 other criteria I already mentioned. Can  
23 you get them on the ground quickly? Does  
24 it support larger strategies? How's it  
25 fit into the bigger picture and does it

1 support that?

2 And, finally, another one. This  
3 program considers project urgency. What  
4 will happen if we don't do that project?

5 Okay. So that's a little bit of  
6 background on how the trustees got to this  
7 plan tonight. Within the plan you will  
8 see two alternatives. Alternative A is  
9 what we call a no action alternative, or a  
10 natural recovery alternative, and I just  
11 want to make clear, clarify, that that's  
12 not one that the trustee is proposing.  
13 That no action alternative, that's the one  
14 that the Oil Pollution Act requires  
15 trustees to consider. So, obviously, we  
16 have an alternative to that, but that's  
17 why you'll see that Alternative A in the  
18 plan. What would happen if we do nothing?

19 As an alternative to doing  
20 nothing the trustees right now are  
21 proposing the suite of eight projects  
22 you'll see in the plan. It's important to  
23 note, however, that while all those eight  
24 projects are compiled within this one  
25 alternative, the trustees developed them

1 separate from each other. So while  
2 they're all doing good things and  
3 restoring resources we consider them all  
4 separate from each other.

5 So, depending on public comment,  
6 and how we evaluate all the public comment  
7 received during this comment period, the  
8 final plan may actually only include a  
9 suite of these. You may see all eight of  
10 those in the final plan, you may only see  
11 four, five, six or seven. So you're more  
12 than welcome to comment on one specific  
13 plan -- I'm sorry, one specific project,  
14 if you'd like, so keep that in mind.

15 Drue mentioned this is a draft  
16 plan. This is by no means a final plan.  
17 We'll be considering every public comment  
18 received and responding to those in the  
19 final plan. So when you see that final  
20 plan published you'll see a chapter in  
21 there that's not in there now. That's a  
22 response on all those comments and how we  
23 consider those comments in this process.

24 Okay. So, since Louisiana is so  
25 gracious in hosting us tonight, we're

1 actually going to focus more on the  
2 Louisiana projects, and I'm going to ask  
3 Drue to come up here in a couple of  
4 minutes to give you more details on those.

5 But this is a just a quick  
6 summary look at all the projects that we  
7 are proposing as part of this first phase  
8 showing locations of everything from the  
9 dune project in Florida and some of the  
10 boat ramp proposed projects, the dune  
11 project in Alabama, some of the artificial  
12 and oyster reef projects, and then again  
13 the oyster restoration projects, as well  
14 as the Lake Hermitage project in  
15 Louisiana. Again, this is just a quick  
16 summary.

17 Now keep in mind, as Drue  
18 mentioned, the early restoring framework  
19 agreement that the trustees signed with  
20 B.P., just to put that in context a little  
21 bit, it was a big, big deal, not only for  
22 this oil spill but for the natural  
23 resource damage world in general.

24 The last NRDA I worked on the  
25 trustees were privy to the largest

1       enviromental settlement in the history of  
2       the U.S., and then this happened. This  
3       early restoration framework was signed.  
4       Back on the other site, we would have been  
5       happy with a couple of million to give us  
6       a framework to get started before our  
7       assessment was completed.

8                So that was a big, big deal for  
9       us, a great thing that the trustees  
10      negotiated for us with the BPs. So this  
11      number represents just, again, a drop in  
12      the bucket, a very, very small part of the  
13      first down payment in getting to restore  
14      our resources in the Gulf, so just keep  
15      that in mind as well.

16               Okay. On to the Louisiana  
17      specific projects. Drue, thanks.

18               MS. BANTA: Thank you, Brian.  
19      I'm going to touch base specifically on  
20      Louisiana's two projects that are in the  
21      plan. So, Louisiana projects total about  
22      half of the fifty-seven million dollars in  
23      the plan. We've got two of the eight  
24      projects.

25               The first one of our projects is

1 the Lake Hermitage Marsh Creation Project.  
2 It's an increment of an existing CWPPRA  
3 project. Many of you might be familiar  
4 with the CWPPRA or the Breaux Act. It's  
5 the first shot of revenue sharing. So  
6 this is a joint project between the  
7 federal and state trustees. We wanted to  
8 capitalize on that momentum and the  
9 equipment that was already in place to  
10 build this project.

11 So it's an opportunity to build  
12 an additional 104 acres of marsh, it's  
13 13.2 million dollars, and the project is  
14 located in Plaquemines Parish within the  
15 Barataria Bay basin.

16 We are going to hydraulically  
17 dredge sediment from the Mississippi River  
18 and pipe it via pipeline into the project  
19 site, and once this is sufficiently  
20 established and the sediments have, sort  
21 of, settled in then we're going to  
22 vegetate that area. So the larger project  
23 creates 549 acres of brackish marsh over a  
24 1600 acre site. So, as I mentioned, this  
25 is an additional 104 acres and a marsh

1 creation project.

2 Next up is just a map of the  
3 project area. So the outline on the  
4 outside is the total project. It's a  
5 Barataria basin boundary and the circle is  
6 the project area, just so you can get an  
7 idea of where this project is.

8 As you know, Plaquemines Parish  
9 was significantly impacted as a result of  
10 the oil spill. So it was really important  
11 to get a marsh creation project started  
12 where we saw specific injuries in the  
13 general area where we saw specific  
14 injuries.

15 Next up I'm going to talk to  
16 about Louisiana's other project. It's an  
17 oyster cultch and hatchery project. It's  
18 14.9 million for a two-part project. The  
19 first part is a cultch placement project  
20 on public seagrounds. So, as many of you  
21 know, we've got significant injuries to  
22 our oyster industry as a result of the oil  
23 spill. We are not seeing the spat, those  
24 are the little baby oysters. The oysters  
25 aren't reproducing correctly.

1           So, based on some historic  
2 techniques in the oyster industry that  
3 Wildlife & Fisheries have worked on for a  
4 really long time, we're going to put some  
5 cultch down. That's the concrete and  
6 block material that the little oysters  
7 settle on. We're going to place cultch  
8 over six locations over 850 acres. It's  
9 going to be St. Bernard, Plaquemines,  
10 Terrebonne, Lafourche, and Jefferson. I'm  
11 going to show you a map next that has the  
12 specific sites for this. And we've built  
13 this on two other locations where we put  
14 some oyster cultch down already in an  
15 effort to get things jump started.

16           The second part of this project  
17 is the construction of an oyster hatchery  
18 facility. It's where you can do a  
19 hatchery and grow-out for oysters. You  
20 can either put the little baby oysters  
21 directly onto the public sea grounds, or  
22 you can do what they call remote setting.  
23 You can set the baby oysters onto the hard  
24 material and then that goes out into the  
25 water.

1           There's an existing hatchery on a  
2   sea grant facility in Grand Isle. This is  
3   going to be an expansion of that hatchery  
4   with temperature controls, and it's going  
5   to be storm proof. It's going to be a  
6   real opportunity for us to develop and  
7   help the oysters reproduce properly.

8           So here is the map of where the  
9   locations are. The red dots here indicate  
10  the approximate location of where the  
11  oyster cultch will be put down. And  
12  that's Louisiana's two projects.

13           Next what happens is that the  
14  public comment period will close on  
15  February 14th. It's a 60 day public  
16  comment period. As I mentioned, the  
17  trustees are going to consider all of the  
18  projects, all of the comments that are  
19  received on the projects and on the plan,  
20  and then the trustees will finalize  
21  approved projects with BP, and a final  
22  early restoration plan and enviromental  
23  assessment will be put out with the agreed  
24  on projects, the summary of the public  
25  comments, as Brian mentioned, and the

1 trustees responses to those comments, and  
2 NEFA analysis. That's the environmental  
3 analysis for each one of the projects.  
4 Once that is complete then project  
5 implementation can begin.

6 We're excited about being able to  
7 move forward on projects as quickly as  
8 possible. Again, we appreciate all of  
9 your comments that you'll give us tonight  
10 on those projects.

11 If any of you would like to  
12 attend public meetings, or if somebody  
13 couldn't make it tonight, there's an  
14 opportunity for two additional meetings in  
15 Louisiana. Tomorrow night we will be in  
16 Chalmette in St. Bernard Parish and on  
17 Thursday night we will be in Plaquemines  
18 Parish in Belle Chasse. And then there is  
19 one additional meeting in Washington, D.C.  
20 on February 7th, so if any of you will be  
21 there you're welcomed to attend that  
22 meeting as well.

23 So this concludes our  
24 presentation. I'm going to turn it back  
25 over to Perry so he can facilitate the

1 public comments this evening.

2 MR. FRANKLIN: Thank you, Drue.

3 As I mentioned earlier, there are four  
4 copies outside when you walked in. There  
5 are also electronic copies of the Draft 1  
6 Proposed Restoration Plan. Also, there  
7 are hard copies at just about every  
8 library from Calcasieu Parish all the way  
9 to St. Bernard Parish. So, if someone  
10 wants to review that document and were not  
11 here tonight please share that information  
12 with them. Do you have a few more cards?

13 AUDIENCE MEMBER: Just one.

14 MR. FRANKLIN: Are there any  
15 others who would like to make public  
16 comments? We have one lady here. If you  
17 could just raise your hand we'll get a  
18 card to you.

19 (Card handed to audience member)

20 MR. FRANKLIN: So just to talk  
21 about, again, the four ways, and we talked  
22 about those already. If you would like to  
23 make a verbal comment this evening please  
24 come forward. I'll call you up to make a  
25 comment.

1           Please, if you would, respect the  
2 three minute time allotted, and we're  
3 going to have a friendly reminder. Kate's  
4 going to come up and she's going to be my  
5 handy assistant. When you get to one  
6 minute remaining of your two minutes she  
7 will just, kind of, put this up. If you  
8 will, just acknowledge that you have seen  
9 that, and when your three minutes are up  
10 she will hold this sign up. And if you  
11 get this warning, if you would, just wrap  
12 up your public comment we'd greatly  
13 appreciate that courtesy.

14           Also, you can mail in your  
15 comments, you can go online to present  
16 your comment, and just remember the  
17 deadline of February 14th.

18           Are there any others who have  
19 come in tonight in need of sign language  
20 assistance to assist them with putting  
21 their comments into the record tonight?

22                       (No response)

23           MR. FRANKLIN: Thank you. Kate,  
24 if you'll come on up. Tonight's trustee  
25 representatives include Ms. Karolien

1 Debusschere, Deputy Coordinator for  
2 Louisiana Oil Spill Coordinator's office.  
3 Next we have Ms. Stephanie Morris, Special  
4 Counsel, Louisiana Oil Spill Coordinator's  
5 office. You already heard from Mr. Brian  
6 Spears, FWS, Restoration Manager,  
7 Department of Interior. Next we have  
8 Ms. Deborah McLain, Deputy Case Manager,  
9 Department of Interior. And, lastly,  
10 Ms. Jean Cowan, Operations Specialist,  
11 NRDA.

12 The format that is used in the  
13 Draft Phase 1 Early Restoration Process is  
14 one to officially receive your comments.  
15 If you have a burning question we will get  
16 the appropriate subject matter expert to  
17 assist you with that question in the  
18 adjoining room. This format is for you to  
19 deliver your comment for the record.  
20 There is no microphone at this listening  
21 table and we would appreciate it if you  
22 would respect that protocol.

23 First up, Mr. Glenn Dagian, Gulf  
24 Engineers and Consultants. Dagian, I'm  
25 sorry. You can come right here. And if

1 you'll present your comments to the  
2 listening table, the members of the  
3 trustees.

4 MR. DAGIAN: Very good.

5 MR. FRANKLIN: And Mr. Dagian has  
6 also submitted something in writing and we  
7 have that with us.

8 MR. DAGIAN: Yes. Thank you for  
9 letting us speak. I'm very, very pleased  
10 to be here tonight. I was a 30 year  
11 retiree of BP when this absolute accident  
12 occurred. I was called back into service  
13 and I was proud to come back and be  
14 stationed in Houma to work the issue a  
15 little bit.

16 One of the things I did was go  
17 from parish to parish and talk to public  
18 groups but during the day when I wasn't  
19 talking to public groups I sat with the  
20 trustee group and literally tried to come  
21 up with some ideas for early moving  
22 projects, and what I came up with and  
23 presented to Mike Utzler, at the time, was  
24 a concept document that called for early  
25 moving projects, 100 projects that BP

1       could do for the cost of a billion  
2       dollars.

3               Well, they didn't do the hundred  
4       projects, but they did do the billion  
5       dollar early moving thing, and they agreed  
6       to it six months after I presented the  
7       document.

8               Then I was no longer working for  
9       them and I went back home. Then all of a  
10      sudden I found out -- I read the  
11      Times-Picayune that said there was a  
12      public hearing tonight so I wanted to see  
13      what has happened in this year since I've  
14      been gone.

15              And I am very, very pleased to  
16      tell you that the projects that I saw on  
17      the wall are all doable, and can actually  
18      affect the working interest groups of the  
19      trustees, and they are very, very pointed,  
20      very, very appropriate, and they could be  
21      done in very short order.

22              One of the things I wanted to  
23      talk to this group about is the shifts to  
24      reefs. You are probably very familiar  
25      with Rigs-to-Reefs. Rigs-to-Reefs started

1 in 1980 with a plane ride by a young  
2 congressman, John Breaux, and myself over  
3 the Gulf of Mexico where the oil industry  
4 was having a hard time disposing of the  
5 unwanted platforms. It was very, very  
6 costly to haul them ashore and cut them  
7 up.

8 And we came up with an idea that  
9 if we were to give the state of Louisiana  
10 half the money of our savings to set up a  
11 program then it would actually be a new  
12 underwater reef program.

13 Well, I talked to the U.S. Navy.  
14 They have 450 surplus vessels that they  
15 will give for a public purpose to be used,  
16 to be cleaned up and placed out along each  
17 Gulf Coast. I talked to all the  
18 artificial reef programs from every state.  
19 They will accept the ships if they're  
20 properly cleaned up and properly given to  
21 the scientists to be placed in the proper  
22 place.

23 So, you can take some early  
24 moving money. It's very accepted that  
25 these produce. The actual benefits are

1 the fisheries and the water column. One  
2 of the approved methods of cleaning up the  
3 water column is to create artificial  
4 reefs. So, you help the fish, you help  
5 the water column, you help the humans  
6 because they can go out and use the  
7 fishing -- the new reefs, and you provide  
8 jobs. Jobs is what it costs. And I would  
9 just hope that y'all would consider  
10 Ships-to-Reefs. It's an outgrowth of the  
11 Rigs-to-Reefs. I've copies of this if  
12 y'all want it.

13 MR. FRANKLIN: Thank you, Mr.  
14 Daigan.

15 MR. DAGIAN: Thank you.

16 MR. FRANKLIN: And he submitted  
17 that copy for the record and that will be  
18 a part of his public comment. The next  
19 person to comment, Dennis Barkemeyer,  
20 Senior Technical Representative, Hesco.

21 MR. BARKEMEYER: Good evening and  
22 thank you for the time to speak. What I  
23 want to do is just tell you who I am, who  
24 I'm with, how we relate to costal  
25 restoration, and how we're working with

1 the state already to just be one of those  
2 construction products being used.

3           Again, I'm the technical rep for  
4 Hesco. I've been with Hesco for about  
5 eight years. Many of you know of Hesco  
6 baskets. That's our product we  
7 manufacture. It's the go to product for  
8 local levee districts, the Corps of  
9 Engineers. This year alone we put over  
10 200 miles of Hesco baskets going from  
11 Canada down to Morgan City and Amelia.  
12 You currently have them in both Terrebone  
13 and Lafourche.

14           So you might wonder how does  
15 Hesco baskets relate to coastal  
16 restoration? Well, about eight years ago,  
17 after returning from projects in North  
18 Alaska, being from St. Bernard, having a  
19 camp in Dulac, I'm used to coastal waters  
20 and erosion.

21           So we actually took some baskets  
22 and placed them in a New Orleans costal  
23 area near Lake Catherine between New  
24 Orleans East and Slidell. It just so  
25 happens that that area got annihilated by

1 Katrina. Nine miles of camps and summer  
2 homes were leveled but our baskets  
3 remained intact. They are still there  
4 today. Pretty much, they're working as a  
5 costal planner on shoreline protection.

6           Since then, we've teamed up with  
7 the University of New Orleans to actually  
8 learn the product, how we could better it,  
9 create new products, so it's the same  
10 Hesco basket but just modifying it to fit  
11 the costal applications a little bit  
12 better. We've been working with the  
13 University of South Florida on actually  
14 creating a core concept of a sand dune.  
15 Rather than piling up sand and calling it  
16 a sand dune, there is a backbone of Hesco  
17 that's being covered up and vegetated.

18           Same thing with going into land  
19 bridges. We know that that's one  
20 application that will be used in the  
21 state's master plan. It's going to buy  
22 you time and allow for the rooting system  
23 to take place in vegetation.

24           So, pretty much, just wanted to  
25 tell you that, although I was Hesco's main

1 technical rep for flooding, put in  
2 hundreds of miles of flood protection,  
3 we've now hired three new reps to take  
4 over flood and they've now made me the  
5 main focus point for costal restoration.  
6 So, you know, we are able to go after it.

7 I'm working with the governor's  
8 office, parish officials. I'm actually  
9 here in town for three days for those  
10 meetings. We are actually going to take  
11 and donate products to this area for pilot  
12 projects. It will permitted by the  
13 Department of Natural Resources, the Corps  
14 of Engineers, but we want to actually  
15 show, because every costal area is  
16 different, so we want to be able to show  
17 how the protection would act in your area.

18 Besides those applications, we  
19 actually have a new project that is using  
20 old oyster shells to create reefs. I'll  
21 wrap up by saying we bid the first job  
22 through the Nature Conservancy in Mobile,  
23 Alabama. The project will go in near Gulf  
24 Shores, but we're going to build about two  
25 thousand linear feet of, what's called, a

1 living breakwater, it's a reef made of old  
2 oyster shells, next month. So, we've made  
3 big strides.

4 I will stand over on this end  
5 after this meeting's over with. If  
6 anybody wants to see a PDF format of  
7 progress photos I've taken over the years  
8 of these coastal projects I'll take down  
9 your e-mail address and send that to you.

10 The last thing is, I have a question.  
11 What are you guys doing, as far as, like,  
12 construction products, or contractors,  
13 especially Louisiana companies, that have  
14 a product that can be a big asset to you,  
15 give you more bang for your buck, and help  
16 your projects last longer, even through  
17 the toughest storms? Is there a link or a  
18 contact list that we could actually  
19 request meetings for engineering and  
20 contractor specifications?

21 MR. FRANKLIN: We will have that  
22 information for you in the Open House area  
23 following tonight's meeting. Thank you,  
24 Mr. Barkemeyer.

25 MR. BARKEMEYER: Thanks for your

1 time.

2 MR. FRANKLIN: Next forward,  
3 Ms. Wilma Sybola, Louisiana Environmental  
4 Action Network. I just want to remind you  
5 this meeting is being recorded with audio,  
6 as well as the court reporter, and these  
7 individuals are here to listen, and, so,  
8 if some of your feelings are that they're  
9 not taking copious notes believe me  
10 copious notes are being taken of  
11 everything being said at this meeting.

12 Thank you. Ms. Sybola.

13 MS. SYBOLA: Thank you. My name  
14 is Wilma Sybola and tonight I'm  
15 representing Louisiana Enviromental Action  
16 Network. LEAN works with communities  
17 along the entire Gulf Coast of Louisiana,  
18 and, in particular, the areas of Louisiana  
19 that you've selected for early  
20 restoration. LEAN also works with  
21 communities in the costal areas of Texas,  
22 Mississippi, Alabama, and Florida.

23 LEAN will provide comments on the  
24 two proposed projects in Louisiana and the  
25 two proposed projects in Mississippi. The

1 Louisiana Oyster Cove Project proposes to  
2 place oyster coves consisting of clean  
3 oyster shell, limestone, and crushed  
4 concrete on 850 acres of public oyster  
5 seagrounds in St. Bernard, Plaquemines,  
6 Lafourche, Jefferson, and Terrebonne. The  
7 cultch will be placed in areas where BP  
8 Oil continues to be present in bottom  
9 sediments.

10 First, the area to have cultch  
11 applied must be evaluated to determine if  
12 the area have been negatively impacted, or  
13 will be impacted, by, one, fresh water  
14 from current or proposed fresh water  
15 diversion projects. Areas that have been  
16 impacted, or have the potential to be  
17 impacted, by fresh water from diversion  
18 projects should not be selected for early  
19 restoration projects.

20 Secondly, the area must be  
21 evaluated to determine if negative impacts  
22 occur as a result of dead zone and  
23 associated low dissolved oxygen levels,  
24 and I was part of a team that discovered  
25 the dead zone back in the early '70s. We

1 called it the Net Life Layer.

2 And, third, sediments in the area  
3 identified to receive the cultch must be  
4 sampled and evaluated for residual levels  
5 of BP crude oil and dispersant. It is  
6 totally unacceptable to place cultch in  
7 areas where concentrations of BP crude oil  
8 and dispersant contaminate the sediment  
9 and have a potential to contaminate the  
10 oysters to be propagated on the new cultch  
11 areas.

12 Looking at the Mississippi Oyster  
13 Cultch Restoration is proposed to enhance  
14 and restore approximately 1,430 acres of  
15 oyster cultch in the Mississippi Sound  
16 area, and Hancock and Harrison Counties.  
17 The area of oyster cultch to be enhanced  
18 and restored is off of St. Louis Bay.

19 In September of 2006 the Agency  
20 For Toxic Substance & Disease Registry,  
21 who we have a representative here tonight,  
22 collected sediment and blue crab samples  
23 from St. Louis Bay. The samples were  
24 tested for dioxin and dioxin-like  
25 compounds. Sediment, crab meat, and crab

1 hepatopancreas samples were all locations  
2 within the St. Louis Bay contaminated with  
3 dioxin, and dioxin-like compounds, and I  
4 have a report to submit to you.

5           The area to be enhanced and  
6 restored by the oyster cultch in  
7 Mississippi and just off St. Louis Bay has  
8 sediment that is potentially contaminated  
9 with dioxin and dioxin-like compounds.  
10 The sediment should be tested, as well as  
11 any oysters that are continuing to grow in  
12 that area before you consider making this  
13 one of the early restoration projects.

14           And, so, I will also submit  
15 comments on the Mississippi Artificial Reef  
16 Habitat, particularly the part offshore of  
17 St. Louis Bay, and the Lake Hermitage  
18 March Creation. And thank you again for  
19 the opportunity. And I have a document to  
20 submit.

21           MR. FRANKLIN: Thank you, Ms.  
22 Sybola. I'll take that.

23           MS. SYBOLA: Thank you.

24           MR. FRANKLIN: Next commenter,  
25 C.J. Troxler.

1           MR. TROXLER: Good evening,  
2           everybody. Thank you for coming. We  
3           appreciate your hard work and diligence on  
4           this subject, this disaster that we've,  
5           you know, had.

6           The thing is, with me, the  
7           restoration, which is very, very important  
8           to us, but I also have to echo  
9           Ms. Sybola's concerns of the on-going  
10          tragedy, the on-going disaster. Oil is  
11          still coming in and, you know, it would be  
12          a waste of money to go ahead and go ahead  
13          and do, you know, rebed and oyster beds  
14          that are going to be contaminated again.

15          I think, personally, that that  
16          needs to be really looked at, tested,  
17          studied. I mean, the oil, let's face it,  
18          is on the bottom of our fishing grounds;  
19          okay? It didn't disappear. They --  
20          There's come what, two days ago 3.4  
21          million gallons now that they've estimated  
22          was going a day compared to a hundred  
23          barrels, and then a thousand barrels, and  
24          how many gallons, barrels? You know, we  
25          really don't know what's out there, but we

1 really need to look before we spend a lot  
2 of money for nothing and, you know, defeat  
3 our purpose.

4 I think we're putting the cart  
5 before the horse actually, because there  
6 are dolphins still dying, people still  
7 sick, you know, getting sick, and that has  
8 not been addressed yet in this state. I'm  
9 appalled of it. I mean, I'm just --  
10 Because I know these people, you know.  
11 Everybody in this room might not know  
12 somebody, but I'm sure they've had some,  
13 -- You know.

14 Anyway, congratulations on  
15 y'all's job because it's going to be a big  
16 one and it's going to be a long-term  
17 commitment. And, like I said, restoration  
18 -- Who -- One question. Who allowed  
19 British Petroleum to stop their cleanup?  
20 Like, who authorized the end of their  
21 cleanup back in November? Was that --  
22 Who -- who did that?

23 BRIAN SPEARS: We'll have to get  
24 back to you.

25 MR. TROXLER: You know, I could

1 bring you to places that are not cleaned  
2 up right now. And the one picture -- I'm  
3 going to submit all these pictures for the  
4 record, but the one I want to share with  
5 you guys real quick, which was devastating  
6 to me to even see this -- Excuse me one  
7 second.

8 Okay. This is a picture of the  
9 cleanup. BP was -- had toy shovels out  
10 here. You know, it's kind of, you know  
11 ridiculous to think that you're going to  
12 clean the largest oil spill in the history  
13 of the world with that. Come on. I mean,  
14 that's not PhotoShop.

15 So thank you. My three minutes  
16 is up. God bless you and good luck.

17 MR. FRANKLIN: Thank you, Mr.  
18 Troxler. We'll put these with your  
19 information.

20 MR. TROXLER: Thank you.

21 MR. FRANKLIN: When you come  
22 forward if you could speak your name, say  
23 your name, and if you're representing an  
24 organization if you could say the name of  
25 the organization that you're representing

1 we'd appreciate that as well. Next  
2 comment is going to come from Ms. Laura  
3 Regan.

4 MS. REGAN: Hello. Good evening.  
5 Thank you all for, um -- Thanks goes to  
6 all the ones that have been working hard  
7 on this disaster and our recovery effort.

8 I am here to represent the people  
9 of our Gulf. My concern is for our  
10 children and our grandchildren who are our  
11 true resources. Restoration means  
12 bringing back to former condition. In our  
13 habitat the first restoration project  
14 should be to clean it up, our land, air,  
15 and sea. Then all of God's children and  
16 animals can live healthy lives.

17 We need to restore 995 miles of  
18 toxic coast, 30,000 square miles of toxic  
19 air, 2,500,000,000,000 gallons of toxic  
20 seawater contaminated by 200,000,000  
21 gallons of oil and 2,000,000 gallons of  
22 dispersants.

23 Our wildlife mortality is:  
24 Dolphin: 630-plus, turtles: 400-plus,  
25 other sea life and wildlife currently

1 washing up dead, 14 dead mammals just last  
2 month.

3 Our humans. Our scientists have  
4 have calculated over 6,000,000 people will  
5 have health affects due to this disaster  
6 and that's the truth. I'm sick, my  
7 granddaughter's sick, my husband's sick.

8 And, as far as loss of use for  
9 the Gulf, sick and dying people cannot use  
10 the Gulf of Mexico at any time. So we  
11 need to correct the problem at the base  
12 and then maybe we can live healthy lives.  
13 Either we need to build clinics run by  
14 environmental medical experts or we will  
15 be building cemeteries and orphanages.

16 My summary is, my concern is for  
17 our true resources, our children and our  
18 grandchildren. Thank you.

19 (Applause)

20 MR. FRANKLIN: Thank you,  
21 Ms. Regan. Next comment is coming from  
22 W.J. Rhodes, DDC.

23 MR. RHODES: W.J. Rhodes. I own  
24 DDC in Houma, and I just wanted to ask a  
25 question in the event it's possible that

1       there is little ancillary projects that  
2       can be done with this money. I know  
3       there's money set out for us. I've never  
4       heard original -- In other words, they're  
5       doing all kinds of projects and it's, kind  
6       of, a grandiose scale all this  
7       \$52,000,000, but we have a little project.

8               We'd like to get fresh water  
9       coming down this bayou right over here.  
10       And we -- we can use a canal that we could  
11       construct and get more water down the  
12       canal. And it amounts to 575 cubic feet  
13       of water. A cubic foot of water is 1.42  
14       gallons, so when you extrapolate the  
15       figures exponentially in 24 hours you got  
16       seventy and a half million gallons that  
17       would flow down this right here.

18               And it's an automatic thing that  
19       it flows one day, and in 365 days it would  
20       kick it out, and it's marsh, and it wasn't  
21       supersaturated, but you'd always have a  
22       little quantity of water which would be  
23       actually complimented, if we ever get any  
24       rainfall, or hurricanes and all that.

25               In other words, we use this money

1 for barriers and to make it right, you  
2 know, and stuff like that, but also these  
3 little projects could keep it going. In  
4 other words, you'd saturate most of the  
5 western marsh. I started this thing,  
6 looking at this thing before all the  
7 hearings with BP and all that.

8 In other words, I was an  
9 operation manager. We completed wells in  
10 the Gulf. Not the way that they did it,  
11 but we completed a hell of a lot of them.  
12 And it's an unfortunate thing due to  
13 management. That's not really the scope  
14 of this meeting tonight.

15 What I'm telling you, there's a  
16 lot of little projects and I don't know  
17 why they couldn't get some kind of money.  
18 It seemed logical because I hear about  
19 things like building sidewalks in Alabama,  
20 and something else in Florida, and I don't  
21 know why we couldn't have some small  
22 projects that we could reap pound for  
23 pound they would do some good. And I just  
24 wanted to know if that could be, you know  
25 -- You did say that this is being

1 recorded.

2           So, in other words, I'm not for  
3 the great big money, you know. I'm just  
4 an old guy, and if the slot pays off we  
5 might get lucky and get it, because when  
6 you have to do a project like that you  
7 have to do a capital outlay to build a  
8 canal and all that.

9           And I can tell you one thing, I  
10 been reading up for the thing, fresh water  
11 in this country is going to become a  
12 problem in the not too distant future. In  
13 places like Missouri and all that they  
14 going to be collecting that water. We not  
15 going have as much sediment as you think  
16 coming down the river, and people that  
17 don't look at this, but I always -- You  
18 ought to get your facts straight.

19           In other words, today, people  
20 around here, we just worried about water  
21 inundating us, you know, but the day's  
22 going to come when we're going to be glad  
23 we can get fresh water somewhere. And  
24 there's a bunch of bad comments, BP didn't  
25 do the right thing, blah, blah, blah, but

1       what I'm saying the deed is done, and when  
2       you stay in the oil industry you got to  
3       work smarter and you got to work harder,  
4       and that's what I think you people are  
5       going do, so I thank you for that.

6               MR. FRANKLIN: All right, Mr.  
7       Rhodes. That handout packet has a website  
8       address at the bottom. I think Brian's  
9       presentation he talked about you can  
10      always submit ideas and suggestions and I  
11      invite you to do that. Next commentor,  
12      Mr. Mike Voisin, CEO Motivatit Seafoods.

13             MR. VOISIN: Thank you. I'm Mike  
14      Voisin. I'm the CEO of Motivatit Seafoods  
15      and seventh generation oyster farmer in  
16      South Louisiana. Our forefathers came  
17      from France. They got kicked out off  
18      France, went over to Canada and got kicked  
19      out of Canada, and wound up down here and,  
20      hopefully, this situation won't kick us  
21      out of South Louisiana.

22             But I want to thank you for  
23      considering the oyster portions of the  
24      projects. Those are critical to the  
25      longevity, the rehabilitation of the

1 oyster community in South Louisiana and  
2 Southern Mississippi.

3 We took the most significant hits  
4 that we have ever taken. We started with  
5 Hurricane Katrina. Then we went to Rita,  
6 and went to Gustav, and went to Ike, and  
7 went to Deepwater Horizon. Then we had  
8 the great floods in 2011.

9 We need this restoration. East  
10 of the Mississippi River, as was discussed  
11 earlier in the earlier discussions, we're  
12 not getting reproductive cycles like we  
13 were prior to these events. Mother Nature  
14 is pretty resilient, I believe, from a lot  
15 of those areas. I know a lot of those  
16 areas were clean. We've been harvesting  
17 oysters in those areas and have a great  
18 success marketing those. That's one of  
19 our challenges, but we've been doing  
20 marketing.

21 The state's done a tremendous  
22 amount of testing and resource, and on the  
23 bottoms, to determine that those areas are  
24 very viable, the areas in Louisiana that  
25 are going to be considered for that

1 placement of that cultch. We are excited  
2 about it, we look forward to it and,  
3 hopefully, my sons and my grandkids can  
4 see the future of all of this which we are  
5 beginning to build today.

6           Second to that is oyster  
7 hatcheries. It's critical that not only  
8 we are bottom fishers, but to rehabilitate  
9 those areas we're going to need to be able  
10 to -- that we seem to have not enough of  
11 on the east side of the river, just west  
12 of the river, and we need to be able to  
13 create it in those hatcheries.

14           That will mean Grand Isle with  
15 this initial investment will be made, but  
16 we're looking in Terrebonne Parish and  
17 lower Terrebonne in building a hatchery  
18 here and then somewhere out in the western  
19 part of the state. So, where if one  
20 hatchery goes down one year we'll be able,  
21 throughout the time, to be able to create  
22 those oysters that we've lost, or as many  
23 years specifically related to one meeting  
24 with the Deepwater Horizon measure.

25           I appreciate you coming to Houma

1 so I don't have to go far to talk to you.  
2 It's nice not to have to run somewhere  
3 else to go to a meeting and get home,  
4 hopefully, a little bit early. Thank you  
5 for your time.

6 MR. FRANKLIN: Thank you, Mr.  
7 Voisin. Next comment comes from Steve  
8 Vassallo, CEO, Terrebonne Economic  
9 Development Authority. Please state your  
10 name and organization for the record  
11 please.

12 MR. VASSALLO: My name is Steve  
13 Vassallo. I'm the CEO for the Terrebonne  
14 Economic Development Authority. I don't  
15 want to be redundant and repeat what Drue  
16 and Mike just said, but Terrebonne Parish,  
17 we're very interested in having a hatchery  
18 here. I'm specifically here tonight for  
19 an oyster hatchery. Thanks to the efforts  
20 of Mike and Sea Grant we have found some  
21 funding to do a feasibility study and we'd  
22 like to accomplish this project this year  
23 in 2012.

24 I just returned today from an  
25 economic development forum in San Antonio,

1 Texas. There were economic developers  
2 from all over the United States and one of  
3 the roundtable discussions the first  
4 thing, when they found out I was from  
5 Houma, Louisiana, they asked me about has  
6 your seafood industry come back yet? And  
7 then they asked -- The next question  
8 turned about the safety of the product.

9 I think a hatchery is critically  
10 important. In the few months I've been in  
11 Louisiana I've learned that the technology  
12 around the United States, in many  
13 respects, is more advanced, and we had  
14 some of the finest waters here for  
15 producing oysters anywhere in the world.

16 And I think to echo what was said  
17 a few minutes ago, there is always a  
18 silver lining in a catastrophe like this.  
19 I think we can take advantage of that and  
20 bring the oyster production in Louisiana  
21 to heights we never realized. And I thank  
22 you for your efforts and support of this  
23 and we're looking forward to brighter days  
24 ahead. Thank you very much for being here  
25 tonight.

1           MR. FRANKLIN: Thank you, Mr.  
2 Vassallo. Next comments coming from David  
3 Gauthe, BISCO.

4           MR. GAUTHE: David Gauthe with  
5 BISCO. We work on the ground in  
6 Terrebonne, Lafourche, and Jefferson  
7 Parish with a lot of people. And my  
8 comment -- I don't know if it's a project  
9 I'm requesting or just a recommendation.  
10 A project that we are working on, which is  
11 related to restoration plans, is  
12 homeowners insurance. I mentioned it at  
13 the last plan meeting and I want to  
14 mention it here.

15           It is definitely making it hard  
16 for everyone with the increasing costs.  
17 Insurance companies are increasing rates  
18 due to models they are using to show  
19 increased risks they have suffered in the  
20 last many years for future years.

21           We're using models in our  
22 restoration plans to show decreased risks  
23 in the future years. And some kind of way  
24 we've got to get these two companies, or  
25 two organizations, to work with each

1 other, so I'm really recommending a  
2 project.

3 It definitely meets the criteria  
4 of making the public whole in  
5 compensation, it's cost effective, there's  
6 really no cost to it, it could be done as  
7 quickly as possible, and it's proposal is  
8 ready and urgent. I think it meets a lot  
9 of criteria that y'all are looking for,  
10 just never came up before. So, please  
11 take that into consideration.

12 MR. FRANKLIN: Thank you, Mr.  
13 Gauthe. Next comment is coming from Mr.  
14 Bill Hudson, Ecology and Environment.

15 MR. HUDSON: Hi. Thank you,  
16 everyone. My name is Bill Hudson. I'm  
17 with Ecology and Environment. I want to  
18 do a short commercial for my company.  
19 E&E's been working all across the country  
20 and around the world for 40 years and  
21 we've been a local company in Louisiana  
22 for 20, 25 years, and we are very excited  
23 about helping whoever we can in coastal  
24 restoration.

25 As far as my background goes,

1     though, I'm a career biologist. I've been  
2     a non-profit administrator. I've worked  
3     in everything from the smallest  
4     non-profit, county park districts, up to  
5     larger scale.

6             And the question I want to ask,  
7     or the comment I want to make is, I want  
8     to ask that you examine this question of  
9     shovel-ready carefully. I have a personal  
10    experience with this with the Great Lakes  
11    Restoration Initiative in the Great Lakes,  
12    which was started about three years ago.  
13    And I've been seeing shovel-ready in every  
14    government funding program that's come out  
15    in the last few years.

16            What we've seen in the Great  
17    Lakes is, although I understand the  
18    purpose of this, especially in emergency  
19    situations, is that there's a built-in  
20    bias against those organizations, or even  
21    smaller towns and counties, that haven't  
22    had the funding to get projects  
23    shovel-ready and I think that this may  
24    relate to a comment made earlier about  
25    smaller projects.

1           So what I'm suggesting is we  
2           should be looking both at the readiness of  
3           the project and its relevance to the oil  
4           spill. And I think I would encourage all  
5           of you to consider funding for planning,  
6           design, implementation, permitting as you  
7           go forward, and to make sure that the  
8           readiness of the project and the  
9           appropriateness of the project are  
10          weighed equally. Thank you.

11           MR. FRANKLIN: Thank you, Mr.  
12          Hudson. Are there any others who would  
13          like to make a verbal comment for this  
14          process and have yet to complete one of  
15          these cards?

16           AUDIENCE MEMBER: She put in --

17           MR. FRANKLIN: I have more. Are  
18          there any others who would like to make a  
19          verbal comment?

20           AUDIENCE MEMBER: I forgot  
21          something that was pretty important. I'll  
22          wait to be last.

23           MR. FRANKLIN: All right. Are  
24          there any others?

25                           (No response)

1           MR. FRANLIN: Okay. At this  
2 time, Ms. Leslie Carrere, Restore The  
3 Earth Foundation, will come up and make  
4 her comment.

5           MS. CARRERE: Good evening,  
6 everyone. I'm one of the small projects.  
7 Restore The Earth Foundation, Leslie  
8 Carrere, the Gulf Saver Solutions, the  
9 Gulf Saver bags. We were the -- Our  
10 foundation was the first restoration  
11 project permitted on the ground for  
12 wildlife habitat and wetlands December  
13 2010 out at Pass a Loutre working with  
14 Wildlife & Fisheries. They even call me  
15 The Bag Lady now.

16           It is a biodegradable bag that is  
17 filled with a specific soil-ready cocktail  
18 that's site designed for where we are  
19 spiked with millions of oil eating  
20 microbes plugged with much needed marsh  
21 grasses. We launched a national campaign.  
22 The whole thing was done by volunteers,  
23 and with community and parish  
24 representatives, and support from many  
25 people across the nation.

1           And we began. We put down three  
2       deployments. It was demonstrated and it's  
3       very extremely successful. I have all the  
4       cost benefit analysis to show you that  
5       compared to a plug planting program the  
6       bio mass coverage is cost effective, at  
7       which you could achieve in two years in  
8       terms of restoring the wetlands, would be  
9       equivalent to what you'd do in the plug  
10      program in five to ten years.

11           So we would like to be considered  
12      in these projects as you go forward. It's  
13      really an enhancement to some of the many  
14      large marsh creation projects for early  
15      process success, much more rapid  
16      accumulation stays on your projects,  
17      earlier wildlife habitat.

18           We just did four thousand bags  
19      with mangrove for pelican rookeries, and  
20      we're hoping to show that it's very  
21      successful and it's completely replicable  
22      and scalable. And there's a component  
23      with those areas where you want to have  
24      community volunteers engagement.

25           We have the enviromental

1 education stewardship. It's ready to go.  
2 It's maybe not shovel-ready but it's  
3 bag-ready and it's something that could be  
4 done in the immediate, and we are hoping  
5 to be considered in this early restoration  
6 because it really, really works.

7 So I'm going to leave some  
8 documentation. You'll see me tomorrow  
9 night and the next night. Thank you very  
10 much.

11 MR. FRANKLIN: Thank you very  
12 much. Are there any others willing to, or  
13 would like to, come up and make public  
14 comment? Mr. Perimore and Mr. Troxler,  
15 we're going to have these two individuals  
16 assist you in following the right subject  
17 matter experts to answer your question  
18 following tonight's presentation.

19 Now to come up and close this  
20 portion of tonight's meeting I'll ask Ms.  
21 Drue Banta to come forward.

22 MS. BANTA: Thank you all so much  
23 for joining us this evening. We really  
24 appreciate your comments, your time, your  
25 willingness to be here and help us on this

1 natural resource damage assessment  
2 process.

3           Your input is vital. The  
4 trustees will take into account all your  
5 comments this evening, as well as all the  
6 comments that we receive at meetings  
7 across the Gulf Coast, online and in  
8 writing, and we look forward to moving  
9 forward with a final early restoration  
10 plan in short order.

11           So thank you, again, for coming.  
12 Please note again that we've got meetings  
13 tomorrow night and the next night in  
14 Chalmette and then in Belle Chasse. We  
15 encourage you all to come or send those  
16 who were not able to make it here this  
17 evening. So thank you and good evening.

18           (Whereupon the meeting was concluded)

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REPORTER'S CERTIFICATE

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I, RALPH PREVEAU, Certified Court Reporter, do hereby certify that the above-named witness, after having been first duly sworn by me to testify to the truth, did testify as hereinabove set forth;

that the testimony was reported by me in shorthand and transcribed under my personal direction and supervision, and is a true and correct transcript, to the best of my ability and understanding;

that I am not of counsel, not related to counsel or the parties hereto, and in any way interested in the outcome of the matter.

\_\_\_\_\_

RALPH PREVEAU  
Certified Court Reporter

1 DRAFT PHASE 1 ENVIRONMENTAL RESTORATION PLAN

2 ENVIRONMENTAL ASSESSMENT

3 PUBLIC MEETING

4 BATTLE HOUSE MARRIOTT HOTEL

5 MOBILE, ALABAMA

6  
7  
8  
9 GULF STATES OF FL, AL, MS, LA, TX

10 DEEPWATER BP OIL SPILL

11 PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (PEIS)

12  
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16 PUBLIC MEETING

17 HELD ON JANUARY 23, 2012

18 COMMENCING AT APPROXIMATELY 7:00 P.M.

19 AT THE BATTLE HOUSE MARRIOTT HOTEL

20 MOBILE, ALABAMA

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A P P E A R A N C E S

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OPENING:

PERRY FRANKLIN - PROFESSIONAL FACILITATOR, FRANKLIN  
ASSOCIATES

COOPER SHATTUCK - GOVERNOR'S CHIEF LEGAL ADVISOR,  
ALABAMA TRUSTEE REPRESENTATIVE

NICK TEW - STATE GEOLOGIST, GEOLOGICAL SURVEY OF  
ALABAMA, ALABAMA TRUSTEE

PRESENTATION:

BRIAN SPEARS - RESTORATION PROGRAM MANAGER, DEPARTMENT  
OF INTERIOR

WILL BRANTLEY - STATE LANDS MANAGER, ALABAMA DEPARTMENT  
OF CONSERVATION AND NATURAL RESOURCES

INTERPRETER:

MARQUITA RICHARDSON - ASL INTERPRETER

COURT REPORTER:

LINDA K. MCSWAIN, CCR, RPR

1 (The following public meeting was held.)

2

3

MR. FRANKLIN: Good evening. There are lots of  
4 chairs in the front here, if you would like to be  
5 comfortable. This won't be very fast, but it will be a  
6 very good meeting hopefully. We have lots of seats up  
7 front, so I encourage you to come on up front.

8

My name is Terry Franklin. I will be  
9 serving as tonight's facilitator. I would like to  
10 welcome you to the sixth of twelve public meetings for  
11 the Deepwater Horizon Oil Spill National Resource Damage  
12 Assessment, early restoration process meeting. Or,  
13 NRDA, located at this presentation. N-R-D-A, NRDA,  
14 which stands for National Resource Damage Assessment.

15

In addition to the meeting we have  
16 tonight -- this meeting we are having tonight, there  
17 have been two meetings already held in Florida, three  
18 meetings already held in the State of Mississippi, and  
19 there will be five additional meetings. If you have  
20 colleagues, friends, relatives or anyone that you know  
21 who would like to take part in this meeting, there is  
22 one additional meeting tomorrow in Gulf Shores. If you  
23 like, you could come on over.

24

The objective of tonight is to receive your  
25 comments on the proposed projects included in the draft

1 Phase I Early Restoration Plan. There will be a  
2 dedicated comment period following the presentation,  
3 which will give you updated information on the early  
4 restoration projects. And, more specifically, the  
5 proposed projects for the State of Alabama.

6 We would appreciate it if you would hold  
7 your comments until you get to the dedicated comment  
8 portion of tonight's meeting, which we will have after  
9 the PowerPoint presentation. So, let's get started.

10 If you would like to know more about the  
11 draft or the restoration plan or the projects proposed  
12 specifically for Alabama or have comments to provide,  
13 additional comments or input, you're in the right  
14 location. I invite you, again, to get comfortable. If  
15 you could, silence your cell phones. If you have any  
16 conversations, we would appreciate it if you would take  
17 those out in the hall, out of respect to your neighbor  
18 who has come tonight.

19 Provided tonight is our language  
20 interpreter Marquita Richardson. Also provided by the  
21 court reporting services, Ms. Linda McSwain. And this  
22 is a very important meeting. That's why we have a court  
23 reporter here, to make sure that we have your comments  
24 accurately captured in the public record.

25 Before we begin, there are some packages

1 that you picked up on the way in. This is various  
2 information regarding tonight's proceedings, so they  
3 have a lot of information on the restoration. It has  
4 website information that you can go to about the  
5 process. It also has the examples of the topics that  
6 are going to be talked about tonight. And we invite  
7 you, if you did not pick up one of these on the way in  
8 to pick up one on the way out.

9           Also, you may have noticed whenever you  
10 came in the open house next door. While that is not the  
11 main focus of tonight's proceedings, we thought it would  
12 be very informative for you to have experts in the  
13 seafood industry. Topics such as seafood safety, human  
14 health, Gulf Coast Ecosystem Restoration Task Force and  
15 others are on hand. We invite you to stop by the open  
16 house again post our presentation. They will certainly  
17 have experts that stay on hand until the last person  
18 leaves.

19           Additionally located in that area are input  
20 stations. And if you would like to make a comment and  
21 you are not comfortable with making your comment  
22 verbally, there is a computer with a staff individual  
23 with that computer and can assist you with getting that  
24 information into the record of tonight.

25           Tonight there are many things to discuss.

1 We will receive an overview of the NRDA process, as well  
2 as the early restoration process. Tonight's speakers  
3 will also provide the details of the Draft Phase I Early  
4 Restoration Plan, as well as an overview of the specific  
5 projects for your State of Alabama.

6 As mentioned before, the meeting has two  
7 parts. The first part is an update of the plan, the  
8 projects. The second part, the most important part,  
9 allows you to come forward to make a comments into the  
10 public record. Your comments are integral to the  
11 implementation of these projects that begin to  
12 compensate for the natural resource injuries, including  
13 the loss of human use of our resources.

14 When you checked in, there was an  
15 opportunity to sign up if you want to make a verbal  
16 comment. If you wanted to make a comment tonight,  
17 simply raise your hand and we will get one of these  
18 cards to you. We just need to get your name. And if  
19 there is an organization, if we can have that for the  
20 record. So at this time I want any individuals who  
21 would like to make a comment who did not have a chance  
22 to get one of these cards, we have one here. And at any  
23 time, if you just raise your hand, we will get one of  
24 these cards to you so that we can properly identify you  
25 for the record.

1                   There are four ways to make a comment. The  
2 first is to come forward at tonight's meeting. The  
3 second, you can pick up one of these forms and fill it  
4 out and you can mail it in. The third, which is an  
5 input station. And the Fourth is to go online. And  
6 it's very easy. The only thing that I ask you is,  
7 please keep the date of February 14th in mind, as that  
8 is the last date to give your public comments. So,  
9 let's get started.

10                   We have a few speakers for you tonight who  
11 have come to speak with you. The first one that will  
12 get started is Mr. Cooper Shattuck from the Governor's  
13 office. After Mr. Shattuck, Dr. Nick Tew, State  
14 Geologist, Geological Survey of Alabama. After Dr. Tew,  
15 we are going to have Brian Spears, Fish and Wildlife  
16 Service, restoration manager, Department of Interior.  
17 And following Brian will be Will Brantley, State lands  
18 manager, Alabama Department of Conservation and Natural  
19 Resources.

20                   Mr. Shattuck.

21                   MR. SHATTUCK: Thank you. On behalf of the  
22 Governor, I want to first bring greetings from  
23 Montgomery. We've had a busy morning with all of the  
24 storms in north Alabama. Seems like the last time we  
25 had that experience, in April, I was in New Orleans

1 working on this NRDA process. So, hopefully, we won't  
2 have any more repeat of that. But the Governor did want  
3 to send his greetings and his thanks.

4 First of all, thank you all for being here  
5 and being a part of this process. Your public comment  
6 and public input helps shape this process, and the  
7 projects that will ultimately be performed. Because the  
8 projects that we have generated, as far as potential  
9 projects are concerned, have come from you. And the  
10 projects that we will implement will come from you. And  
11 they are about you and your resources. So thank you for  
12 that.

13 I also would like to thank our other  
14 trustees. Alabama has trustees, the Gulf states have  
15 trustees and there are federal trustees. And we have  
16 formed a great working relationship to work through this  
17 process together, and I wanted to thank them publicly  
18 for that. It is probably one example of things going on  
19 right now in both the state and federal environment that  
20 has not been tainted or slowed down by politics.  
21 Everyone involved is so fixed on our job, and that is  
22 making sure that our natural resources are restored and  
23 the impacts associated with them are addressed. And so  
24 I thank everyone for keeping that focus in mind.

25 And then lastly I want to thank our two

1 state trustees, Dr. Nick Tew and Gunter Guy, who is a  
2 commissioner with the Alabama Department of Conservation  
3 and Natural Resources. And they are incredible teams.  
4 They have spent countless hours in what has been a long  
5 process. But the reason I want to thank them is because  
6 we are only at the beginning. There is a lot of work to  
7 do. We have got a lot of things to do and a lot of  
8 projects to plan and implement. So I thank them for the  
9 work they have done today and thank them for their  
10 willingness to work going forward.

11 So with that said, I am going to turn it  
12 over to Dr. Tew to give the presentation.

13 DR. TEW: Thank you, Cooper. Thank you for what  
14 you have done, too. We've got a good team working on  
15 this and we appreciate the support of the Governor's  
16 office. On behalf of the Alabama trustees, Gunter Guy  
17 and myself, I want to again welcome you here and thank  
18 you for coming out tonight. I am going to be very brief  
19 with my comments, because we want to move on to the  
20 presentation, and then the commentary. Because that is  
21 really the reason that we are here tonight, is to hear  
22 from you all. But there are a few things I want to  
23 cover to get started.

24 I see a lot of familiar faces out there in  
25 the audience. I know some of you have been to several

1 of our meetings now, and some of the information that we  
2 are going to provide in this presentation might be a  
3 little bit redundant for some of you because you have  
4 been a part of this process previously. But we want to  
5 provide the information to make sure that everybody out  
6 there is on the same page and has a fundamental  
7 understanding of this process and how it works. So I  
8 think it is important to get that background information  
9 prior to the comment period.

10 Brian Spears is here with the Department of  
11 the Interior. He is going to give an overview of the  
12 process and describe this Draft Phase 1 Early  
13 Restoration Plan that we are going to talk about tonight  
14 and receive your comments on.

15 The draft plan proposes eight projects, two  
16 in each of the four states; Florida, Alabama,  
17 Mississippi and Louisiana. There are two proposed  
18 projects for the State of Alabama. The Marsh Island  
19 that we will discuss tonight is being proposed out of  
20 funds provided directly to the -- will be provided  
21 directly to the State of Alabama. And Will Brantley  
22 with the Department of Conservation will discuss that  
23 project with you.

24 The second project, the dune project, is to  
25 be implemented by the Department of Interior, the U.S.

1 Department of Interior. And it will be out of funds  
2 allocated by that federal agency out of the early  
3 restoration funds that have been provided so far. And  
4 Brian Spears will be providing information on that  
5 particular project.

6           It is important to remember as we go  
7 through this, as we are -- this is Phase I. These are  
8 early projects. The first round of the early  
9 restoration projects that we are rolling out. And this  
10 is a process that we have to work with our team of  
11 trustees from the other states and the federal  
12 government and, ultimately, BP. And so it is an  
13 involved process, but one that we are committed to do as  
14 quickly as we can. But we have these, this early round  
15 of projects that are ready to go, ready to roll out and  
16 ready to put on the ground. So we thought it was  
17 important to go ahead and have this Phase I of early  
18 restoration projects. There will be additional  
19 projects that we will discuss at subsequent meetings,  
20 and we invite you all back to participate in the process  
21 as we move along.

22           There are a number of different ways that  
23 you can comment on this process, and we certainly urge  
24 you and invite you to use those various forms and  
25 communicate with us so that we know how you feel about

1 the things that we are doing. We are very interested in  
2 your concerns and comments and it will help us move  
3 forward. So please, take advantage of those various  
4 meetings to provide that information to others.

5 For those of you that would like to come up  
6 tonight and give us your comments at the microphone, we  
7 certainly are eager to hear those. Gunter Guy, Patti  
8 Powell, Will Brantley and myself will all be sitting at  
9 a table up here to hear your comments a little later on.  
10 So after you hear the PowerPoint and get your thoughts,  
11 we will certainly be most happy to hear from you.

12 So let me introduce Brian Spears from the  
13 U.S. Department of Interior. He is going to go through  
14 the presentation about the overall NRDA process.

15 MR. SPEARS: Thank you. Good evening, and thank  
16 you for coming. It's a pleasure to be here in Mobile.

17 As Dr. Tew mentioned, my name is Brian  
18 Spears. I work for the U.S. Fish and Wildlife Services,  
19 part of the Department of Interior, at our Fairhope  
20 office right across the bay.

21 As Dr. Tew mentioned, the purpose of  
22 tonight is to hear from you. It's good to just provide  
23 a little bit of context into what the early restoration  
24 process is all about, and hopefully it leads to a larger  
25 assessment and desire for the trustees to get the

1 restoration here in the gulf. So I am just going to  
2 provide a quick background, a little bit about the NRDA,  
3 OPA, and then get through the early restoration  
4 framework process.

5           The Oil Pollution Act itself was developed  
6 in an Act in 1990, following the Exxon VALDEZ spill.  
7 And it really provides us with general guidance on how  
8 to respond to oil spills. So within the Oil Pollution  
9 Act we have these regulations that we know as natural  
10 resource damage assessment regulations. And what they  
11 do are provide us an avenue to hold folks accountable  
12 for injuring natural resources caused by oil spills.

13           Natural resources are a public commodity.  
14 They are owned by all of us. So these regulations give  
15 us a legal avenue for being compensated for injuries to  
16 our public property. And within the regulations it  
17 talks about making the environment whole not only for  
18 injury to natural resources themselves, but also for  
19 services resulting from those resources. And one of the  
20 services they provide is public recreation for us.  
21 Human use, is what they call it. So that is why, for  
22 example, this plan -- the human use proposal is part of  
23 the process.

24           Now, why don't we talk about what NRDA  
25 does. It's important to know specifically what it does

1 do. As y'all are probably familiar with, there's a lot  
2 of claim processes going on as part of this event here.  
3 NRDA, however, specifically deals with injury to natural  
4 resources. So a lot of folks may be involved in a human  
5 health claim or punitive damages related to this spill;  
6 NRDA is not involved with that. Not intended to do  
7 that. So that's why here it is specifically talking  
8 about restoring natural resources.

9           The regulations of the Oil Pollution Act  
10 designate state and federal agencies affected by  
11 the oil spills as trustees for the public. Those who  
12 are charged with ensuring that the public is compensated  
13 for injuries caused by the spill.

14           So, for example, in regard to the Deepwater  
15 Horizon spill, all five States along the Gulf of Mexico  
16 are affected. And so that's why I am going to talk  
17 about the NRDA trustees, the trustees for all five  
18 states represented. So, as you see here, the trustees  
19 have more than one agency representing them.

20           As far as the federal trustees go, they  
21 include the Department of Commerce, represented by NOAA.  
22 Because NOAA manages resources that are affected by  
23 itself. As well as the Department of Interior, who I  
24 work under. I am represented by the Fish & Wildlife  
25 Service, Bureau of Land Management and the National Park

1 Service. Because we all have natural resources that we  
2 manage that were affected by the spill.

3 Okay. So that's a quick backdrop of who  
4 all is involved in this NRDA process here. There are  
5 three main stages of a natural resource damage  
6 assessment. The first is what we know as a  
7 pre-assessment. Soon after a spill, trustees will go  
8 out and evaluate whether injury is occurring or whether  
9 they are likely to occur.

10 Sometimes that's complex. For example,  
11 with Deepwater Horizon we were taking water samples  
12 several thousand feet below the ocean surface.  
13 Sometimes it's simple. We have oil dolphins or oil  
14 birds. In the case of this, though, we have both. So  
15 the point of pre-assessment is to evaluate whether we  
16 need to go out and collect more data, get into the  
17 injury assessment and restoration planning stage. And  
18 that's where we are now as a trustee group.

19 The point of the injury assessment stage is  
20 to look at the broader scope of what might happen. That  
21 would weigh more comprehensively on natural resources  
22 that might be injured and how badly that might be  
23 happening at the end of the day, coming up with a total  
24 evaluation on what the public should be compensated for.

25 Also during that process we start

1 evaluating how the public should be compensated. What  
2 sort of restoration we should be doing, and how broad is  
3 the project we should be doing to fully compensate the  
4 public for injuries to its property. And so that's  
5 ongoing. That's been an ongoing. And, finally, the  
6 whole point of these regulations is to implement  
7 restoration and get back the resources that we have  
8 lost.

9           So this happens early on in the interview  
10 process. Way back in the fall of 2010 a lot of us were  
11 involved and walking beaches and evaluating oil or  
12 running out and collecting oil birds to clean and  
13 release them. The trustees were already out conducting  
14 meetings with the public, coming to folks like you all  
15 and asking you what would you like to see, since this is  
16 going on, to jump start this planning process. And that  
17 continued through the spring of 2011 as part of the  
18 program, the environmental impact statement, which is  
19 really just part of a broader restoration plan effort  
20 that is going on here on the Gulf.

21           And then in April of 2011, a big, big thing  
22 happened for us here. The trustees and BP came to an  
23 agreement on an avenue to jump start restoring the Gulf.  
24 And that is something that we like to refer to as the  
25 framework for early restoration. That was not only a

1 big, big deal here locally, it was also a big deal in  
2 NRDA in general.

3 The last NRDA project I worked on that  
4 trustees were part of is the largest environmental in  
5 the history of the U.S., and then this happened. This  
6 involves up to a billion dollars of work to get to that  
7 restoration. The last project I was on, we would have  
8 been happy for an agreement, I guess, worth a couple of  
9 million. That would have made us happy folks. But it  
10 was a big, big deal restoration here and we are thankful  
11 for the trustees and the BP negotiators to get that up  
12 there for us.

13 After this was put in place, we continued  
14 public outreaches. Alabama, in particular, one of the  
15 meetings help solicit these projects specifically for  
16 this effort, and they are ongoing. I want to stress  
17 that this Phase I draft plan is just a pit stop, almost  
18 a sidetrack, to a larger process that is still ongoing.  
19 So I am going to ask you is the window closed to you to  
20 suggest projects and when is it going to open again.  
21 It's open now. It's always open. It will be open for a  
22 long time. So there are a lot of things -- for example,  
23 you can still go and submit projects. And the trustees  
24 are continually going back to that area and evaluating  
25 new projects or oil projects to see how it can fit into

1 the process.

2           Okay. So, now, where are we tonight? What  
3 is this early restoration all about? I mentioned that  
4 this early restoration framework created that we're  
5 working under gave us an avenue to do this. And, again,  
6 provided us with a billion dollars of funding from BP to  
7 go to a particular project.

8           The whole point of early restoration was to  
9 allow us to get a jump start. Meaningful acceleration  
10 of restoration to the Gulf, while the assessment of  
11 injury is still ongoing. I believe that's still  
12 ongoing. Just like there is a lot of data to help  
13 develop what our final claim is going to be. So that's  
14 still going on. And, again, that is what this is about  
15 here.

16           The agreement actually allocates money to  
17 the trustees. If you pull off the agreement, pull the  
18 agreement off the Web, you will see that it is divided  
19 up, a settlement, into equal parts of a hundred million  
20 dollars for each trustee. So what that is about is,  
21 each of these trustees are able to use a hundred million  
22 dollars to prioritize what they would like to see as far  
23 as restoration under this effort. And then those  
24 identify the course projects brought together. The same  
25 thing with the federal trustees down here, they are part

1 of that same process.

2 And then, finally, there is here, that's  
3 allocated for the federal trustees to help prioritize  
4 State ideas. Again, a collaborative effort.

5 Evaluating what to do here is a big  
6 process, a big job. The last time I looked on the  
7 trustees Deepwater Horizon Restoration Planning submit  
8 projects, there were something between eight and nine  
9 hundred projects. So it's a big job to use a lot of the  
10 selection criteria that is available to us to figure out  
11 which project we should move forward.

12 We have a number of criteria that we have  
13 to look at. How much stuff costs, will it work, what  
14 sort of benefits does it provide, which is an important  
15 key point to remember. One of the things we must do in  
16 our day is provide a link between what we are doing on  
17 the restoration side with what was injured. And those  
18 have to match up. So, for example, if a bird gets  
19 injured, we get to try to figure out how to help the  
20 bird. The same thing with the marsh. That's an  
21 important concept of NRDA.

22 The framework agreement, additional  
23 criteria the trustees are looking at. Again, how does  
24 it address the resource injured, how does it compensate  
25 the public, and will it work. And then, finally, as I

1 said before, this broader restoration planning that is  
2 going on. How do you use early restoration project that  
3 will fit into that.

4 And, finally, the trustees are using a  
5 couple of what we call practical considerations.  
6 Selection criteria aren't required, but we thought it  
7 made sense in trying to come up with this list of  
8 projects.

9 Again, the plan of the restoration is to  
10 start to provide projects as quickly as possible. So we  
11 wanted to come up with a project that may be close to  
12 implementation already or start providing efforts right  
13 away. Those are very meaningful to us under this  
14 framework.

15 Another thing that we tried do in this  
16 first plan is hit on a number of different injuries.  
17 So that's why you will see oyster proposal, that's why  
18 you will see a marsh proposal, that's why you will see a  
19 dune proposal. So that was important to us.

20 And then, finally, can we get it on the  
21 ground very quickly. This is just a map of the States  
22 selection information of what we're going through. Here  
23 we've got some of these early project submission  
24 meetings. This big, blue arrow it is supposed to  
25 indicate this is right after project screening. Here we

1 are public comments while the whole restoration process  
2 is still ongoing. The trustees are actually working on  
3 the second ground project, so there is a lot of work  
4 going on in the background.

5 So we get the project to go through all of  
6 the screening criteria, and then session was real quick  
7 on this negotiation. One of the things we have to do  
8 is, with the early restoration framework, is to come to  
9 an agreement with BP on two primary things. How much  
10 the proposals costs and, given how much they cost, what  
11 do they provide us.

12 Because assessment process, we have to come  
13 to agreement and concept of the BP how that project and  
14 what they will provide us fits into the overall claim.  
15 And that's important because that can affect what you  
16 see in this draft plan. Not to say that the projects  
17 that don't make it through this will not be some day,  
18 but that's what we're working under.

19 In a couple of minutes here, you will hear  
20 some offsets that are correct, and those are those  
21 benefits that we have come up with for those projects.  
22 And, finally, public comment and address these before we  
23 put out our final plan which needs to consider whether  
24 he consider respond to this.

25 Okay. So here we are today with this Draft

1 I Phase -- Phase I Early Restoration Plan. In the  
2 planning you see two different alternatives. The first  
3 is no action or what we call natural recovery  
4 alternative. That is an evaluation of what would happen  
5 if we do nothing. That's not what the trustees are  
6 proposing here. But, rather, that is actually required  
7 by the Oil Pollution Act. So that's why you see that in  
8 the plan.

9           Alternatively to this, the trustees went  
10 through all that selection criteria at first negotiating  
11 and talking with BP, and came up with eight projects  
12 that we considered right and right for this first round.  
13 And we were happy with how the negotiation went, so we  
14 are proposing those eight projects in this first round.  
15 It's important to note that as you look at that and see  
16 the projects, they are independent projects. So the  
17 final plan, depending on what the public says and how we  
18 evaluate that feedback, you may actually see on some of  
19 those in there. You may see all eight mentioned on the  
20 final plan. So keep that in mind when you comment. You  
21 can actually comment on individual projects themselves,  
22 and that's important.

23           Okay. So for tonight I am going to skip  
24 over the majority of the projects and just mainly show  
25 you. This is a draft plan showing where all the

1 projects take place. All the way from the beach  
2 restoration in Florida through the states to Louisiana.  
3 And again, just a real quick summary, that's what the  
4 estimated cost of this project looks like.

5           And because we are here in Alabama, I would  
6 like to focus more on the Alabama costs probably  
7 tonight. And, first, we are going to talk about an  
8 Alabama Dune Restoration Project. This project is  
9 actually a cooperative resulting from input from all of  
10 these local partners. They -- all of these partners got  
11 together and said, okay, we know that the beach in  
12 Alabama has oil. We know that cleaning up the oil  
13 caused a lot of damage to the beaches in Alabama.  
14 Primarily because, we had to use ATVs and other trucks  
15 on the beach. So we want to restore that loss. So all  
16 of these partners got together and came to an agreement  
17 on what they would like to see and where they would like  
18 this to happen. And, again, give back the restoration  
19 to some of those resources.

20           This project consists of planting along  
21 about 20 miles of beach resulting in about 55 acres or  
22 so of beach dune or what we call primary beach dune  
23 habitat. It involves property owned by BLM on the Fort  
24 Morgan peninsula. And, also, portions of the Gulf State  
25 Park. The park is owned by the City of Gulf shores.

1 Then also parts of like Orange Beach, move to the east  
2 of there.

3           Again, the purpose of this project  
4 specifically is to restore native dune. And with the  
5 whole planting sea oats you will see that, which is  
6 important to us. We are going to take into  
7 consideration what to plant there using native plants  
8 that are adapted to this area. So that's part of the  
9 proposal of the plan.

10           Some of the resources benefit include the  
11 Alabama Beach Mouse habitat, which is listed on the  
12 plan. That is important as far as those negotiations  
13 go. And then here are some of the preliminary BP  
14 offsets that I mentioned a little bit ago. This was a  
15 little bit easier to evaluate sort of restoring the  
16 injured resource, because it directly restores what was  
17 lost.

18           But if we lose a bird, we would try to  
19 figure how to -- because we have lost a lot of birds.  
20 That's a little bit difficult to figure out, because you  
21 are providing habitat to those birds. And so you have  
22 got to come up with an estimate of how much that habitat  
23 is going to produce. But in this case it is directly  
24 related to acres of restored dune habitat. And then, of  
25 course, this is the estimated cost.

1                   Okay. So for the second Alabama project I  
2 am going to defer to Will Brantley from the State of  
3 Alabama. Thanks.

4                   MR. BRANTLEY: Thank you, Brian and the  
5 previous speakers and I'd like to say welcome to  
6 everybody for coming out tonight. My name is Will  
7 Brantley. I do work with the Department of Conservation  
8 and Natural Resources, and one of the two State trustees  
9 engaged in this process again.

10                   The second project we want to focus on  
11 tonight is the Marsh Island Restoration Project. And we  
12 do need to make a distinction that this is the marsh  
13 island located in Portersville Bay, as the marsh island  
14 in Grand Bay. But you will see the graphic on the far  
15 right here. This is the entire coastal area. Focusing  
16 in on it a little bit more, this is more to the -- where  
17 the project will actually occur. That little island  
18 right there is Marsh Island. And you will see, it's  
19 located in the Mississippi Sound, which is in Mobile  
20 County. It's in-between the -- some of the barrier  
21 island chains and the mainland of Mobile County. So  
22 that's where this project will occur.

23                   The objectives are actually very simple,  
24 two-fold. One to protect the existing 24 acres of the  
25 island. If you look at this photograph here, you will

1 see two lines. The red line indicates the approximate  
2 shoreline position in 1958. The yellow line indicates  
3 the approximate shoreline position in 2001. So there is  
4 clearly some erosional processes that have been  
5 occurring here. This is in a high energy related  
6 environment. So the focus here will be to protect the  
7 existing acreage. And then additionally, we will  
8 construct an additional 50 acres of marsh.

9           And to kind of take a bit of a step back,  
10 and I guess this probably speaks a little bit to --  
11 thinking at length to this -- this kind of project. We  
12 have a lot of experience with Alabama trustees doing  
13 these kinds of weather-restoration projects. The  
14 picture up here on the screen is an example of --  
15 frankly, the most recent restoration project we did it  
16 -- which is a little further north and west of the  
17 project that we are looking at now.

18           But there are similarities with this  
19 project and what we are going to do. So we have a high  
20 comfort level, a high level of experience in  
21 implementing these kinds of projects, and it was really  
22 fit for us to consider for including into this first --  
23 this draft. From the moment we can move forward with  
24 it, we would anticipate that we could within 18 months  
25 have the project built.

1                   Let's talk a little bit about the details  
2 of the project. It's -- basically, we are going to  
3 utilize breakwater structures on the southern, eastern  
4 and western shorelines. We will be placing breakwaters  
5 there that will serve as a protective barrier to forces.  
6 On the north side, as well, we will be utilizing  
7 breakwater, but probably a different type of breakwater.  
8 Placement of burlap-sacked oyster shell breakwater.  
9 Within the confinement of the breakwater, we will be  
10 pumping in sediment to that interior to build up a  
11 natural land mass, and then we will go plant that to  
12 create the marsh.

13                   Zooming in a little bit more to this  
14 conceptual graph, I am not going to go back through the  
15 details, y'all can read that again, but I will point out  
16 other things. The first thing is, if you'd notice, it's  
17 got sort of a linear shape to it. And that's not by  
18 accident. We want to maximize the edge component of the  
19 marsh. The edge component is highly productive habitat.  
20 So by building it in a linear fashion it will get more  
21 edge.

22                   Coupled with that, you will also notice, as  
23 depicted by the blue lines, tidal creeks and tidal  
24 channels. White water maximize those types of features  
25 within the build. And, again, that produces maximum

1 function and maximum habitat within this project.

2 And my last slide sort of gets at the cost  
3 and the offsets. Brian spoke a little bit earlier about  
4 the offsets, so I am not going to go into detail on  
5 that. But basically this project will offset injuries  
6 associated with salt marsh injury in coastal Alabama.  
7 And the natural resources involved and are utilized in  
8 helping these benefits, as well as negotiations with BP.  
9 But for this particular project, it has provided 540  
10 discounted service acre years of salt marsh habitat in  
11 Alabama.

12 And based on our previous experience of  
13 constructing these type of things, the cost is estimated  
14 at 9.4 million dollars. So that sort of concludes that  
15 particular project and the two projects we are going to  
16 discuss here in Alabama. I want to transition very  
17 quickly before I hand it back over to Perry, just a  
18 couple of things related to the next steps.

19 I want to highlight, again, February 14th  
20 is the date the public comment period closes for this  
21 draft restoration plan.

22 We are right here tonight, right about the  
23 halfway point of public meetings associated with this.  
24 So there are six more public meetings, and that is going  
25 to be tomorrow in Gulf Shores. So we encourage everyone

1 to consider coming again. But, also, tell people who  
2 weren't here tonight to consider coming as well. So I  
3 think with that, I am going to turn it back over to  
4 Perry.

5 MR. FRANKLIN: Okay. Just to reiterate, there  
6 are four ways to provide your comments. You can come  
7 forward tonight verbally. You can go to one of the  
8 input stations in the next room. You can pick up a form  
9 and you can fill it out and you can send it back in. Or  
10 you can go online. And there is a date, again.

11 What we are going to do, if I can call  
12 Carla up, who is going to be our timekeeper. Everyone  
13 who is going to make a comment tonight, we give you  
14 three minutes. You are going to come forward. I will  
15 call you by name. If there is an organization involved  
16 with your presentation, I will say the name of your  
17 organization.

18 When you come forward, if you would for the  
19 record, again state your name and your organization, and  
20 then you will be given three minutes once you begin  
21 speaking. When you get down to one minute remaining,  
22 Karla will hold up this little sign. If you would  
23 acknowledge that, we would appreciate it. And once you  
24 get down to one minute, she will hold a sign up. And so  
25 at that point, if you would, if you have not concluded

1 your comment, if you will, go ahead and wrap up, that  
2 would be appreciated.

3 To receive your comments tonight we have  
4 public representatives from both the State of Alabama  
5 and the federal government. First we have Dr. Nick Tew,  
6 State Geologist, Geological Survey of Alabama, who will  
7 come up. Next, we have Mr. Gunter Guy, Commissioner,  
8 Alabama Department of Conservation and Natural  
9 Resources. Next, Ms. Patti Powell, State lands  
10 director, Alabama Department of Conservation and Natural  
11 Resources. Next, Mr. Will Brantley, who you have  
12 already met. Next, Brian Spears, who you have already  
13 heard from. And, finally, Ms. Debora McClain, deputy  
14 case manager, Department of Interior.

15 The format is as follows: These will be  
16 comments. We will be listening to your comments. This  
17 is not a question and answer session. If you have  
18 something that requires a question, we have subject  
19 matter experts in the back of the room. And at the  
20 conclusion of this period of the program, they will come  
21 over to try to answer the questions to the best of their  
22 ability. So, please, keep that in mind if you have a  
23 specific question. Please give oral comment, as the  
24 purpose of this such discussion is not to engage in a  
25 dialogue. Okay.

1                   Is there any one who would like to come  
2 forward who has not yet completed a comment card?  
3 Raise your hand. And, if you would, just raise your  
4 hand and we will know that you would like to make a  
5 comment and we will get a card to you. Because the  
6 cards are given to me. The cards are given back in the  
7 order in which you signed in, and that's how we will  
8 proceed.

9                   First up, the Honorable Jeff Collier,  
10 Dauphin Island Mayor.

11                   MAYOR COLLIER: All right. Dauphin Island  
12 Mayor, Jeff Collier. I want to thank you all for giving  
13 me an opportunity tonight to address you.

14                   I think, first of all, as far as the two  
15 projects that were talked about in Alabama, I'm not  
16 going to get too involved with that, I am going to talk  
17 a little broader in that we need to be looking at our  
18 best return on investment. I am sure you are all  
19 looking at that. Those are our projects that have  
20 multiple impacts. But how those can also leverage  
21 economics in the area whether it relates to the seafood  
22 industry throughout our area, tourism; all of those  
23 things I think need to be taken into consideration as  
24 you try to select those particular projects that are  
25 going to be most beneficial to, in our case, Mobile

1 County.

2 I would like to suggest that we also  
3 remember that barrier islands have a role to play. Of  
4 course, I am the mayor of a barrier island. There's not  
5 too many of us in our field, but I am one of those. And  
6 I think that that also often gets lost in the equation  
7 here.

8 The marsh project that was shown, and the  
9 map, if you all were kind of watching, you heard  
10 suggest that this is -- the -- particularly the barrier  
11 island, that has to be Dauphin Island. And what I would  
12 suggest and say is that all of the projects, and there  
13 will be more and there will be lots of projects that are  
14 going to benefit the Mobile County area.

15 We need to remember that the first line of  
16 defense for all of those projects is the barrier island.  
17 And all of the projects that are placed north of the  
18 island are going to be only as good as that island is.  
19 And I certainly -- you have heard me talk about it  
20 before, shoreline restoration, shoreline vegetation is a  
21 key element to this and needs to be considered as part  
22 of the overall equation. Because barrier islands have  
23 multiple roles to play. One is, that first and foremost  
24 it is the first line of defense. If we have a  
25 hurricane, public defense such as the oil field, that's

1 going to take that first hit from you.

2 I think we have seen a small project that  
3 if we put the rocks to fill the gap to keep the  
4 saltwater -- to keep the oil out, it also kept the  
5 saltwater out, which in turn helped the oil industry. I  
6 think those are the kinds of things that show firsthand  
7 what a shoreline vegetation project can do. So I need  
8 a couple of task at hand. I'm certainly all for them.  
9 I am not being critical whatsoever. But I do think that  
10 we need to keep in mind the larger scope of the picture  
11 and do what -- put the money where we get the most bang  
12 for our buck. The most return on investment to simplify  
13 the benefits for our area. Thank you.

14 MR. FRANKLIN: Thank you very much, Mayor  
15 Collier. We could not have a more picture perfect  
16 commenter for our first comment in that area. Thank you  
17 very much.

18 Next forward is Ms. Kara Lankford, Ocean  
19 Conservancy.

20 MS. LANKFORD: Hi. I'm a little bit  
21 shorter than Mayor Collier. My name is Kara Lankford.  
22 I am with the Ocean Conservancy Restoration program.  
23 The proposed Marsh Island Marsh Creation project is a  
24 suitable NRDA early restoration project and should go  
25 forward as such, provided an Environmental Assessment is

1 sufficiently conducted, all environmental impacts are  
2 fully considered, and no additional serious issues are  
3 identified through this analysis.

4           The project description provides a  
5 persuasive scientific and ecological basis for  
6 restoration, summarizing historical rates of habitat  
7 loss and estimating when the marsh would disappear  
8 without intervention. This project would help address  
9 historical degradation by creating new and protecting  
10 existing salt marsh on Marsh Island in an attempt to  
11 reverse a 50 year trend in habitat loss.

12           Presumably, workers will be needed to  
13 transport and place breakwater material to the site and  
14 plant native vegetation plugs. The project description  
15 should clarify whether preference will be given to  
16 hiring local fishing vessels, residents or companies  
17 affected by Deep Water Horizon Oil Spill.

18           As noted in the Draft Early Restoration  
19 Plan, further environmental analysis and public review  
20 will be required once sufficient information is  
21 available. We look forward to having the opportunity to  
22 review the additional environmental analysis.  
23 Additionally, the trustees should clarify the project's  
24 relevance to broader Gulf restoration.

25           The proposed Alabama Dune Restoration

1 Cooperation project is a good model for dune habitat  
2 restoration and a clear candidate for NRDA early  
3 restoration funding.

4 The proposed project clearly addresses  
5 injuries to dune habitat and federally endangered beach  
6 mice caused by the Deepwater Horizon Oil Spill. Dune  
7 habitat was oiled and extensive use of heavy machinery  
8 and all terrain vehicles during the Deep Water Horizon  
9 response effort damaged vegetation and the natural  
10 seaward expansion of the dunes.

11 The Coastal Alabama Dune Restoration  
12 Cooperative has considered the collateral injuries from  
13 this project and planned accordingly to minimize them.  
14 Applicable NEPA compliance issues have been adequately  
15 addressed. Moving forward, we recommend that a more  
16 thorough description of the maintenance and monitoring  
17 plans be created and shared with the public to ensure  
18 that these crucial aspects are sufficient to ensure  
19 project success. The Trustees should also clarify how  
20 this project integrates into an ecosystem approach to  
21 restoration and a longer-term restoration plan.

22 Thank you.

23 MR. FRANKLIN: Thank you, Ms. Lankford.

24 Next to make comment, Mr. Daniel Adkins,  
25 president, Mobile Bay Kayak Fishing Association.

1                   MR. ADKINS: Good evening. I will read a  
2 statement. As you know, I am Daniel Adkins. I am the  
3 president of Mobile Bay Kayak Fishing Association. We  
4 are a conservation group based here in Mobile. We have  
5 membership all over the Gulf Coast. And I want to talk  
6 with you tonight about the early restoration project.  
7 These projects are an important step toward making the  
8 environment and public whole after the oil disaster, but  
9 there's still a lot of work to be done.

10                   Restoration to address damage to our  
11 commercially and recreationally important fisheries is  
12 critical to long-term success. As we saw in the wake of  
13 the Exxon VALDEZ spill, impacts to our fisheries aren't  
14 always identified in the months following a spill, and  
15 may manifest themselves when it is too late to implement  
16 measures to mitigate the impacts.

17                   The lessons we learned from the Exxon  
18 VALDEZ point to the importance of long-term monitoring  
19 as a critical ongoing piece of the Natural Resource  
20 Damage Assessment. We need to monitor not only the  
21 success of restoration projects, but continue to  
22 rigorously monitor our coastal and marine environments  
23 for changes that could affect our natural resources and  
24 enjoyment of those resources.

25                   It's critical that the trustees continue to

1 monitor oil-related impacts well into the future to  
2 ensure that responsible parties are held fully  
3 accountable. Setting aside a portion of the one billion  
4 dollars in early restoration dollars for monitoring is  
5 an important first step in this endeavor.

6 We encourage the trustees to complement the  
7 coastal nature of these Phase I early restoration  
8 projects by proposing additional projects that address  
9 injuries to offshore resources and related losses in  
10 services. Thank you.

11 MR. FRANKLIN: Thank you, Mr. Adkins.

12 Next forward we have Avery Bates, Organized  
13 Seafood Association of Alabama.

14 MR. BATES: My name is Avery Bates, and I  
15 am the vice president of Organized Seafood Association  
16 of Alabama.

17 Trustees remain in our backyard. And  
18 Mr. Guy, especially you, because I get to see you. But  
19 over the years commercial fishermen like myself, we have  
20 seen the necessity of rebuilding our reefs tremendously.  
21 And especially having made 19 thousand 4 hundred plus in  
22 Portersville Bay just prior to the oil spill, with about  
23 300 licensed oystermen. That being very critical to my  
24 feelings. I was really feeling bad when John reported  
25 that 7 or 8 tries where they are trying to get shrimp

1 season they oil in the control in hopes. All is not  
2 good for the Oysters. The people were impacted  
3 tremendously. How many times did you see it on the  
4 Gulf? That's not good for seafood when you see oil, sea  
5 life or birds, especially when you see all the oysters.  
6 It impacted our jobs.

7 In July we had estimated meeting over in  
8 Orange Beach, checked with the Board of Health, said we  
9 could we had four. A pretty good drop. A tremendous  
10 drop. Now, with the fact of 21. We had 30,000 sacks of  
11 oysters coming up there a few years prior to the oil  
12 spill. For a year or two prior to the oil spill. And  
13 we thank the good Lord we've got Chris Blankenship, now  
14 our director. Chris, his mind is in the right place  
15 about restoring our reefs.

16 But we need to consider our industry and  
17 our business to benefit the whole state. Here we see  
18 Governor of Alabama say there are 9,750 people who work  
19 in our commercial seafood industry. And over 4,719 work  
20 in our recreation and fishing industry. If you consider  
21 oyster reefs good for the environment, good for the  
22 people of Alabama, good for our income, good for the  
23 quality of water, you would do like Mississippi and  
24 Louisiana, have them on the project.

25 Why? It's jobs. It's the same jobs. It's

1 good for the recreation of fishermen. And, oh, Lord, if  
2 you only saw this year when we saw the lack of working  
3 waterfront access. We took our lives in our hands every  
4 day. We took our lives in our hands every time we  
5 pulled our boats out. We have been in desperate need  
6 for access.

7 I see where Florida have access. A  
8 tremendous thing to be able to go to work with your  
9 best and work on the water in Alabama and supply the  
10 residents, supply the rest of the 87 percent of the  
11 income to the seafood businesses that sell seafood along  
12 the coast. It's coming out of the Gulf Shores and  
13 Orange Beach. If 87 percent of the monies arise from  
14 restaurants come from seafood, we need that  
15 consideration for our seafood industry, for our reefs,  
16 for the benefit of the State of Alabama. Not only the  
17 State of Alabama, but the whole Gulf Coast.

18 That's important to us as commercial  
19 fishermen. That's really important. We thank you for  
20 thinking about us down the road. But we need to be at  
21 the front of the line, because in the past when we have  
22 received funds or other funding, we've been in the back  
23 of the line. Let's don't be behind Mississippi. Let's  
24 don't be behind Louisiana. And let's don't be behind  
25 anything. They are important fishermen. They are

1 important seamans. They are important oystermen. But  
2 we have to feed our families and get these places, what  
3 we have been living. Before this was a country we took  
4 it over from the Indians. We want to manage it  
5 properly. We want to go back to work for our people,  
6 our children. And this property, the seafoods of  
7 Alabama, belong to everybody in the State. Let's claim  
8 it. Don't take us as Number Two. Let us come first.

9           And I know we are going to have a problem  
10 in the second round. But we need to come first. We  
11 didn't put it there. BP put it there. These shops that  
12 you put out of business for lack of product, nobody to  
13 supply the oil, they will open their doors again. Some  
14 of them have. Some of them are closing their doors.  
15 Let's put us back to work.

16           Thank y'all so much. Let's consider us as  
17 part of Alabama and part of the need for Alabama needing  
18 to go back to work. Not two months, a year, like it was  
19 this year, or two-and-a-half months a year, but  
20 eight months a year, nine months.

21           And, also, Grand Bay, a representative back  
22 here Mr. Session gave a public hearing and we got some  
23 hearing from representing many dry period dates, and  
24 we've got some questions on that that needs to be  
25 answered. So consider property. It goes all over the

1 country. It's property that belongs to everybody. The  
2 property of the earth. Proverbs, Chapter 5:9 (sic)  
3 belongs to all. For even the King has to increase  
4 fields. We form the city. That's our fields. We feed  
5 it to everybody. Don't forget that. Thank you.

6 MR. FRANKLIN: Thank you, Mr. Bates.

7 I want to remind you, if you would like to  
8 submit a comment for the record, please give your input,  
9 or if you'd like to make a comment that you mail in and  
10 to try to keep your comments to three minutes. Thank  
11 you.

12 Next up, Judy Haner, Marine Program  
13 Director.

14 MS. HANER: Hi, everyone. I first want to  
15 comment on what Mr. Jack commented early where he  
16 commended on a tremendous job that you have done. This  
17 is such a huge process, and we come together at an  
18 unprecedented way to show progress across the state and  
19 federal agencies to really bring it and to try to talk  
20 to us.

21 The two projects are fabulous as well.  
22 It's really impressive to be shown the beach projects.  
23 The partnerships that actually should be there, the  
24 process are very thoughtful. The projects are thorough.  
25 The one thing I would suggest to be taken into

1 consideration, the emergent water that were shown by  
2 Bradley were attached to the mainland. And in the area  
3 of our channel will be surrounded by water, the  
4 Mississippi Sound.

5 The major concerns, the dune project forces  
6 -- submerge breakwater low pressure to fit in the  
7 environment there. They break the water. I would ask  
8 that you take that into consideration. Thank you.

9 MR. FRANKLIN: Thank you, Ms. Haner.

10 Next Grace Scire, Boat People SOS.

11 MS. SCIRE: Good evening. I am Grace  
12 Scire. I'm with Boat People SOS. And I also thank you  
13 for giving us this opportunity.

14 Boat People SOS is an organization that  
15 represents south Asians, primarily Vietnamese people.  
16 And I am here this evening primarily to speak on behalf  
17 -- first of all, because today is Vietnamese New Year,  
18 which is why you really don't see anyone here tonight  
19 who is with the EPA and also both of us as translators.

20 I am going to ask two things of you this  
21 evening. Number one, I will echo Mayor Collier to  
22 consider the economic aspects of this when you consider  
23 future projects. To keep in mind that there is a lot of  
24 population of fishermen and a lot of those are  
25 Vietnamese who have also lost their jobs. So when you

1 consider the meeting that go on if you would consider  
2 those that will look to local workers to -- in their  
3 projects, we would appreciate that.

4 And the second thing is that a lot of  
5 people from that area are not at this meeting tonight.  
6 That will -- the conversation because of the New Year,  
7 but because of the distance and transportation issue.  
8 So I will hopefully, not just myself, but several others  
9 have a meeting in my later -- before the 14th.

10 So that if we could bring the process to  
11 them. And I would ask that this happened, but I would  
12 like to elaborate on that process. And to the people  
13 that are so -- that it's clearer as an -- actually what  
14 is going on so that they can have the same opportunity  
15 as people who were not able to make it here tonight.  
16 Thank you.

17 MR. FRANKLIN: Thank you, Ms. Scire.

18 I should probably remind you, that if  
19 possible there is a meeting and they may go over there  
20 in Gulf shores. So thank you for your time. Thank you,  
21 Ms. Scire.

22 Next to make comment is Marke Berte,  
23 Executive Director, Alabama Coastal Foundation.

24 MR. BERTE: Good evening. As mentioned, my  
25 name is Marke Berte. I am the new executive director

1 for the Alabama Coastal Foundation. And our mission is  
2 to improve and protect the coastal environment through  
3 education, cooperation and participation.

4 I want to begin my comments by reiterating  
5 what was mentioned earlier. That we thank you, the  
6 trustees and everybody involved in the process for a  
7 public comment period. We affirm -- we agree -- affirm  
8 our stance that these two Alabama early restoration  
9 projects are a great first start and we look forward to  
10 seeing many future projects.

11 The first of my two comments is that I  
12 encourage the trustees to -- not only to consider the  
13 (interruption) any of the projects, but also -- but also  
14 how they actually fit into the comprehensive plan.

15 In addition, and this is an echo from a  
16 previous as well within the boundaries of the federal  
17 laws that you have we really encourage you to use and  
18 support the local employment here in Alabama and -- for  
19 our two projects here. But, also, not only just within  
20 the framework, but also when you subcontract out the  
21 work. So thank you very much for your time.

22 MR. FRANKLIN: Thank you, Mr. Berte.

23 Again, if you would like to make a comment,  
24 just raise your hand and we will get a card to you.

25 Next is Mr. Walter Ernest, Weeks Bay

1 Foundation.

2 MR. ERNEST: I am Walter Ernest. I am the  
3 deputy director of the Weeks Bay Foundation, and we are  
4 a nonprofit organization.

5 I want to commend you on your two projects  
6 you have selected in Mobile and Baldwin County. It is a  
7 great project. But I hope in the future restoration  
8 you will look at land acquisition of coastal properties  
9 in both coastal counties. For example, it could be over  
10 on Dauphin Island we could hold a conservation meeting  
11 on Dauphin Island bird sanctuary, so we are doing some  
12 work down there. Or protection of coastal wetland we  
13 want to acquire restoration process. We do think that  
14 would be much easier for you guys.

15 I want to thank you for what you're doing  
16 and I want to tell you that there's 24 to represent the  
17 five Gulf states partnership for Gulf Coast Planning  
18 Conservation on the -- and we also really support land  
19 acquisition in the coastal areas of the five Gulf state.  
20 It is very important. Thank you.

21 MR. FRANKLIN: Thank you, Mr. Ernest.

22 Are there any others that would like to  
23 make verbal comments? I have one. You may. Is it  
24 Ms. Callaway?

25 MR. FRANKLIN: Okay, Callaway. Ms. Casi

1 Callaway, executive director, Mobile Baykeepers.

2 MS. CALLAWAY: Thank you so much. I have  
3 to echo all of the great words about the work that you  
4 are doing. We had an unprecedented disaster in all  
5 phases. We had an unprecedented response, and we are  
6 grateful. There is a lot to be done. We are certainly  
7 going to be ready for the two projects and the 2 million  
8 projects. But we are grateful. Grateful for the first  
9 two projects, and grateful that you give the public an  
10 opportunity to comment on them, and grateful that we are  
11 giving a chance to comment on these projects.

12 The few things that I want to say, I have  
13 said a little bit before, but I think they are always  
14 your opinion. Transparency in the process. We always  
15 want the public to be able to assess this information.  
16 The Citizens Advisory Committee that has been proposed  
17 on a number of occasions has yet to be placed and done.  
18 We need to make sure the public has an opportunity, a  
19 formal opportunity, to be involved in this process as  
20 well.

21 Another discussion now of signing a deal,  
22 calling it finish, but that squares -- but also because  
23 of the potential loss of continued review and analysis.  
24 Call it done and you will all be happy.

25 The other part is to look toward y'all to

1 give more information about how you are selecting these  
2 projects. It is such a huge responsibility, we  
3 completely understand. And a lot of organizations along  
4 the Gulf Coast have put together an analysis of all of  
5 the projects, so they are in our notes section, we  
6 submitted that to y'all, as well as document of a large  
7 majority of but for Gulf that's long comments here.

8 But we need a comprehensive review of why  
9 you are selecting the project, how it's going to work.  
10 I do understand the need of having some project, but we  
11 also need some type of analysis on the project as a  
12 whole, we can always hope, and we don't end up hurting  
13 each other.

14 But, again, I want to thank you, a huge  
15 thank you for your work and your effort. And we are  
16 excited to keep moving forward on those projects.

17 MR. FRANKLIN: Thank you, Ms. Callaway.

18 Are there any others who would like to make  
19 verbal comment at tonight's meeting?

20 (No response.)

21 MR. FRANKLIN: Seeing none, on behalf of  
22 the trustees, we would like to thank you for taking time  
23 out of your busy schedules.

24 We invite you to stay for the open house.  
25 The website is updated on a regular basis. And,

1 remember, February 14th is foils on the draft of the  
2 early restoration projection.

3                   Some of the experts are going to go back to  
4 their stations next door, and if you have any further  
5 comments or suggestions, we thank you. On behalf of the  
6 trustees, have a good night.

7                   (The meeting concluded at 8:08 p.m.)

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STATE OF ALABAMA

COUNTY OF ALABAMA

I do hereby certify that the above and foregoing transcript of proceedings in the matter aforementioned was taken down by me in machine shorthand, and the questions and answers thereto were reduced to writing under my personal supervision, and the foregoing represents a true and correct transcript of the proceedings had upon said hearing.

I further certify, that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Linda K. McSwain  
LINDA K. MCSWAIN, RPR, CCR# AL-CCR-272  
NOTARY PUBLIC FOR THE STATE OF  
ALABAMA AT LARGE  
COMMISSION EXPIRES JULY 15, 2013

IN AND FOR ESCAMBIA COUNTY, FLORIDA

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Proceedings of the Draft Phase I

Environmental Restoration Plan, Environmental Assessment

Public Meeting, held on Thursday, January 12, 2012, at

the University of West Florida Conference Center,

Building 22, 11000 University Parkway, Second Floor,

Pensacola, Florida, commencing at 6:00 p.m. and

concluding at 8:30 p.m.; to wit:

APPEARANCES:

PERRY FRANKLIN, Professional Facilitator, Franklin Associates

MIMI DREW, Florida Department of Environmental Protection  
Special Advisor, Florida Trustee Representative

NICK WILEY, Florida Fish and Wildlife Conservation  
Commission Executive Director, Florida Trustee Representative

BRIAN SPEARS, Restoration Program Manager, Department of  
the Interior

LEE EDMISTON, Florida Department of Environmental  
Protection, NRDA Science Expert

COUNTY COMMISSIONER GROVER ROBINSON, Escambia County  
MEMBERS OF THE PUBLIC

1 (Whereupon, the Public Meeting  
2 commences:)

3 MR. FRANKLIN: Good evening.

4 AUDIENCE MEMBER: Good evening.

5 MR. FRANKLIN: We can do better than  
6 that. Good evening.

7 AUDIENCE MEMBERS: Good evening.

8 MR. FRANKLIN: All right. My name is  
9 Perry Franklin, and I will be serving as tonight's  
10 facilitator for this very important meeting. I would  
11 like to welcome you to the second of 12 public meetings  
12 for the Deepwater Horizon Oil Spill Natural Resource  
13 Damage Assessment -- or NRDA, as you will hear a lot  
14 tonight -- Early Restoration Process.

15 In addition to the meeting held last  
16 night and tonight, there will be meetings over the next  
17 three weeks held in the states of Alabama, Mississippi,  
18 Louisiana, Texas, and the District of Columbia. The  
19 objective of tonight is to receive your comments on the  
20 proposed projects included in the Draft Phase I Early  
21 Restoration Plan.

22 There will be a dedicated comment period  
23 following a PowerPoint presentation which will give you  
24 updated information on the early restoration process.  
25 Please hold your comments until we get to that portion of

1       tonight's a meeting. Thank you.

2                   Okay. Let's get started. If you would  
3       like to learn more about the Draft Early Restoration Plan  
4       or the projects proposed specifically for Florida or have  
5       come to provide additional input, you're in the right  
6       location. At this time, if everyone would find a seat --  
7       there are more seats in the front -- and silence your  
8       cell phones, we will proceed. Please take any  
9       conversations you may have into the hall or outside to  
10      keep the noise level down to respect your fellow  
11      neighbors.

12                   Providing tonight's sign language  
13      presentation services are Ms. Michelle Latherne  
14      (phonetic) and Ms. Jackie Jones. Also, you may notice we  
15      have a court reporter in tonight's meeting to ensure the  
16      accuracy of the comments that we will gain tonight. They  
17      will also ensure that the transcript of tonight's meeting  
18      is accurate.

19                   Before we begin tonight's presentation, I  
20      want to draw your attention to a couple of details.  
21      Everyone should have been given a handout packet. This  
22      is a great reference tool, not only to understand bits  
23      and pieces tonight that may be -- be new to you but also  
24      to know the names of the individuals that are speaking  
25      tonight, if you have interest to follow up or to really

1 just know who is in front of you. That's on the first  
2 page the agenda.

3 The second page talks about the early  
4 restoration process, something to take away. Also there  
5 are a couple of websites on that second page. That's  
6 great information to maintain your engagement throughout  
7 this process because on the website there is updates that  
8 take place from time to time.

9 On the third page are the proposed action  
10 projects and we'll talk a little bit more about those,  
11 especially the ones for Florida this evening. And so I  
12 encourage you to pick one of these up, as it is a great  
13 take away for tonight.

14 Also, in the adjacent room, there was an  
15 open house area with many subject matter experts. While  
16 that is not the focus of tonight's meeting -- the focus  
17 is it to gain your comments -- there is some very  
18 significant information in that room and individuals that  
19 have flown in to be a part of the community this  
20 evening. If you have specific questions, that is the  
21 location where those specific questions will be  
22 answered. This setting is not to do Q & A. That is a  
23 setting to do Q & A. And so if you have a specific  
24 issue, question, we ask you to engage one of the subject  
25 matter experts. They will be here until the last person

1 leaves following tonight's presentation.

2                   Additionally located in that same area,  
3 there is an input station; and I saw some of you taking  
4 advantage of that. If you do not want to give your  
5 comments in this format, you can give your comments in  
6 the input station; and you can gain assistance from one  
7 of the staff members.

8                   Tonight is about you. This meeting will  
9 have two parts. First there will be a presentation to  
10 provide you with more information on what has occurred so  
11 far with regard to development of the early restoration  
12 plan. The second and most important portion will be an  
13 opportunity for to you provide comments on the proposed  
14 projects included in the Draft Phase I Early Restoration  
15 Plan. Your comments are integral to the implementation  
16 of these projects that begin to compensate for natural  
17 resource injuries including the loss of human use of gulf  
18 resources.

19                   When you checked in, there was an  
20 opportunity to sign up to provide oral comments. This is  
21 a card that if you want to give comments via this  
22 microphone that we would like for to you fill out so we  
23 have accurate information on you and if you are  
24 representing an organization. Is there anyone who would  
25 like to give comments in the second half of tonight's

1 meeting and did not fill out one of these cards. If you  
2 will just raise your hand, we will get a blank card to  
3 you now. One gentleman up front.

4           And we are going to do this again  
5 following the Power Point presentation. There are four  
6 ways to make your comment: Tonight you can come forward;  
7 you can come to the adjacent room and make comments on  
8 the input station; you can mail in or give to one of the  
9 staff members tonight a written comment; or you can go  
10 onto the website. And we'll have those website addresses  
11 on the screen tonight for you to do that. And I just  
12 want to bring your attention that the comment period ends  
13 on February 14th, and that's a very important date.

14           Once again, the objective of tonight's  
15 meeting is to share updates with you and to receive your  
16 comments on the proposed projects that are included in  
17 the Draft Phase 1 Early Restoration Plan. On behalf of  
18 the trustees, I would like to thank everyone for  
19 attending.

20           And to formally begin tonight's  
21 proceedings, I would like to introduce the members of the  
22 listening table to my left. We have Mr. Brian Spears,  
23 restoration program manager, U.S. Department of  
24 Interior. Next to Brian, we have Lee Edmiston, NRDA  
25 science expert. To the right of Brian, we have Mr. Nick

1 Wiley, NRDA trustee representative. On the end of the  
2 table we, have Ms. Debra McClain, deputy case manager  
3 U.S. Department of Interior. And to my immediate left,  
4 Ms. Mimi Drew, Florida trustee for the Florida Department  
5 of Environmental Protection who will come forward to  
6 begin tonight's proceedings.

7 Mimi.

8 MS. DREW: Thank you, Perry. And  
9 welcome, everybody. I'm pleased to be back over here. I  
10 see a lot of familiar faces. Before I start, I would  
11 like to ask Nick Wiley to make a few comments. He's our  
12 co-trustee.

13 MR. WILEY: Thank you, Mimi. And I do  
14 want to thank you-all for taking time out of your busy  
15 schedules to be here. And a lot of us have -- I see  
16 familiar faces. A lot of us were involved from the  
17 beginning and -- and during the response. And there is  
18 no doubt how -- how much this community has gotten  
19 engaged and how much you care about your natural  
20 resources. And -- and it's great to see you here. And  
21 please take great advantage of this opportunity tonight.

22 We're not only the projects on the table,  
23 but we're moving forward with initially. Keep in mind  
24 that there will be -- there will be more projects  
25 developed, and your comments tonight will help immensely,

1 will help us as we go through these next -- next weeks  
2 and months in developing projects. So thank you so much  
3 for being here. And, please, those comments are  
4 precious. Please, leave them with us. And -- and,  
5 again, have a good night. Thank you.

6 MS. DREW: Before we -- before we go any  
7 further, I would like to acknowledge a couple of the  
8 elected officials that we have here with us tonight. We  
9 have the chairman of the Escambia County Commission,  
10 Wilson Robertson. Thank you so much for joining us.

11 We have Commissioner Grover Robinson, who  
12 in just a minute is going to give you a little bit of a  
13 welcome. Now, Commissioner Robinson and I have been  
14 working closely throughout this spill and in all of the  
15 recovery efforts; and he's -- he's become a good friend  
16 and colleague. And I think he can give you a little  
17 perspective from the County.

18 So April 2010, everybody remembers what  
19 happened, that the Deepwater Horizon explosion, the loss  
20 of lives, the fear and -- and concerns in Florida as we  
21 waited to see what's going to happen ecologically,  
22 environmentally, you know, the effect of -- on humans  
23 that this spill would have. Escambia County was out  
24 there on the leading edge of waiting for this. Everybody  
25 was anxious.

1                   Nick and I and pretty much everybody at  
2 the table and many others in this room spent a lot of  
3 time over here in this area trying to -- to do what we  
4 could to prepare. So it gives me a lot of pleasure to  
5 come back here. It's very rewarding for me to come back  
6 here tonight and present what I hope is a little bit of  
7 good news for everybody and that we are making some good  
8 progress toward restoring the damage from that disaster.

9                   In April of 2011, the trustees -- and  
10 you'll hear more about who the trustees are and what the  
11 significance of that is -- that the trustees who are  
12 involved in this response activity negotiated a deal with  
13 B.P. for a billion dollars to be brought into the areas  
14 that were effected, to restore the echo system and to  
15 restore the human use/loss that occurred as a result of  
16 the spill.

17                   That was the largest of its kind, I  
18 think, in early restoration. It was a fantastic deal,  
19 but it -- it has brought with us the complications that  
20 come when you're dealing with seven trustees and  
21 you're -- you're having to reach agreement on a number of  
22 issues. So I think, you know, it -- it -- it's a  
23 fantastic effort that's gotten us this far. We learned a  
24 lot of, and we hope to be back pretty soon with another  
25 set of projects.

1                   So tonight what you're going to hear,  
2     you'll hear a detailed presentation about what NRDA is  
3     and -- and why it's important to us. You'll get some  
4     more additional background on early restoration and what  
5     that means. You will hear what the proposed early  
6     restoration projects are. Then we'll have a public  
7     comment period at the end.

8                   So, again, thanks for coming. We are  
9     here to listen to you once the presentations are done.  
10    We will hang around afterward if you've got questions for  
11    any of us. We have subject matter experts who are  
12    scattered around who want you to hear from you, and  
13    tonight is your night to basically tell us what you want  
14    to see happen next.

15                  Before we go to the presentation, I would  
16    like to invite Commissioner Robin -- Robinson to come up  
17    and say a few words.

18                  COMMISSIONER ROBINSON: Thank you. Good  
19    evening. Welcome, for all of you here on the panel,  
20    welcome to Escambia County. We certainly appreciate all  
21    of your assistance as we go through this. We certainly  
22    dealt with the worst of it here, but I think the good  
23    news is that hopefully today we begin the process of  
24    restoration.

25                  And, again, I want to be real clear.

1 This is a team process. The local government has been  
2 participating. The State of Florida is the lead.  
3 They're the trustee. We simply are working with them,  
4 but we are working hard to get the right projects for you  
5 out there. Also understand, this is not -- this --  
6 tonight we're talking about one of the first projects.  
7 They're is still the 100 million from the State of  
8 Florida, and that is not the limit for restoration  
9 projects in the state of Florida.

10           However, clearly understand that not all  
11 the damage while most of the damage in the State of  
12 Florida occurred in Escambia, not all of the damage. So,  
13 again, that will be shared across the entire state and --  
14 and the gulf coast of Florida as -- as they deal with  
15 damage. But, again, I think the more important part is,  
16 is tonight we begin to look at restoration, how we  
17 rebuild, and what we begin to do to prepare ourselves.

18           Your comments will be instrumental, and  
19 we hope that you will -- will look forward to working  
20 with us and continuing that team that will build  
21 restoration. Escambia County has a sheet of projects  
22 that have been submitted. Of course, there are millions  
23 upon millions between the -- the various counties that  
24 are out there that have submitted projects. I hope you  
25 have a chance to look at those. There is a good mix of

1 both environmental restoration and loss of use projects.

2           And I believe that to begin working with  
3 you and working with our state partners, we are trying to  
4 implement those projects to make sure that we receive the  
5 best recovery we can. So, again, thank you tonight for  
6 showing up. I hope you will share with us your  
7 opinions. And again to the panel, welcome to Escambia  
8 County. We're certainly glad to have you.

9           MS. DREW: Thank you, Commissioner.

10           And if I could say, the one good thing  
11 that's come out of this is the ability for the eight  
12 county coalition to really work together on some projects  
13 and I've enjoyed the opportunity to get to know the local  
14 governments in the panhandle in a positive context in  
15 trying to work on good projects.

16           Our next speaker is Brian Spears with the  
17 Department of Interior. And before Brian comes up, I  
18 just want to thank Brian and compliment him. He took on  
19 a pretty Herculean task of developing and coordinating  
20 the plan that you're going to hear about tonight, in  
21 record time. This kind of work usually takes months and  
22 months, and we -- the trustees have pushed very hard to  
23 have a product as quickly as we can. And Brian was  
24 really key to getting that done. So I want to thank  
25 Brian and invite him up to make the rest of the

1 presentation.

2 MR. SPEARS: Thank you, Mimi. Thank you  
3 very much. That means a lot. Thank you.

4 Good evening, Everyone. Thank you very  
5 much for coming and -- and having us. This is a  
6 beautiful campus. I'm certainly glad to be here and  
7 spend some time with you-all. As Mimi said, my name is  
8 Brian Spears. I work with the U.S. Fish and Wildlife  
9 Service who's part of the Department of the Interior out  
10 of our Fairhope, Alabama office right down the road here.

11 And I have had the pleasure of working on  
12 this project since last fall. It's been an exciting  
13 process. What you're going to hear tonight is just a  
14 real cursory overview of the Oil Pollution Act and the  
15 natural resource damage assessment regulations in that  
16 act. There is a lot of more information to glean from  
17 the fact sheets you probably picked up tonight. The  
18 draft plan itself talks a lot about the regulations. And  
19 if you feel so inclined, the Oil Pollution Act itself is  
20 exciting reading, one of the most exciting readings  
21 probably developed so...

22 But it's important for me to go over this  
23 stuff with you, I think, just to put in context a little  
24 bit this early restoration process and this plan itself  
25 that you're going to comment on tonight. To give a

1 broader picture about where we're at in this process and  
2 to ensure you that this is just the beginning.

3           So the Oil Pollution Act itself was  
4 enacted and developed in 1990 after the Exxon Valdez  
5 spill really to provide some general guidance on how to  
6 respond to oil spills. Within that are regulations known  
7 as natural resource damage assessment, and those  
8 regulations provide the law for us to hold folks  
9 accountable for injuries to natural resources caused by  
10 spills.

11           So in the United States natural resources  
12 are a public commodity. They're owned by all of us. So  
13 what these regulations allow us to do is hold folks  
14 accountable for, again, injuries to those resources that  
15 belong to us. As far as the regs go, it states: "To  
16 make the environment and public whole" for what happened  
17 to us, to compensate the public for those injuries. In  
18 its simplest terms, if somebody spills oil and kills a  
19 bird or kills a dolphin, they owe us a bird and a  
20 dolphin. So -- so these are very, very good regulations  
21 for us to be able to work with.

22           You heard a little bit about trustees.  
23 The regulations designate state, federal, and tribal  
24 trustees affected by spills as a group of individuals  
25 that -- that get to represent the public's interest in

1 assuring that we're compensated for those injuries.  
2 Sometimes it's one trustee. Sometimes it's several. In  
3 regards to the Deepwater Horizon spill, the spill  
4 affected all five Gulf of Mexico states. So as you see  
5 up here, all five states are represented.

6 And sometimes more than one agency within  
7 those states represent that trustee, and that's the case  
8 here. The Federal trustees in this -- in this case are  
9 represented by the Department of Interior, who own a part  
10 of, and also Department of Commerce represented by NOAA  
11 because the resources that we manage were also affected  
12 by the spill. So throughout this process, both the  
13 assessment site and the restoration site, all of these  
14 agencies are working in conjunction and cooperation and  
15 collaboration together to get through this process.

16 So onto NRDA, there are three major steps  
17 in the Natural Resource Damage Assessment. The first is  
18 what we call pre-assessment. Soon after release,  
19 trustees go out and collect data to evaluate whether  
20 injuries are occurring or likely to occur. And we use  
21 that information to evaluate whether we should collect  
22 more data which happens in the injury assessment phase.

23 In that phase, if the initial data says  
24 that, yes, we should go out and collect more data, we  
25 think injury is occurring -- sometimes it's a complex

1 process. Sometimes it's simple. Complex might be  
2 chemistry 150 feet down the water column. A simple  
3 injury to evaluate might be an oiled bird. So we had  
4 both in this case. But not surprisingly, we did decide  
5 there was enough information to go on the injury  
6 assessment part.

7           So in the injury assessment part of  
8 restoration planning, what goes on is the trustees take a  
9 more in-depth look at injuries that are occurring, start  
10 to get a handle on the nature and extent of those  
11 injuries, what resources are being injured, and how long  
12 that might occur. And that's ongoing. I'll hit on that  
13 in a little bit again here in a second.

14           While that's going on, part of the point  
15 of NRDA is to get to restoration as quickly as possible.  
16 The whole point of the regulations are to compensate the  
17 public as quickly as possible. We want to get our  
18 resources back to where they were before the release of  
19 oil. So early on, we jump into the restoration planning  
20 process through which we evaluate what might be an  
21 appropriate restoration to compensate for all those  
22 injuries. And then finally again, the whole point of the  
23 thing is to restore information -- I'm sorry -- implement  
24 restoration, which we're starting on tonight.

25           Public involvement is a really integral

1 part of the Oil Pollution Act, NRDA and is really  
2 important to the Deepwater Horizon trustees here. Way  
3 back in the fall of 2010 when a lot of us were still  
4 running around and picking up oiled birds to clean them,  
5 the trustees were already getting the public involved  
6 in -- in restoration planning processes and getting  
7 people to public scoping meetings to start evaluating  
8 what the public would like to see happen as far as  
9 restoration goes.

10 Now, that process continued through the  
11 spring of 2011 as part of the process called programmatic  
12 environmental impact statement development. That's way  
13 beyond the scope of this meeting, but I'll just relay  
14 that that's really -- that a more holistic view at  
15 restoration across the gulf and it's part of a more broad  
16 restoration planning effort that's still going on, but  
17 I'm sure you'll be hearing much more about it in the next  
18 year or so.

19 As Mimi stated, April 2011 the trustees  
20 signed a landmark agreement with B.P. which we refer to  
21 as the early framework -- or the framework for early  
22 restoration, which provided us an avenue to get a jump  
23 start on restoration in the gulf related to the spill  
24 before our complete assessment had taken place.

25 To put that agreement into context, so I

1 recently came from another NRDA case which -- which the  
2 trustees were party to the largest environmental  
3 settlement in the history of the U.S., before this one.  
4 This one far works out. And -- and had we had an  
5 agreement like that, we probably would be pretty happy  
6 with a couple of million dollars to get going in our  
7 environment there. So it's -- this was a pretty darn  
8 good thing that the -- that the trustee negotiators made  
9 for us here to get going.

10 Of course, going on, the outreach  
11 meetings continued after that. There were multiple  
12 meetings about -- specifically about early restoration in  
13 Florida in particular. They had a couple -- several  
14 public meetings and also continued to meet with public  
15 one of -- one-on-one with county commissioners who have  
16 been working really closely with the local governments.

17 And, of course, after tonight you'll hear  
18 later on if this process is going to be ongoing. One  
19 person asked me last night, "So you guys have a plan on  
20 what's the window for submitting projects?" And I hope  
21 to leave with you tonight that the window is still open.  
22 It's still ongoing. It's going to be ongoing for a long  
23 time. So by no means does this first early restoration  
24 plan mark any sort of end to this restoration process.  
25 Rather, you can think about it as a small part of the

1 down payment towards restoring integral sources in the  
2 gulf.

3           Okay. So early restoration, what's early  
4 restoration all about. So like I mentioned, the trustee  
5 signed an agreement with B.P. providing up to one billion  
6 dollars for early restoration. And the intent of the  
7 whole thing is to accelerate a meaningful jump on  
8 restoration in the gulf. Like I mentioned, the injury  
9 assessment is still going. This process does not affect  
10 the fact that there are still a lot of people going out  
11 the field and collecting scientific data to get at what  
12 the total injury might be at the end of the day that  
13 we'll be -- we'll be discussing with the responsible  
14 parties.

15           Within the agreement, it allocates money  
16 for each of the trustees to take the lead on prioritizing  
17 projects within their states or the resources they  
18 manage. So if you read the agreement, which is available  
19 publicly online, you'll see that it equally splits \$100  
20 million for each state as well as \$100 million for each  
21 of the Federal trustees and then finally with the last  
22 \$300 million that is set aside for the Federal trustees  
23 to take the lead in evaluating state proposed projects.

24           So while states and Federal trustees are  
25 bringing forth projects that they have evaluated

1 themselves, we're all working collaterally to see how  
2 those projects can fit into the early restoration process  
3 as well as the -- the bigger picture of the restoration  
4 strategy here. There are a number of projects on the  
5 table. If you go to the Deepwater Horizon restoration  
6 website today, you'll probably see -- I think it's up to  
7 between seven and nine hundred projects on the table that  
8 the trustees are evaluating.

9           A lot of those are submitted from folks  
10 like you, all across the gulf. So, in general, the  
11 process has been to take all of those projects and figure  
12 out how to fit them in. First, do they fit into the NRDA  
13 process. And if they do, how do we fit into the time  
14 line of process we're working on here. And there -- we  
15 start with the Oil Pollution Act regulations themselves.  
16 There are a number of criteria here I will show you in a  
17 second.

18           They're somewhat a threshold criteria.  
19 They're the first cut that we use to evaluate those  
20 projects to see if they fit in this process. Then the  
21 early restoration framework provides even more criteria  
22 similar to OPA but additional. And then finally the  
23 trustees considered a number of practical considerations  
24 in the early restoration framework, as you look at how  
25 the agreement is supposed to work. And I'll -- I'll --

1 I'll make an important note on that here in a second to  
2 explain that a little more.

3           So just quickly, these are the Oil  
4 Pollution Act criteria that we have to use to evaluate  
5 the projects. And, of course, you get more information.  
6 These are all within the framework itself. The framework  
7 agreement, as I mentioned, these are very similar to the  
8 OPA criteria but provides a little bit more guidance even  
9 in context of this specific spill. One of the more  
10 important evaluation points that we're looking at in this  
11 early restoration context is the feasibility and is it  
12 cost effective and can we implement it quickly.

13           So by no means, do the projects that are  
14 not in this draft plan does not mean that they are no  
15 longer on the table. It's just that in the first draft  
16 plan, these are the projects that the trustees thought  
17 that in respect to every -- taking into account  
18 everything else, that we could implement them quickly.

19           And then finally, here are some of the  
20 practical considerations we talked about, getting to  
21 restoration quickly, will they start benefiting us  
22 quickly, more quickly than in other projects. One of  
23 things we wanted to do in this early process is also look  
24 at the suite of injuries that we thought we had. We know  
25 birds were injured. We know marine resources were

1 injured. We know human use of gulf resources were  
2 injured.

3                   So what we want to do especially early on  
4 is try to select a suite of projects that hit as many of  
5 those injuries as we can. And then again, can we get  
6 them ready for implementation quickly once they're  
7 approved. So this is a graphical representation of our  
8 process here, our restoration process. And what I want  
9 you to key in on here are these big arrows at the bottom.  
10 And these -- this -- this graphic -- this is a summary of  
11 graph you'll find in the draft plan. And, really, this  
12 is designed to show that the process is still ongoing.

13                   So early on, we -- we got submissions  
14 from you-all, started collaboration, went through that  
15 whole screening process and then went into negotiation  
16 with B.P. And that's an important point I want to pause  
17 on real quickly. Within the early restoration framework,  
18 we -- we're required to negotiate with B.P. on cost, how  
19 much we would like them to fund projects for. And on the  
20 flip side, what benefits will those -- will those  
21 projects provide to the injured resources, which is  
22 important for the back end in -- in the total injury  
23 assessment.

24                   And as you can imagine, that's -- that's  
25 a complex process there. I won't go into it any further

1       there. It's important to know that, though, this does  
2       not mean that B.P. is driving the projects we select but  
3       rather we -- the trustees are being diligent in this  
4       process in making sure that if we ask B.P. to fund a  
5       project, we're not negotiating away more injury than we  
6       think is appropriate. So it's -- I'm not sure if I said  
7       it clearly, but it's -- it's definitely a two-way process  
8       there that the trustees are engaged in.

9                       And finally, here we are tonight. So  
10       we're over on here, the early restoration arrow, getting  
11       public review which the trustees, as Nick mentioned  
12       earlier, really value. Mimi is going to mention several  
13       other public meetings coming up here shortly. In the  
14       meantime, the overall restoration process has been  
15       continuing. The assessment process which I mentioned  
16       earlier, you can imagine is over here. It's a-whole-  
17       nother big arrow ongoing. So none of this early  
18       restoration process affects what's going on in the injury  
19       assessment.

20                      Okay. So to the plan tonight, the point  
21       of tonight, so the trustees have gone through that whole  
22       process last year and come up with a suite of projects  
23       that we're -- we would like the public to consider for  
24       implementation. Within the plan, you'll see two  
25       alternatives. The first one is a no-action alternative,

1 a do nothing alternative, or what we call natural  
2 recovery. And I just want to point out that that's not  
3 one in this plan that the trustees are proposing.  
4 Rather, in the Oil Pollution Act, it's one that we must  
5 consider. So that's why you'll see it in that plan that  
6 we must evaluate.

7           Alternatively to this, the trustees are  
8 proposing a suite of eight projects across the gulf to  
9 get at restoring injured resources. Again, those  
10 projects we thought were appropriate for the injured  
11 resources, we -- we came to an initial agreement with  
12 B.P. on to be funded should they go final. But it's  
13 important to note there that it's not an all or nothing  
14 approach in the plan.

15           Each of those projects was developed  
16 independently. And while they all help to do good things  
17 for the gulf, they're all independent of each other. And  
18 so depending on the public comment received, the ultimate  
19 final plan may include all of those or a suite of those.  
20 So if -- if you would like to present a comment on  
21 specific projects, that's meaningful to us also.

22           Okay. In the plan, you'll see this  
23 graphic. This is just a map showing the locations of  
24 where the proposed projects would occur to go final.  
25 Starting in Florida, you've got the boat ramps which Lee

1 will talk about more in a second, as well as dune  
2 restoration work. In Alabama, you have more dune  
3 restoration work as well as marsh work. In Mississippi,  
4 you have -- I'm sorry -- oyster work, oyster restoration  
5 work, as well as artificial reef. In Louisiana, you also  
6 have a oyster restoration proposal, as well as marsh work  
7 and so, again, more information about that in the plan.

8           And rather than go through all of those  
9 tonight. I want to leave more information for more time  
10 for Florida information and public comment. So I'm just  
11 going to leave you with this summary graph, summary table  
12 which you'll also see in the plan. And this just  
13 summarizes the total cost for those proposals.

14           And so because Florida was kind enough to  
15 host tonight, I'm going to let Lee Edmiston from the  
16 Florida Department of Environmental Protection step up  
17 and go through more information about the Florida  
18 specific projects for you.

19           MR. EDMISTON: Good evening. We started  
20 this process over a year ago to start looking at  
21 restoration, and I still remember the first meeting we  
22 had. It was in November of 2010 in Okaloosa County.  
23 Commissioner Robinson was there and local government  
24 officials from all the counties. It was a little bit of  
25 a rocky meeting, I would say, because we were there to

1 start the restoration planning and the county government  
2 wanted to talk about response and clean up, expectedly so  
3 because it was still going on hot and heavy.

4 But we began the conversation with the  
5 counties of, "This is part of the -- the NRDA process.  
6 We need to start thinking about this as soon as we can."  
7 And from that meeting, we developed a relationship with  
8 all the counties and have been meeting with them and the  
9 public nongovernment agencies and officials for over a  
10 year now on these projects. So before I talk about the  
11 Florida projects, I want to tell you how we got here so  
12 to speak.

13 The white -- on the package you have, in  
14 the last slide you're going to see in this presentation,  
15 there is a website. It's a D.E.P. website. You can go  
16 on that website, and you can look at the list of  
17 projects. We have two lists on that website. We have  
18 200 -- over 250 projects that have been submitted from  
19 all over the State of Florida. They total about two and  
20 a half billion dollars. We have a second list that we  
21 have made from those projects, that total over 160  
22 projects. And that -- the total cost for those is about  
23 1.5 billion. As was told to you, we have 100 million for  
24 early restoration.

25 What Florida has done in it -- in its

1 evaluation of these projects, because the eight -- the  
2 eight panhandle counties were the most impacted, we have  
3 limited the early restoration funds to those eight  
4 counties, that doesn't mean counties that were not  
5 directly affected but may have had some injuries, human  
6 use, so to speak. They will be available for further  
7 restoration; but the early restoration funds, we've  
8 limited to the eight counties of direct impact. These  
9 are where the booms were deployed, and -- and oil came to  
10 shore in -- in some of those counties.

11           So by limiting those, we have also taken  
12 into account some of these practical considerations that  
13 were mentioned, related how fast they can -- these  
14 projects can be implemented, what the benefits are, and  
15 that type of thing, matching moneys that may be  
16 available. But what I want to -- what I want to explain  
17 before we go much farther is in the NRDA process. One of  
18 the primary actions is to restore the environment, its  
19 ecological restoration.

20           But part of the NRDA process also is  
21 to -- is to compensate the public for lost human use.  
22 And a lot of people misunderstand when we say human use.  
23 It's usually associated with the economic claims that  
24 have been made through Feinberg, et cetera. In the NRDA  
25 process when we talk about human use, what we're talking

1 about is the public's lost opportunity to go boating,  
2 fishing, use beach -- the beaches, snorkeling, diving, et  
3 cetera. So part of the NRDA process is to compensate the  
4 public and give them more opportunities for using public  
5 natural resources and the services they provide. So I  
6 just want to get -- get that understanding that this is  
7 part of the NRDA process is the compensation for human  
8 use.

9           The project I want to talk about, the  
10 Florida boat ramp and enhancement construction project,  
11 this is located entirely in Escambia County. It's the --  
12 it's the creation of two new boat ramps. You'll see the  
13 Mahogany Mill boat ramp in -- in Pensacola Bay and the  
14 Perdido public boat ramp on the Perdido River. These  
15 will be brand-new boat ramps that will be constructed.  
16 And then an enhancement -- woops -- an enhancement of  
17 existing Navy Point and Galvez Landing public boat ramps.

18           These would be to increase opportunities  
19 for the public for boating and recreational fishing.  
20 These were developed in association with -- with Escambia  
21 County and their Marine Resources Division and Marine  
22 Advisory Committee. The benefits, of course, as I  
23 briefly mentioned, is to increase the public access. The  
24 project completion anticipates seven to 12 months from  
25 the start of construction from when the funds become

1 available.

2                   They'll have to go through bidding and  
3 contracting and that type of thing. But from the  
4 beginning of construction, it should take seven to 12  
5 months. Two of these projects are already permitted.  
6 The other two are in the process of being permit and  
7 again address -- addresses the human use loss of  
8 recreational boating, not only from the spill but also  
9 from the response activities utilized some of these boat  
10 ramps during the -- the process.

11                   To give you a quick cost breakdown, the  
12 total cost that we are -- we are requesting from B.P. is  
13 \$4.3 million. This includes all the different facets you  
14 see there. In addition, Escambia County has purchased  
15 the land for the new boat ramps and is providing that  
16 money and they have also done some planning and  
17 permitting. So the -- the funds you see there, if you  
18 add those two together, it's the total cost. But you'll  
19 see a difference from what we're asking from -- from B.P.  
20 The other thing we have included is operation and  
21 maintenance for 15 years. So B.P. would be paying for  
22 the operation and maintenance of these boat ramps for the  
23 first 15 years.

24                   I want to get a little bit into offsets.  
25 In order to develop the offsets, as I said, the way --

1 the way that most of these NRDA projects or NRDA works is  
2 you figure out the total lost loss in ecological value  
3 and human use and then you come in with a settlement and  
4 decide how we balance these out. And since we -- we're  
5 doing this early restoration process, we have to figure  
6 out how much credit. The responsible party deserves a  
7 certain amount of credit for the money that they're  
8 putting into the projects from the benefits and because  
9 they need to know when they balance this loss versus  
10 credit out.

11 So the crediting is somewhat difficult  
12 because we don't know what the total injury is. We call  
13 these credits or offsets. What we have done in this case  
14 is we have used monetized value or monetized dollars as a  
15 value to value calculation. We utilized the Florida Fish  
16 and Wildlife Conservation, Florida Boating Access  
17 Facility Inventory and economic study. There is a model  
18 that they have developed where you can go in and  
19 determine the public -- what the public values from new  
20 boat ramps or enhancing boat ramps based on the number of  
21 lanes there are, based on the amenities provided, the  
22 parking, et cetera. So using these calculations, the  
23 offset that we are proposing is -- is a little over \$10  
24 million for -- for boat ramps that are expected to last  
25 25 years. That's the estimated life cycle of boat ramps.

1                   The next project is the Florida dune,  
2                   Pensacola Beach dune restoration project. This is about  
3                   a 4.2-mile stretch of Pensacola Beach. The project would  
4                   plant approximately 400,000 plants in a 40-foot wide band  
5                   in front of the existing dune, and that would stretch for  
6                   4.2 miles. It comes out to about 20 acres of coastal  
7                   dune habitat. And this is -- it would be a mixture of  
8                   plants to stabilize the shoreline and the -- I mean,  
9                   excuse me -- the dunes and increase the -- the -- the  
10                  value of those dunes and -- and basically it's the  
11                  restoration of the dunes, the vegetation, and providing  
12                  benefits to a variety of bio. It also decreases erosion,  
13                  provides better access to the -- to the beach. And as I  
14                  said, it benefits turtles, birds, beach mice, et cetera.

15                  Sorry. I forgot to turn down. The  
16                  estimated cost on this project, the total is about  
17                  \$585,000 for the entire project and that includes  
18                  monitoring because there would be monitoring involved in  
19                  looking at the success of the plants, whether they needed  
20                  to be replanted, et cetera. It's also a mixture of  
21                  different plans, planted in different elevations.

22                  And I want to try to explain a new term  
23                  to you called DSAYS. This is -- as you can see from the  
24                  Florida boat ramp, we use dollar value as the offset  
25                  because Florida had a large human use loss, larger than

1 the other states because of the amount of beach we had.  
2 We used dollar values for the boat ramps; but in this  
3 instance, this is -- we used what's called a habitat  
4 equivalency analysis to look at what we are getting back  
5 because this is a habitat creation project.

6 The term that's used -- and I'm going  
7 to -- you can ask me more detailed questions after the  
8 meeting when we're -- when we're standing out there.  
9 It's called DSAYs, and that's Discounted Service Acre  
10 Years. And in this case, we're talking about primary  
11 vegetative dune habitat. If it was a marsh creation  
12 project, we would be offering DSAYs of the marsh habitat.

13 Doing the calculations, when you go  
14 through the habitat equivalency analysis, you do the  
15 calculations, it takes into account how long we think the  
16 dune vegetation will last, the potential for hurricane  
17 loss, the size of the hurricane, where the hurricane  
18 hits, what the benefits are, et cetera. It goes through  
19 a long calculation. We call it discounted because  
20 created habitat is typically not as good as natural  
21 habitat; so, it slowly builds up over time. The first  
22 year you may not have the same amount. You get a  
23 percentage as you go on, but I don't want to go into too  
24 much detail.

25 But basically it's a new term most people

1 are not familiar with. It's part of the NRDA process,  
2 and we can talk a little bit more about it in detail  
3 afterwards if somebody has a question. But they offer  
4 for credit or an offset to B.P. In this instance, it's  
5 105 DSAYS of primary dune vegetative habitat. And I know  
6 that's kind of an abstract number at this point in time  
7 but...

8                   And I'm going to turn it back over to  
9 Mimi now.

10                   MS. DREW: Thank you, Lee. You know this  
11 has been an interesting experience. Florida has never  
12 had to deal with anything like this before, and a lot of  
13 us who haven't ever had to deal with NRDA and OPA, it's  
14 a -- it's a steep learning curve. We're learning a whole  
15 new language, and it's -- it's something we hope we never  
16 have to deal with again. But I would encourage you if  
17 you do have questions about some of the things that Lee  
18 has talked about, offsets or DSAYS or whatever, we have  
19 lots of people here who are more than willing to talk to  
20 you after -- after the listening session and try to help  
21 you get your arms around that.

22                   So what happens. We have a public  
23 comment period that ends February 14th. The trustees,  
24 all the trustees will consider all the public comments  
25 and -- and determine based on the comments we have

1 received whether the projects should go forward or not.  
2 I want to emphasize again the projects that have been  
3 presented you tonight or the projects here in Florida are  
4 the first set of projects.

5 We're working hard to get a second set to  
6 bring forward. You know, within the next several months  
7 hopefully, we can get through the process. We would like  
8 to come back as soon as possible with additional  
9 projects; so, we'll consider -- the record will stay  
10 open. If people want to continue project submittals, you  
11 can go to our website, you can go to the NOAA website,  
12 you can call one of us and ask how to do that. But we  
13 encourage you to -- if you have some good ideas  
14 especially after you hear this and see the kind of  
15 projects that are going forward, this might, you know --  
16 maybe you'll have a brainstorm of something that you  
17 think Florida should be looking at.

18 So public meetings, we've got a bunch  
19 more public meetings coming up in the other states, and  
20 one of them in Washington D.C. You're -- you're  
21 obviously welcome to go to any of those if you would like  
22 to listen in on -- on some of the other trustees and hear  
23 what's going on in those public meetings. Tonight is the  
24 last public meeting we will have in Florida for the  
25 Florida projects. But, again, our record, you know, will

1 remain open; and we encourage you to give us a call or --  
2 or send us an e-mail. Any one of us, you know, will be  
3 more than happy to -- to talk to you about the project  
4 ideas or give you more details about the projects.

5           And before I -- I turn it over to the  
6 public comment period, I just want to recognize the fact  
7 that we had a whole lot of -- and I'm not going to ask  
8 you-all to raise your hand because I don't want to  
9 embarrass you. But we did have a whole lot of people at  
10 all governmental levels including the county who worked  
11 extremely hard through the holidays to get us to this  
12 point so that we could come over here at the first of the  
13 year and present the first set of projects.

14           So I just want to thank those folks and  
15 acknowledge the hard work that they did and -- and will  
16 continue to do because this is -- this is just the  
17 beginning of the process. So thank you very much. And  
18 I'm going to turn it back over to Perry.

19           MR. FRANKLIN: Okay. I would like to ask  
20 the members representing the trustees to come forward.  
21 At this point of the evening, which is the most important  
22 point of the evening, we're going to listen to you. And  
23 so this is a listening table. It is not designed for  
24 them to engage in a dialogue or to answer questions. We  
25 have the room next door to do that if you have a burning



1 hold up this sign and you will see: "One minute  
2 remaining." I would appreciate it if you would engage  
3 her and say, I understand. And then when one more minute  
4 elapses, she will give you the red sign. And that's  
5 going to be the hook. If you'll respect that, we have a  
6 lot of people who would like to speak tonight. We sure  
7 would appreciate it. Thank you very much for that.

8           When you come forward, if you will state  
9 your name. And if you are affiliated with an  
10 organization that you want to be part of the record,  
11 please state your name clearly and state the organization  
12 that you're a part of, that's a part of your  
13 presentation. So at this point, if there are no further  
14 questions -- and also the websites are here for you as  
15 well.

16           I think there was one additional slide,  
17 again, the name of the trustees that are before you  
18 tonight. And we'll just leave this one up for you. If  
19 you want to mail in comments, if you don't feel inclined  
20 to speak tonight, you can mail them into this address or  
21 go onto the website. But do remember February 14th.

22           Okay. To kick us off tonight,  
23 Commissioner Grover C. Robinson, IV. You have three  
24 minutes, sir.

25           COMMISSIONER ROBINSON: Thank you for

1 being here tonight, Lee. I remember that first meeting,  
2 and I was -- I remember the next time you put me on the  
3 podium, and I was taking the arrows. So I -- I enjoyed  
4 working with you.

5           Along these lines, I just hope to say a  
6 couple of things. One is the -- the projects that are  
7 there I think are good projects, human use projects.  
8 Clearly both Perdido Bay and -- and Pensacola and  
9 Escambia Bay sustained petroleum in those estuaries and  
10 had severely limited boating opportunities for the  
11 citizens you see behind you. I think one way to  
12 encourage voting in Escambia County and to help the  
13 citizens here are these ramps that we've talked about,  
14 and I think those will be a good way of human use.

15           Clearly, I know there has been many  
16 discussions; but I just want to go on record here saying  
17 there is obviously more than just the human use. There  
18 is also the economic -- the -- the environmental  
19 restoration. We've got Pensacola Bay and Perdido Bay.  
20 Both benefit inflow of restoration, extreme restoration,  
21 and wetlands restoration. We have storm water  
22 restoration in both Perdido Bay and Pensacola Bay. We  
23 have -- we have other items dealing with -- with marine  
24 turtle programs on Pensacola Beach and Perdido Key, dune  
25 restoration on Perdido Key, shorebird program and --

1 on -- on Santa Rosa Island, certainly a number of those  
2 items.

3 We've also got other quality programs for  
4 human use such as Anurig (phonetic) Field; some of our  
5 other projects here and estuaries, Bob Sikes pier;  
6 parking and trail restoration on Santa Rosa Island. A  
7 know number of different projects I know went into this.  
8 I know there is only \$100 million to spread out over  
9 eight counties; but, again, simply asked that we look at  
10 some of these projects as we go forward.

11 We certainly understand the human use,  
12 but in Escambia County, nowhere in Florida did we sustain  
13 more damage from the petroleum than here in Escambia  
14 County. So these projects for environmental restoration  
15 are certainly important as you move forward. We  
16 certainly welcome being part of the team with you and  
17 look forward to what we can do in improving and restoring  
18 Florida. Thank you.

19 MR. FRANKLIN: Thank you very much,  
20 Commissioner. Thank you for respecting the time.

21 Next is Robert Turpin, Escambia County  
22 Marine and Resources Director.

23 MR. TURPIN: Thank you. I want to thank  
24 all of you for -- for being here. But, again, the people  
25 that are in this room, our -- our public, our community,

1 I think tonight they have done their -- their job in  
2 attending this meeting tonight to show you that -- that  
3 we are appreciative of -- of this first chapter. And  
4 certainly we -- we hope that the end of the -- the end of  
5 the process results in full restoration not only of the  
6 loss of use but also the environment and the economy.

7 But we have a set of projects here that's  
8 gone through a lot of the public process and Escambia  
9 County Marine Advisory Committee members, many of them  
10 are here tonight. This is -- is exactly why this -- this  
11 committee is put into place, and that's to take comment  
12 from the public of Escambia County and provide that to  
13 staff. And then we provide that through the Board of  
14 County Commissioners.

15 And -- and, again, I think this is a good  
16 first step. And we look forward to completing the  
17 journey to a fully restored Escambia County. Thank you.

18 MR. FRANKLIN: Thank you, Mr. Turpin.

19 Next we have Mr. Keith Wilkins.

20 MR. WILKINS: I'll waive my time.

21 Thanks.

22 MR. FRANKLIN: Okay. Mr. T.J. Marshall,  
23 OSHA Conservancy.

24 MR. MARSHALL: Hey, guys. Good to see  
25 you again. I -- I won't repeat myself from last night.

1 I promise. And, first, I would like to say, Grover, and  
2 the chairman, I want to compliment you on matching of  
3 funding for the boat ramp project and the team work.  
4 Because as we've seen through this whole project, it's  
5 about leveraging opportunities to do more for the public  
6 and for the environment.

7           And as I mentioned last night, we support  
8 the boat ramps. We think it's a great, you know, project  
9 to restore human use. We just asked for that E.I.S.  
10 because as we do restoration, it's kind of like the  
11 doctor "do no harm." So let's just make sure we don't  
12 have any erosion or any other impacts. And if we do, we  
13 find a way to mitigate those and move that project  
14 forward.

15           And then with the dune restoration, the  
16 same thing, I think some people last night after I spoke  
17 had mentioned how when we get some wave action, some of  
18 those tarballs that have kind of settled in the -- the  
19 gullies between sandbars, I'm sure, like -- like today,  
20 some of those are going to be get lifted up; and they're  
21 going to get up on the beach. And as you have mechanized  
22 equipment moving in and out to get that stuff off there,  
23 we don't want to tear up what we started and foil our  
24 progress. So an E.A. on that project.

25           What I didn't mention last night that I

1 want to bring up because I know the gentlemen here, my  
2 friends at C.C.A. that I've worked with -- I know some  
3 folks at A.O.C., C.C.A. We should be the loggerheads at  
4 times, but we're not. We're both conservation in our  
5 names. And I think as a fisherman and as the folks here  
6 who will use those boat ramps, we also want to have that  
7 insurance policy that the fish will be; that, you know,  
8 as you mentioned, Mimi, this is a something we've never  
9 dealt with before.

10 We don't know what will manifest itself  
11 in a year, four years, ten years; and that's something  
12 that's kind of always in the back of somebody's mind.  
13 It's kind of like what we deal with, with hurricane  
14 seasons. I've been through four myself, and we know  
15 they're going to come. But we do have insurance and we  
16 over pay for it, but we have to deal with it. And that's  
17 what we need. We need some type of monitoring mechanism  
18 that will be there for the offshore fishery over the  
19 long-term, that if these problems manifest itself,  
20 something jumps on that right away.

21 And the tourism industry that I work  
22 closely with, it feels the exact same way. Last year in  
23 2010, when they dealt with all of the problems they did,  
24 it was just a messaging nightmare to the rest of the  
25 country. And if we start having little problems that

1 seep out into the media and get further, you know, we've  
2 got to have that insurance policy that says, look, we're  
3 monitoring this. We're on it right away. We're going to  
4 find out how to address it.

5 So I appreciate your time. Thank you.

6 MR. FRANKLIN: Thank you, Mr. Marshall.

7 Next we have Mr. Scot Mason, President of  
8 the Pensacola Recreational Fisherman's Association.

9 MR. MASON: Hi. I'm Scot Mason,  
10 President of the Pensacola Recreational Fisherman  
11 Association. And as a fisherman and a resident here and  
12 user of these ramps, I think that's one of the good  
13 projects for this -- some of this B.P. money to be used  
14 for as a way to give back to the community for us to get  
15 out there and make up for some of the lost time and --  
16 and, well, I just didn't have anything written down.  
17 But, yeah, I think the -- the boat ramps are a good --  
18 good idea for some of the use of this money. Thank you.

19 MR. FRANKLIN: Thank you, Mr. Mason.

20 Next we have Ms. Debbie Harrison  
21 Rhumberger.

22 MS. RHUMBERGER: Thank you for the  
23 opportunity to address you tonight. I am a resident of  
24 the Big Bend area, and I have worked throughout my last  
25 30 something years -- I know, I don't look that old,

1 right -- on green resource protection in -- in Florida.  
2 And there is one thing that I would like to echo to you  
3 that was a challenge to put in place, but it has shown us  
4 tremendous fisheries benefits. And that is the Tortugas  
5 Ecological Reserve in the Florida Keys National Marine  
6 Sanctuary.

7 I was on a working group where we pulled  
8 together members of the recreational fishing community,  
9 the commercial fishing industry, conservationists, agency  
10 representatives -- I don't know if it was every agency  
11 that had jurisdiction -- the State of Florida,  
12 Department of Interior, Fish and Wildlife Service,  
13 D.E.P., et cetera, and Bilton & Greenmont (phonetic) that  
14 identified critical spawning and crustacean areas and  
15 surgically and strategically protected those.

16 And what we have found in the data that  
17 has just been released by the National Marine Sanctuary  
18 Program is that we saw counts of snapper and grouper go  
19 from one to three fish per dive by our researchers, ten  
20 years later, incrementally increasing to over 4,000 fish  
21 every time a researcher entered that area. I don't know  
22 how they counted 4,000 fish, but I will tell you that it  
23 is powerful information.

24 When we look at some of the numbers that  
25 came out of the B.P. spill, 87 days of oil spewing

1 throughout the Gulf; 210 million gallons of oil; 771,000  
2 gallons of disbursements, both on the surface and a mile  
3 deep; 37 percent of the gulf coast -- of the Gulf closed  
4 to fishing. It is important that we provide an  
5 opportunity for the both the fisheries and the people who  
6 depend upon them to be able to recoup the benefit of that  
7 loss.

8                   And I strongly support the recommendation  
9 by former First Lady Laura Bush that we look at a process  
10 that would involve NOAA, D.E.P., and replicate the  
11 Florida Keys National Marine Sanctuary process to find  
12 mechanisms to be able to protect those fisheries for our  
13 future generations in our existing generations. Thank  
14 you so much.

15                   MR. FRANKLIN: Thank you,  
16 Ms. Rhumberger. Next is Heather Reed, Deadman's Island  
17 Project Manager, City of Gulf Breeze.

18                   MS. REED: Hi. And thank you for letting  
19 me speak. First of all, I'm surprised the first phase  
20 was not about our environmental resources; although, I am  
21 not knocking a boat ramp. But I understand the political  
22 nature. You need something visual and something the  
23 public can benefit from. But I want to tell you as  
24 someone who has been on the water frequently monitoring  
25 pre-assessment, before oil spill and after the oil spill,

1 some of the invisible things that you don't see and that  
2 you might want to really look at in your evaluation.

3 I'm probably the only one in the  
4 panhandle that does the ongoing monitoring of the  
5 restoration projects in terms of monitoring data in for  
6 management decisions. They're -- the oil spill was no  
7 exception. I've seen the monitoring data from other  
8 agencies. It's kind of an embarrassment for those  
9 agencies who have a job dedicated to understanding the  
10 success of these projects. I have worked with these  
11 agencies which is why I focus more on the monitoring  
12 especially during the oil spill.

13 I depended on the aquatic preserves. I  
14 depended on their data. They are the watchdogs of the  
15 water. So when they were gone, it pretty much was I had  
16 to continue with our monitoring protocol. Some of the  
17 observations that I saw did not fit the criteria for the  
18 Clean Water Act, meaning that what I discovered was the  
19 conventional Clean Water Act protocol, I went outside the  
20 box and sought forensic analysis, which helped me  
21 understand what I was seeing in biological observations.

22 I found there were 60 chemical compounds  
23 for pH testing, and the State criteria was only 13  
24 compounds. And these compounds forensically are not  
25 designed to find crude oil compounds. The City of Gulf

1 Breeze did apply the restoration money only because I  
2 believe the oyster echo system and food chain were  
3 affected by the oil. I have data. I submitted the data  
4 because, well, I thought that's what you did when you  
5 applied for a restoration project.

6 The method evolved; and what I have  
7 found, if it weren't for the homeowners who had oyster  
8 gardens of live oysters, I could not get more live  
9 oysters to test as time progressed. In July of 2010, I  
10 saw a decline in oysters and fish. In December of 2010,  
11 I could barely find any oysters live to test. And in  
12 April 2011, no live oysters could be found.

13 Now, the fish that maintain the reef also  
14 disappeared in July. We needed those fish to maintain  
15 the reef. You have to prepare an area for restoration.  
16 You can't just go dump oysters, go dump seagrass. You  
17 have to prepare the area. Thank you.

18 MR. FRANKLIN: Thank you, Ms. Reed.

19 Next Eilene Beard, Chairman of the  
20 Escambia County Marine Advisory Committee.

21 MS. BEARD: Thank you for let -- allowing  
22 me to speak tonight. I'm the current chairman of the  
23 Escambia County Marine Advisory Committee. We've been  
24 meeting for over a year, having citizen input. And as a  
25 concurrence of the committee members which are appointed

1 by the commissioners of Escambia County, that the  
2 projects that's been presented for Escambia were of top  
3 priority. And they certainly are needed in this  
4 community to help with the restoration, and we highly  
5 support everything that Escambia County has applied for.

6 We're hoping that with the given amount  
7 of the funding that is become available that y'all will  
8 see fit to go ahead and approve the Escambia County  
9 projects. Thank you.

10 MR. FRANKLIN: Thank you, Ms. Beard.

11 Next, Paola Ghio, Santa Rosa Island  
12 Authority.

13 MR. GHIO: Good evening, Trustees. I  
14 appreciate you setting this forum for us to bring forward  
15 any different ideas. I'm Paola Ghio. I'm with the Santa  
16 Rosa Island Authority. To -- to further enhance the dune  
17 restoration which is being proposed by -- by us, we would  
18 like to say the following, please. Pensacola Beach is 31  
19 dune walkovers of which 24 need to be raised and  
20 extended.

21 This remediation work should require you  
22 to -- the tremendous excretion of sand of the far dunes  
23 which is engulfed in the existing walkovers by making  
24 them useful by the public. With -- with -- with the  
25 proposed dune restoration, this is only going to be

1       exacerbated. And it's the main budget of \$20,000 per  
2       walkovers proposed which will include engineering, all  
3       the way through to construction, for a total of \$480,000,  
4       as much of the existing infrastructure will be used  
5       during this remediation process.

6                   And most important this project is  
7       shallow ready and time sensitive. If the trustees would  
8       entertain adding that to any of the future projects, we  
9       surely would appreciate it. Thank you for your time.

10                   MR. FRANKLIN: Thank you, Mr. Ghio.

11                   Next is Mr. Christopher Knieja, Pensacola  
12       Fisherman's Association. And if you would, say your name  
13       and your organization.

14                   MR. KNIEJA: My name is Christopher  
15       Knieja. I am a member of the Pensacola Recreational  
16       Fishing Association. I also want to represent myself as  
17       just a general public fisherman and voter. I appreciate  
18       you letting us talk and comment on the projects. I do  
19       support the boat ramps, completely devastated from the  
20       oil spill in 2010.

21                   It affected me, my family, all my  
22       friends. You know, we weren't able to go fishing,  
23       boating. Even when we go out, you know, this last year,  
24       it still mentally affects, you know, what -- the effects  
25       that you do see when you go to the beach, you see little

1 tarballs. So, I don't know if there is any kind of money  
2 that will actually, you know, compensate us for that; but  
3 I think the projects that are proposed by Escambia County  
4 are the ones that are needed right now.

5 I think eventually we would like to see  
6 more artificial reefs built so that we can have -- you  
7 know, rebuild our fishing stocks that are accessible to  
8 boaters. We would like to see them in the state waters  
9 and some of our bays and stuff where people can either go  
10 snorkeling or fishing on some of those reefs.

11 That's all I have to say. Thank you.

12 MR. FRANKLIN: Thank you, Mr. Knieja.

13 Next is Dean Mason (sic).

14 MR. MUNSON: I am Dean Munson. I want to  
15 thank you. I also want you to be leery of the perception  
16 that the rest of the country will have on some of your  
17 projects, making sure that they don't think we're trying  
18 to profiteer through boat ramps, recreations. I know the  
19 boating lobbying type are pretty -- pretty large, but  
20 they're -- they're going to want to see that you're doing  
21 restoration of the gulf, specific.

22 And -- and I won't begrudge the boat  
23 ramps. It's a good idea, but let's not set a precedence  
24 and do more of -- of something that gives the rest of the  
25 country the idea that we're trying to just get something

1 from a -- from a bad situation.

2 Can I yield my time?

3 MS. REED: Back to preparation and  
4 restoration of projects, when fish leave a reef, there is  
5 nowhere to maintain. So fish -- our artificial reefs are  
6 extremely important to benefit from. If the review board  
7 does not hear from the people whose livelihood has been  
8 affected, they may go on and believe there is no need for  
9 restoration to enhance our aquatic resources in this  
10 area.

11 When you look at things in a parts per  
12 billion phase, we did have an effect; and it was  
13 invisible, of course. But it's important because Florida  
14 was not prepared for a response like this. And, I mean,  
15 we don't allow oil drilling; so, we never had a response  
16 planned. So from A to Z, the beginning of this, the City  
17 of Gulf Breeze was able to initiate a plan prior to  
18 Florida's plan; and that's where we started with our  
19 methods.

20 Even though they were NRDA methods, we  
21 found some of them more unconventional and we thought  
22 outside of the box. That's when we started finding more  
23 results that hopefully will help you guys maybe change  
24 the clean water criteria act to reflect other oil spills.

25 MR. FRANKLIN: Thank you.

1                   Next, Mark Griffith. He is Navarre  
2 Marine Sanctuary.

3                   MR. GRIFFITH: My name is Mark Griffith  
4 with the Navarre Beach Marine Sanctuary Committee. Thank  
5 you guys for -- for being here and letting us -- letting  
6 us speak.

7                   My comments are: I would like to see you  
8 guys include and expand on the dune restoration project  
9 to include Navarre Beach. I mean, dune restoration is  
10 great and I would like to see it pushed on out, you know,  
11 past the National Seashore there over to Navarre Beach  
12 also.

13                   Also, we have some diving and snorkeling  
14 reefs -- reefs that we're currently working on. I know  
15 that there is -- there is some coming up in Perdido Key  
16 also. These are -- these are great projects. I don't  
17 see any of that -- any of that reefing included. Our --  
18 our project is just about to be permitted; so, we would  
19 like to see that probably considered for funding even  
20 though working with Santa Rosa County is -- can be a  
21 trade out of something there.

22                   Also, monitoring of reefs, we could -- if  
23 you could, you know, include that when you -- when you  
24 think of about reefs, you know, to monitor the -- the  
25 help of the reef and so forth. That would be helpful.

1 And I also agree with the -- the comments about oyster  
2 restoration. If we could put some -- put some thought  
3 into oyster restoration, not only, you know, through  
4 Deadman's Island but also probably up there in Blackwater  
5 Bay and places like that.

6 So, those are my comments and projects I  
7 think that might be useful in considering for this early  
8 restoration phase.

9 MR. FRANKLIN: Thank you for your  
10 comments, Mr. Griffith.

11 If there is anyone who has not signed a  
12 card and would like to speak, just raise your hand and  
13 we'll get you a card.

14 Okay. Next we have Ms. Rebecca Sherry,  
15 President of the Condo Alliance of Okaloosa Island.

16 MS. SHERRY: Hi. I'm Rebecca Sherry,  
17 President of the Condo Alliance of Okaloosa; and I thank  
18 you for the opportunity to speak tonight. I have spoken  
19 at 13 NRDA public meetings since November 30th, 2010,  
20 traveling across Florida, Alabama, Mississippi,  
21 Louisiana, and Texas in favor of our 34,000-dollar grant  
22 application for sea oats and against the 12-million-  
23 dollar Okaloosa Island Beach restoration which would  
24 spoil our beach.

25 I say tonight spend \$34,000 in Okaloosa

1 County and give that \$12 million dollars to restore  
2 Escambia County. Our organization's request is simple.  
3 We supply \$42,000 in labor, obtain permits, provide  
4 water, and you supply the sea oats. Total cost, \$34,000  
5 for 84,355 sea oats. We restore the dunes with our money  
6 and our labor. And with your help, we can do more.

7 Owners from 32 beach front condos have  
8 been shovel-ready since January 24th, 2011. And here is  
9 our shovel (indicating). What we vehemently don't want  
10 and don't need is the Okaloosa Island beach restoration.  
11 Last year I gave each of the trustees bags of our native  
12 white sand and the dark shell shard sand. Here is the  
13 beautiful white sand (indicating). Here is the ugly dark  
14 stuff that's down three different places within three  
15 miles of my home. This is the beautiful white stuff like  
16 you've got here in Pensacola, (indicating) the other ugly  
17 stuff that's dumped on Okaloosa Island.

18 Any doubt that the poor quality fill was  
19 poor quality was put to rest last year by a judge. The  
20 judge in our permit challenge ruled the proposed beach  
21 restoration fill was not compatible for the unusual if  
22 not unique character of the Okaloosa Island beaches. He  
23 ruled the restoration fill was too dark, had too many  
24 shell shards, and too many large chunks; and, therefore,  
25 the project should be denied. And I think you'll agree.

1                   I know the trustees have seen these  
2 before, but this is the restored fill a mile from my  
3 home. This is the restored fill a mile from my home, and  
4 this is the native beach. For those who can see, I've  
5 got more photos. But this is the native beach  
6 (indicating). It's beautiful and white. This is the  
7 beach -- native beach and the restored fill a mile from  
8 my home, (indicating) and this is the restored fill a  
9 mile from my home.

10                   Okay. In conclusion, please provide our  
11 34,000-dollar dune planting grant. Deny the  
12 controversial and destructive 12-million-dollar Okaloosa  
13 Island beach restoration project. Thank you.

14                   MR. FRANKLIN: Thank you, Ms. Sherry.

15                   Next, we have Chris Phillips. State your  
16 name and official organization.

17                   MR. PHILLIPS: I'm Chris Phillips. I own  
18 both a local bait and tackle store and a large fishing  
19 charter business. My comment is pretty brief. I fully  
20 support both of the proposed in the -- in the first  
21 draft. The boat ramps we need it, and the restoration  
22 for the beaches is great also.

23                   I don't think as a long term we need to  
24 get -- I can see this going way one way or way the  
25 other. With the boat ramps, that's loss of use. With

1 the -- with the beach dunes, that's replacing the  
2 actual -- actual damage of it. But from being out on the  
3 water all the time, I don't see any drastic damage at  
4 this point in time. That's not saying it's not to come  
5 or -- or that we won't see it in a week. But at this  
6 point in time, I think we need a fair -- between the loss  
7 of use stuff and the actual damage.

8           So -- going forward also, I think  
9 artificial reefs would be a good thing. Thank you.

10           MR. FRANKLIN: Thank you for your  
11 comments, Mr. Phillips.

12           Next forward is Michael Choron.

13           MR. CHORON: Hello. My name is Michael  
14 Choron. I'm a charter boat captain here in Pensacola,  
15 Florida. I spend about half a year on the water here.  
16 One thing I found is that our intracoastal waterways are  
17 littered with debris, beer cans, plastic bottles, plastic  
18 bags. You name it. We've got it. it's not only on the  
19 shore, but it's in the water also. The trash is -- I  
20 sometimes think of myself as a trash man, not a  
21 fisherman.

22           As much time as we spent cleaning up the  
23 sand in the Gulf, we forgot about one thing, taking care  
24 of the waterways we use on a daily basis. I feel that  
25 that is a major eyesore in our community and that our

1 marine environment is at risk. Thanks.

2 MR. FRANKLIN: Thank you, Mr. Choron.

3 Next we have Mr. Jim Muller.

4 MR. MULLER: Good evening. My name is  
5 Jim Muller of Muller & Associates. I want to  
6 appreciate -- let you know I appreciate the opportunity  
7 to speak tonight and also the open house ahead of time  
8 and let people meet people and let the faces ask specific  
9 questions. That was very help.

10 I also realize this is just the beginning  
11 of the NRDA process. And particularly for the proposed  
12 Florida projects, I would say it's a good start; but it's  
13 just a toad on the water. Public access to the coastal  
14 waters is very important as is restoration. And as we  
15 progress in the future rounds of the early restoration  
16 process, I hope strong consideration is given to factors  
17 that are important for the long-term success of our  
18 restoration efforts.

19 Marshes, oyster reefs, grass beds, all  
20 are very important too. They're essential to the health  
21 of the Gulf. They depend on good water quality. We  
22 don't want to put something in. Then two years later,  
23 have it be dead. We want -- we're looking for the long  
24 term here. So we need to include projects that improve  
25 the water quality to ensure the success of our efforts.

1 And these needs include wetland restoration, acquisition  
2 of environmentally sensitive lands to provide a permanent  
3 buffer to our waters.

4 And I also hope to see in the future  
5 efforts larger scale projects, coordinated, effective,  
6 resource-oriented projects, coordination between the  
7 states and with our Federal partners as well. And also  
8 I'm sure you're aware of it, but I want to recommend to  
9 the public as well, the publication, A Once and Future  
10 Gulf of Mexico Ecosystem.

11 It is a Pugh Report taking the big view.  
12 And it goes beyond NRDA to the entire Gulf ecosystem  
13 restoration, but it gives us something we should be  
14 aiming for. And every time you make a decision, see how  
15 what we are proposing to do fits into the overall  
16 picture, coordinated effort across all things that are  
17 happening in the Gulf and see what we can do to make a  
18 meaningful, long-term contribution to the health of the  
19 Gulf of Mexico. Thank you.

20 MR. FRANKLIN: Thank you, Mr. Muller.

21 And our final commenter tonight is George  
22 Willson, TCF and Florida Audubon Board.

23 MR. WILLSON: Thank you for the  
24 opportunity to speak. I'm George Willson. I'm speaking  
25 as a citizen. I sit on a number of statewide boards and

1 regional boards, and I have spent a number of years on  
2 our major boards in the panhandle. And I'm lucky to have  
3 worked with a number of you through the years on  
4 ecosystem scaled projects.

5 I'm not as young as the young Debbie  
6 Harrison earlier, but I have spent most of my life along  
7 the Gulf and on projects in multiple states. I thank you  
8 for your personal time, your professional time as I've  
9 seen the list of projects you have to go through. I've  
10 seen what's been submitted, you know, billions. And so  
11 getting to this point is an exuberant start. So thank  
12 you.

13 I wanted to help. My comments tonight  
14 really aim at NRDA but beyond really on the ecosystem  
15 scaled projects. Is there a way that the money can be  
16 used to examine projects that might be more of a legacy,  
17 more set than the ephemeral kind of projects that are an  
18 oyster bar and restoration work. That oyster bar really  
19 may have been damaged by water storms on prior issues,  
20 things like that.

21 And, you know, we're doing a lot of  
22 projects that are right in the bullseye of tropical  
23 storms, and a lot of this money being spent may be gone  
24 next year. If you look at the legacy projects that  
25 Darlene has been involved in and the citizens of the

1 community are involved with and feel an ownership of,  
2 when you look at the National Seashore, national wildlife  
3 refuges, the natural history research reserve in  
4 Apalachicola, you know, all the way from the coast of  
5 Moransas (phonetic) and the coast of Texas, you know,  
6 those are things that are legacy. They provide clean  
7 air, clean water, habitat for fish and wildlife.

8           If you look at where marine habitats are  
9 successful, that's where they are. Looking for anonymous  
10 fish that have had a chance to grow big of for periled  
11 species, it is those kind of conservation ownerships,  
12 protected areas, they -- they are important for the  
13 economy.

14           This is a good county to have a meeting.  
15 You know, Escambia County, for many years, at my  
16 experience, you know, it helped protect the Escambia  
17 River, Perdido, Tarkiln Bayou State Park. You know,  
18 they -- they've encouraged the State and other people to  
19 create lasting legacies that are good for -- good for the  
20 Gulf and good for restoring areas.

21           Ken Boperand (phonetic) that you-all know  
22 as former boss of us and co-chair of the original  
23 commission before the Mabis (phonetic) report that was  
24 suggested lately, and we followed up at the -- Ms. Drew  
25 may remember -- the Biloxi full task force meeting when

1 Dan Potsmeyer (phonetic) came over and presented for  
2 Riverkeeper of the Wildlife Federation and Conservation  
3 Fund. My recommendation for looking and collecting and  
4 aggregating and studying your projects, whether they're  
5 NRDA or beyond by water basins. You know, from  
6 Brownsville, Texas to Chokoloskee Bay and, I guess,  
7 further into the Keys, could you aggregate and study  
8 projects that are submitted, whether it's an oyster bar  
9 or a marine grass bed or arperian (phonetic) thing of  
10 water following through because when you're restoring an  
11 oyster bar or doing a recreational project, they are  
12 ranked differently.

13 Now, what's the threat. What's the value  
14 in each of these basins. If you're going to do something  
15 that's a legacy towards that, leave the legacy. And as  
16 Mr. Guzman (phonetic), this gentleman for the task force  
17 and all your enormous work on that, how do you leave  
18 something that's more of a legacy than something that may  
19 be ephemeral in terms of a project. So could you --  
20 could you aggregate a rank filing that evaluates things.  
21 That might be the best way to spend this money on than  
22 that, actually matching state funds, other private funds.

23 There are a lot of places that are still  
24 available to do conservation restoration, to do  
25 conversation inlets, to do things that are tied to local

1 economies and local communities. You know, in Florida we  
2 had a lot of resistance years ago in places like 75 miles  
3 down the coast. And now the communities are basically --  
4 they are nature -- they're the natured coast. They have  
5 adopted it. They belong to it. They -- they feel an  
6 ownership of it.

7                   So it's my suggestion is, is how you --  
8 how do you go beyond NRDA. But can NRDA provide any  
9 study on there. You might call aggregating it and  
10 analyze projects that leave more of a legacy on the  
11 ecosystem scale. But thank you for what you're doing  
12 today, now. So I would appreciate it.

13                   MR. FRANKLIN: Thank you for your  
14 comment.

15                   Is there any others who would like to  
16 come forward? Okay. Mr. Andrew Blewer, Escambia County  
17 boater.

18                   MR. BLEWER: Andrew Blewer. Like I say,  
19 I'm an avid boater. And I tell you. It broke my heart.  
20 I boat all the time. I don't know how many hours I've  
21 got on my boat, over 500 hours just going out there and  
22 enjoying the sunsets, enjoying the intracoastal  
23 waterway. And the problem that I came upon is the  
24 barriers that were put up. Some of them, I couldn't  
25 pass. Some of them, I -- they would let you go through,

1 but they took pictures of you as you went by. I don't  
2 know if that was just some kind of study they were doing  
3 or -- or what.

4                   And I felt bad. I mean, I would like  
5 to -- my boat to be clean when I came in and out and  
6 stuff like that. But it got to the point that I didn't  
7 even want to try to go out there. Even if you go out  
8 there to Fort McRee and stuff like that, you saw the  
9 tarballs and stuff like that and you go home and you  
10 would have to wash the tarballs off your boat. So loss  
11 of use is great for me.

12                   And I would like to encourage you to  
13 let's do the boat ramps, especially the ones,  
14 intracoastal where you can go out and have fun inshore  
15 and stuff like that. You can stay out of the  
16 intracoastal waterway if this ever happens again. But  
17 you can enjoy yourself. If you put, you know, barriers  
18 up, barricades up, and stuff like that -- I didn't want  
19 to pass them. And I understand what the barricades were  
20 for is to try to keep the oil from getting into the  
21 grasslands and stuff like that.

22                   And I think we ought to do restoration of  
23 the grasslands, but the thing that -- that gets me more  
24 with D.E.P., I don't think y'all do enough study of where  
25 you want to have the grass beds because there is places

1 where there is fast currents and they say that the  
2 boaters are damaging it. I don't think there is a  
3 grass bed that's ever been there, and they want to  
4 restrict boaters in that particular area. And I think  
5 where you got boaters going there all the time, there has  
6 never you been grass bed there. I don't see why you can  
7 restrict boaters from going there.

8           And I would appreciate it if you -- you  
9 know, if y'all would consider that and don't -- where you  
10 can't have grass beds, don't try putting grass beds in  
11 and keeping the boaters out of that. And I don't know if  
12 that was just the media trying to get our attention or  
13 whatever, but the best thing to do is do more studies of  
14 where you're going to put grass beds. The same thing  
15 with the oyster beds. If you don't have the environment  
16 for the oysters, you're wasting your money if you're  
17 going to put them out there where it's not right.

18           Thank you very much. I appreciate the  
19 matching money you have that the county is using. I  
20 appreciate that. And hopefully we can do more projects  
21 too. Thank you.

22           MR. FRANKLIN: Thank you very much,  
23 Mr. Blewer.

24           Well, tonight I think we have met our  
25 goal and that is to get the input of the citizens and to

1 allow these signs as the opportunity to listen and to  
2 gain a ready insight of what's important to you, and I  
3 think we accomplished that task here tonight.

4 I invite you if you have not made a  
5 comment and you wanted to learn more about the process to  
6 pick up some of the forms on the outside. There is a  
7 mailing address on those forms, if you would like to do  
8 that. And just remember, February 14th is the deadline  
9 to get those comments in on this portion of the process.

10 The subject matter experts will remain  
11 here as long as there is an individual here with a  
12 question. And so the open house area is going to be  
13 reopened at this point. And on behalf of the trustees,  
14 thank you for your time and your attendance tonight.  
15 Thank you. Good night.

16 (Whereupon, the public hearing  
17 concluded.)

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CERTIFICATE OF REPORTER

I, Shelley Nicole Jones, Court Reporter,  
do hereby certify that I was authorized to and did  
stenographically report the foregoing public meeting and  
that the foregoing transcript, pages 1 through 66, is a  
true and complete record of my stenographic notes.

I further certify that I am not a  
relative, employee, attorney, or counsel of any of the  
parties, nor am I a relative or employee of any of the  
parties' attorney or counsel connected with the action,  
nor am I financially interested in the action.

Dated this 31st day of January, 2012.

\_\_\_\_\_  
Shelley Nicole Jones  
Court Reporter and Notary Public  
for the State of Florida

DEEPWATER HORIZON OIL SPILL  
EARLY RESTORATION PUBLIC MEETINGS  
JANUARY AND FEBRUARY, 2012

UNITED STATES DEPARTMENT OF THE INTERIOR  
HERBERT HOOVER BUILDING  
1401 CONSTITUTION AVENUE, N.W.  
WASHINGTON, D.C.  
FEBRUARY 7, 2012, 7:00 p.m.

PUBLIC MEETING  
NATIONAL RESOURCE DAMAGE ASSESSMENT  
DRAFT PHASE I EARLY RESTORATION PLAN

MEETING OFFICIALS:

- Mr. Perry Franklin  
Professional Facilitator, Franklin Associates
- Ms. Rachel Jacobson  
Acting Assistant Secretary for Fish and Wildlife and  
Parks, Department of the Interior
- Ms. Monica Medina  
Principal Deputy Under Secretary, National Oceanic  
and Atmospheric Administration

REPORTED BY: George W. Tudor

## P R O C E E D I N G S

1  
2 MR. FRANKLIN: Good evening. I'm Perry  
3 Franklin, and I'll be serving as tonight's facilitator.

4 At this time, if everybody can become  
5 comfortable and find themselves a seat and silence their  
6 phones, we will proceed.

7 If you would be so kind as to take any  
8 personal conversations outside, we would also appreciate  
9 that, so as to keep the level of noise down with respect  
10 for the participants.

11 To get us kicked off, we have openings from  
12 Ms. Rachel Jacobson, Assistant Secretary for Fish and  
13 Wildlife and Parks, Department of Interior, and  
14 following Ms. Jacobson will be Ms. Monica Medina,  
15 Principal Deputy Undersecretary, National Oceanic and  
16 Atmospheric Administration.

17 Ms. Jacobson?

18 MS. JACOBSON: Thank you, Perry, and thank  
19 you all very much for coming tonight.

20 This is the last of the public listening  
21 sessions for comment on the Deepwater Horizon Oil Spill  
22 Draft Phase I Early Restoration Plan and Environment  
23 Assessment. The public comment period is fifty days in  
24 length, closing February 14th. There have been hearings  
25 held throughout the Gulf states hosted by our

1 counterparts in the Gulf states, and tonight, this is  
2 the Federal Trustee public hearing, and I'm joined by my  
3 colleagues, who will be stating important information.

4 Obviously we required that the public have  
5 an opportunity to comment on any restoration plans, but  
6 we are especially focused to the Deepwater Horizon  
7 restoration planning process on public input.

8 We have gone above and beyond to encourage  
9 public input at the various states of the process and we  
10 will continue to do so as we move forward. So thanks  
11 very much for your input. It's important, and we will  
12 review it and we will consider it.

13 And with that, I'm going to turn it over to  
14 Monica and look forward to hearing your input tonight.

15 Thank you.

16 MS. MEDINA: Thank you. Good evening  
17 everybody. I'm Monica Medina, and I'm pleased on behalf  
18 of the Secretary of Commerce, John Bryson, and my  
19 immediate boss, Dr. James Pachenko, the lead  
20 administrator, to welcome you here to Commerce, the  
21 Commerce Department. We're very pleased to be able to  
22 host this meeting here tonight and to talk about what we  
23 believe is really unprecedented, in that we have  
24 committed to begin work on a restoration experiment as  
25 never before, and we are working in a way that is

1 collaborative with our state co-trustees in a way that's  
2 really remarkable. And you will hear more about that  
3 tonight.

4 So I don't want to spend a lot of time  
5 talking. This is really your night. It's your  
6 opportunity to tell us what you think about what we have  
7 done and what you think about what we ought to be doing,  
8 and we really, really appreciate and look forward to  
9 hearing your comments.

10 With that, I think we will view the  
11 presentation on the project.

12 MR. FRANKLIN: Thank you, Mrs. Jacobson and  
13 Ms. Medina.

14 So welcome. This is the twelfth and final  
15 public meeting, as was mentioned, for the Deepwater  
16 Horizon Oil Spill Natural Resources Damage Assessment  
17 Early Restoration Process, or NRDA, as you will hear  
18 mentioned throughout this presentation, or "NERDA,"  
19 (phonetic) as you will hear as well, Natural Resources  
20 Damage Assessment.

21 In addition to this meeting held tonight,  
22 there have been eleven meetings held up and down the  
23 Gulf Coast. There have been meetings held in the states  
24 of Florida, Alabama, Mississippi, Louisiana and Texas.  
25 So this team of professionals has been busy over the

1 last month, gaining great insight and great input from  
2 the citizens across the Gulf Coast, so tonight is very  
3 important.

4 The objective tonight is to receive your  
5 comments on the proposed project included in the Draft  
6 Phase I Early Restoration Plan. There will be a  
7 dedicated comment period following the presentation  
8 which will give you updated information on this early  
9 restoration process.

10 Please hold your comments until we get to  
11 the comment portion of tonight's meeting.

12 Thank you.

13 During the comment period, those interested  
14 in giving comments will be given three minutes to  
15 deliver your comments.

16 Are there any individuals in the audience  
17 who would like to give a comment who have not filled out  
18 one of the commenter cards?

19 Okay. If you will keep your hand up, we  
20 have an individual coming to you with that card.

21 At any time tonight, if something in the  
22 presentation warrants your comment, we ask you to just  
23 simply raise your hand and we will get a blank card to  
24 you and call you forward when we get to that point of  
25 tonight's agenda.

1           Also, you will see that we have a sign  
2 language interpreter, Ms. Brenda Best. Are there any  
3 individuals in the audience tonight that are in need of  
4 such assistance?

5           Thank you.

6           Also, you may not know that we have a court  
7 reporter, Mr. George Tudor, on hand as well, who is  
8 below the audience, so you probably cannot see him, and  
9 that's to make sure that we accurately capture your  
10 comments, as that is the focus of tonight's meeting.

11           When you came in, at the reception table  
12 there were lots of good reference documents, and I would  
13 advise you to pick those up, if you did not, on your way  
14 out. There is good information as far as website  
15 addresses, things of that nature, that will allow you to  
16 stay engaged and plugged in through the process and also  
17 allow you to understand where the process is at that  
18 point in time and if a public meeting is coming up. So  
19 I invite you to turn your attention to that document.

20           Also, the information stations out front,  
21 hopefully you had a chance to visit with them. Those  
22 subject matter experts will stay on hand following  
23 tonight's presentation to answer any questions that you  
24 may have.

25           Topics out in the open area are human

1 health, NRDA 101, assessment, seafood safety and others.  
2 While that is not the topic of tonight's meeting, we  
3 have found that those topics are of interest to you and  
4 have been very beneficial. So we would like you to go  
5 and tour that facility on your exit if you have any  
6 questions regarding those topics.

7           Additionally, there is an input station out  
8 in that area, so if you would like to give your comment  
9 via a laptop, the staff will assist you in that process  
10 in giving your comment if the microphone is not your  
11 choice.

12           Tonight you will receive, I think, a  
13 tremendous amount of information, kind of a review of  
14 the NRDA process, as well as the early restoration  
15 process. Tonight's speaker will also provide details of  
16 Draft Phase I of the restoration process, as well as a  
17 overview of the State-specific projects that are part of  
18 the plan.

19           The meeting has two parts. The first part  
20 will be presenters giving you information; the second  
21 and most important part will be you giving us comments  
22 for the process.

23           Your comments are integral to the  
24 implementation of these projects that are being  
25 presented. They will be topics for natural resource

1 entities, including the loss and continued use of Gulf  
2 resources.

3 Remember, if you want to make a comment at  
4 any time, just raise your hand and someone sitting  
5 behind you will bring you one of those cards.

6 In addition to the microphones tonight to  
7 give verbal comment, there are three other ways that you  
8 can submit your comment. You can pick up one of these  
9 forms and you can fill this form out and drop it off  
10 tonight or you can mail it to the address that's listed  
11 in the middle of this form; there's the input station  
12 that's in the open house area, and you can also go on  
13 line at your leisure. The only thing I would like to  
14 remind you is that the comment period closes on February  
15 14th. So please keep that in mind. The February 14th  
16 deadline is a firm deadline.

17 So, let's move forward into the meeting.  
18 Tonight's speaker is Mr. Brian Spears, Restoration  
19 Manager, U.S. Fish and Wildlife Service, which is under  
20 the Department of the Interior. Mr. Spears currently  
21 works out of the Fairhope, Alabama office, where he is  
22 the branch chief with the U.S. Fish and Wildlife  
23 Services Deepwater Horizon Oil Spill Restoration  
24 Management Project.

25 Brian?

1 MR. SPEARS: Thank you, Perry.

2 My name is Brian Spears. I'm with the Fish  
3 and Wildlife Service out of our Fairhope, Alabama  
4 office, which is on the eastern shore of Mobile Bay,  
5 Alabama.

6 Now, my main job there is not only to help  
7 facilitate developing restoration projects with the Fish  
8 and Wildlife Service, but also to help facilitate  
9 coordination and collaboration among the various parties  
10 to move this thing called the early restoration plan  
11 forward.

12 It's great to be with you all in our  
13 nation's capital tonight. Thanks for having us. It may  
14 be a stretch, but I think this may likely be the nicest  
15 venue we have been in, so it's awfully nice to be here  
16 with you tonight.

17 I'm just going to spend a couple of minutes  
18 tonight before we get to the comment period trying to  
19 put this whole early restoration thing in a little bit  
20 of context in regard to the whole NRDA process still  
21 ongoing, as well as the restoration plan and restoration  
22 strategy, more specifically.

23 So the whole process of early restoration  
24 actually dates back to the Oil Pollution Act of 1990,  
25 which was enacted and developed in response to the Exxon

1 Valdez spill in 1989 in Alaska.

2 The Oil Pollution Act, or OPA, helped define  
3 assigning liability and response activity following oil  
4 spills. Within OPA, there are regulations called  
5 Natural Resource Damage Regulations, and what those do  
6 is provide us with a legal avenue for holding folks  
7 accountable for injuries to natural resources caused by  
8 oil spills.

9 In the United States, natural resources are  
10 a public commodity. They're owned by all of us. So  
11 this is a professional tool that allows us to be  
12 compensated for losses that we have incurred following  
13 oil spills. And within the regulations themselves, it  
14 talks about making the public whole, compensating us for  
15 our losses, getting us back to the point with our  
16 natural resources to where they were before spills  
17 happened.

18 And that not only includes the natural  
19 resources themselves. For example, if someone spills  
20 oil and kills a bird or kills a dolphin, they owe us a  
21 bird or a dolphin. But the regulations also talk about  
22 services that those resources provide, and for them, one  
23 of the things they provide is recreational  
24 opportunities. So within this plan and within other  
25 discussions about NRDA, you will hear about human

1 services, which we actually do on a part of this plan  
2 that I'll discuss here in a couple of minutes more.

3 NRDA regulations under OPA designate  
4 federal, state and tribal agencies affected by oil  
5 spills as a trustee for the public, and those trustees  
6 are charged with making sure that the public is  
7 adequately compensated for our losses following spills.

8 In regard to the Deepwater Horizon spill, we  
9 have got a number of trustees. All five states along  
10 the Gulf of Mexico were affected, so you will see all  
11 five states represented here. And depending on the  
12 makeup of the state or the governor's purview, one or  
13 more agencies within the state can actually represent  
14 that states. And that's the case here. And that's why  
15 you see underneath State Trustees a number of different  
16 agencies representing them.

17 On the federal side, the Department of  
18 Interior and NOAA have resources that were also injured.  
19 And so we are also trustees for the public.

20 As far as the federal government goes, the  
21 trustees are represented by the Department of Interior,  
22 made up on this bill by the Fish and Wildlife Service,  
23 the Department -- I'm sorry -- Bureau of Land  
24 Management, as well as the Park Service, because  
25 resources that they managed long ago on the coast were

1 injured.

2 And we will also see NOAA, because resources  
3 they manage as well were injured and part of this bill.  
4 So seven trustees total represent the public on this  
5 project.

6 So that's who we are. A little bit about  
7 NRDA itself. There are three main stages of NRDA. The  
8 first stage is called the preassessment stage, and  
9 that's typically the time after a spill where people go  
10 out and evaluate what happened. That can be complex or  
11 that can be simple in evaluating whether injuries  
12 occurred.

13 As far as the Deepwater Horizon spill goes,  
14 we had both. There were water column samples collected  
15 2,000 feet down below the water surface, and are being  
16 analyzed for chemistry. This is a little bit more  
17 complex a story. There were also dolphins and oiled  
18 bird washed up on the beach. That's a little bit more  
19 of a simple story.

20 So the whole point of the preassessment  
21 phase is to evaluate whether we should go collect more  
22 data and get a better handle on what the size of the  
23 injury might be and what resources might have been  
24 affected. And so in the case of the BP spill, it was  
25 pretty easy to make that decision, and so the trustees

1 moved on this injury assessment phase, whereby we have a  
2 lot of scientists in the field collecting data, trying  
3 to get a handle on what's been injured as far as our  
4 natural resources go.

5           Within that stage, restoration planning also  
6 begins in earnest. That happened early and often during  
7 the NRDA, which I'll talk about more here in a second,  
8 and that's still ongoing as well, including this early  
9 restoration plan that we propose to deal with tonight.

10           And then finally, the whole point of NRDA is  
11 to restore these resources, get back on track to restore  
12 what we have lost. That's where this early restoration  
13 plan is headed and that's where the more comprehensive  
14 restoration strategy is headed that we're working on.

15           As I mentioned, the regulations want  
16 restoration planning to start early, and so it's very  
17 important not only within the statute, but as well as to  
18 the Deepwater Horizon trustees.

19           Back in the fall and winter of 2010, when a  
20 lot of us, even in this room, were still running around  
21 the gulf coast rescuing oiled wildlife and rehabbing  
22 them or walking down a beach evaluating what needed to  
23 be cleaned up, the Deepwater Horizon trustees were  
24 already holding restoration meetings to try to evaluate  
25 what the public would like to see happen as far as

1 compensating them for these injuries we were already  
2 observing. And that continued on through the spring of  
3 2011 as part of a broader restoration strategy planning  
4 effort, or what we refer to as the programmatic  
5 environmental impact statement effort, which is the  
6 subject of a whole nuther set of meetings, and we will  
7 get into more tonight, but just to let you know, that's  
8 still going on.

9           And then something really big happened, not  
10 only in this world, but in the world of NRDA. In April  
11 of 2011, the trustees signed with BP a framework for  
12 early restoration.

13           And just to put that in context a little  
14 bit, the last NRDA site I worked on, the trustees  
15 settled and were parties to the largest environment  
16 settlement in the history of the U.S., which is now  
17 dwarfed by this agreement.

18           This agreement sets forth up to a billion  
19 dollars the trustees can use to help actively get a jump  
20 start in restoring the Gulf. The trustees in that  
21 former case would have been happy with a couple of  
22 million to get started before we settled. So this is  
23 not only a big, big deal for us in this case, but a big  
24 deal in the NRDA world in general.

25           We're pretty thankful for what the trustee

1 negotiators did for us here in this case as far as the  
2 BP negotiation to get this framework in place so we  
3 could start moving forward before the assessment ended.

4           Since then, the trustees held a number of  
5 meetings in a number of states, informing the public on  
6 the significance of this early restoration project.  
7 Again, I'll do more of that here in a second. Again,  
8 that effort is still ongoing.

9           The plans you picked up with some of the  
10 fact sheets that you might have collected tonight  
11 provide a couple of web addresses that you can actually  
12 see committed properties and keep track of ongoing  
13 activities.

14           Somebody asked me the other night, "When is  
15 the next window going to be open for submitting  
16 projects?" Well, it's open now. It's open and is going  
17 to be open. So the trustees are actively going back and  
18 relooking at the new ideas coming in. So feel free to  
19 visit those sites and keep submitting ideas if you feel  
20 so inclined.

21           Okay, that's a little bit about the  
22 agreement and where we're at today, leading us to this  
23 idea for early restoration.

24           As I said, the trustees signed this  
25 agreement with BP giving us up to a billion dollars to

1 spend on getting a jump start in restoring the resources  
2 of the Gulf. The assessment is still ongoing. As I  
3 mentioned, there are still scientists out in the field  
4 collecting data. We are still building a case and  
5 evaluating where our total claim is going to be, what BP  
6 owes the public for these injuries. And while that is  
7 going, this framework allows us to move forward with the  
8 restoration on the ground.

9 The assessment, as I mentioned, is ongoing,  
10 and until we settle with BP, it's going to be ongoing.  
11 So that's a whole nuther process, again, other meetings,  
12 but I'm just trying to highlight we're still working  
13 down in the Gulf, developing our claim.

14 Okay. So this agreement we signed actually  
15 allocates monies across the trustees to help prioritize  
16 the project. In dividing a billion dollars, it  
17 allocates equally among the seven trustees five hundred  
18 million dollars. So what they can do with that  
19 allocation is bring forth ideas in the trustee group on  
20 how they who like to see their money spent, as well as  
21 NOAA and DOI received a hundred-million-dollar  
22 allocation so folks like me could arrange for bringing  
23 forth project ideas on how we would like to see things  
24 moved forward.

25

1           And then finally, there is a \$300 million  
2 pot set aside, and the framework for that relates that  
3 the federal trustees will help prioritize projects  
4 brought forth by the states with that money. So even  
5 more of a collaborative approach as far as that money.

6           Okay, how do we do this? As of a couple of  
7 nights ago, when I looked at our data base, our on-line  
8 data base, there were over 700 project ideas that people  
9 would like to see happen. And we know that within the  
10 states, there are more ideas coming all the time. So it  
11 actually is quite an effort to narrow those ideas down  
12 and figure out which ideas work best within the overall  
13 restoration strategy, as well as which ideas we can  
14 implement through this specific framework. And there  
15 are a number of criteria -- collection criteria factors  
16 that the Oil Pollution Act itself, the early restoration  
17 framework provides, and other practical considerations  
18 the trustees would like to see in evaluating how they  
19 can go about the restoration effort.

20           These are the Oil Pollution Act criteria.  
21 As you can see, several relate to whether a project is  
22 going to be successful, how much does it cost, and what  
23 are the benefits you're going to get out of it.

24           That second bullet there, Return Injured  
25 Resources and Lost Services to Baseline. One of the

1 things we must do under NRDA is make sure there is a  
2 direct link between a resource that was injured and what  
3 we want to restore. A lot of people, especially down in  
4 the Gulf, are intimately familiar with the number of BP  
5 claims processes going on, whether it be human health,  
6 whether it be personal property. Those processes are  
7 separate from the Natural Resource Damage Assessment  
8 process. We have to restore the natural resources and  
9 services they provide with this money.

10 The framework agreement itself, like I  
11 mentioned, lays out additional criteria, but very  
12 similar to the other criteria. There is the first  
13 nexus, making the environment and public whole for what  
14 we lost.

15 Again, the third bullet kind of reiterates  
16 that point.

17 Moving down, Not Inconsistent with Long-Term  
18 Restoration. As part of the kind of a larger  
19 restoration strategy we're developing, we want to make  
20 sure that the early projects get off the ground and  
21 integrate well in that strategy. And finally, are they  
22 feasible and will they work.

23 Here are some of those other practical  
24 considerations. They're talking about not only not  
25 providing a statute as required by law, but you can

1 think of them as more intuitive ideas that the trustees  
2 want to consider to make sure we're evaluating what we  
3 put on the ground.

4 The whole point of that early restoration  
5 framework was to get out on the ground and get projects  
6 done that start providing benefits right away. We want  
7 stuff moving quickly. Thus, that first bullet there,  
8 Will it provide prompt benefits.

9 Another thing the trustees wanted to do with  
10 this first plan in particular is to hit on a number of  
11 injuries across the Gulf, so we selected a diverse array  
12 of projects. That's why you see human restoration  
13 projects. That's why you will see salt marsh addressed.  
14 That's why you will see human services addressed, in  
15 such forms as the Florida boat ramp proposal. So that  
16 was really important to us in selecting this first  
17 sweep.

18 And then finally, can we get them ready for  
19 implementation and are they predictable. Can we get  
20 them out on the ground quickly.

21 This a just a graphic simplified as an early  
22 restoration plan itself, just highlighting where we are  
23 in this process, and to the left you have got a project  
24 scope. Trustees have gone through and first round, that  
25 big square in the middle, the project screening

1 criteria.

2 The little blue arrow going to the right,  
3 negotiations, I want to pause and talk about that one  
4 really quickly here, just to remind you that we're  
5 working under that early restoration framework process,  
6 and that process includes negotiating with BP two  
7 primary things; one, how much is it going to cost, and  
8 two, what are the benefits that are going to come out of  
9 this.

10 Because we're still in our assessment and  
11 developing our claim and we haven't settled with BP yet,  
12 the trustees have to come to an agreement that, okay,  
13 BP, if you fund these projects, we agree that this is  
14 what it's going to benefit and these are credits or  
15 offsets they're going to provide, because again, at the  
16 end of the day, those offsets and credits go into the  
17 whole negotiation claim framework at the end.

18 So I'm not going to hit on more of that  
19 tonight, but just to understand that the negotiation  
20 part is an important part of what shows up in this early  
21 restoration claim or proposal.

22 And then finally, public comments are where  
23 we're at tonight, and once we consider public comment,  
24 you will see a response to those comments, the final  
25 plan, which we hope to have out soon after public

1 comment closes, and then we will move forward, depending  
2 on how we can address those public comments and finalize  
3 the plan and hopefully get projects funded on the  
4 ground.

5           And all the while, that big blue area you  
6 have there, the restoration process is ongoing and the  
7 trustees are already working on that next group of  
8 projects and proposals. So think of that as moving the  
9 process again.

10           So real quickly, I'm going to go through  
11 here highlighting what is the early restoration plan,  
12 much more of the plan itself, for sure, and if you have  
13 any more questions, be sure to grab one of us after the  
14 presentation tonight.

15           Within the plan itself, there will be two  
16 alternatives. Alternative A is the no action, or  
17 natural recovery alternative. That's an evaluation of  
18 what would happen to our natural resources if we do  
19 nothing. I just want to clarify there that that's not  
20 what the prospectuses are proposing, but rather, that  
21 alternative evaluation requirement under OPA, we have to  
22 evaluate what would happen if we do nothing. So that's  
23 why you see that in the plan.

24           Alternatives to do nothing, the trustees are  
25 proposing the first eight projects that we would like to

1     implement tonight, that have gone through all the  
2     selection criteria, have gone through the preliminary  
3     negotiations with BP, and we think will provide direct  
4     and immediate benefits that we can get on the ground  
5     quickly.

6             It's important to note as you think about  
7     comments, while those eight projects are in a group  
8     known as the one alternative, they were all developed  
9     independently. So while they're all going to do good  
10    things for Gulf resources, they are independent  
11    projects, so depending upon public comment, a final plan  
12    may include all eight of those or just a subset of  
13    those.

14            So if you would like to just comment on one  
15    in particular, feel free to do so, because it can make a  
16    difference.

17            This is just a map, again, pulled straight  
18    out of the restoration plan showing where projects  
19    occur, and this is a summary of the funding proposed for  
20    those plans.

21            I'm just going to go through one slide each,  
22    real quickly here. The plan, again, is much more in the  
23    restoration plan itself.

24            Starting with the DOI-sponsored project,  
25    this is one that DOI would like to see happen. It

1 involves restoring primary dune along the Alabama  
2 coastline. That dune was not only injured by direct  
3 oiling, but also injured by response, cleaning of the  
4 dunes. A number of ATV's, UTV's and tractors drove up  
5 and down this habitat and damaged it, so we would like  
6 to restore that habitat directly.

7           The proposal would actively restore 55 acres  
8 of primary dune habitat along twenty miles of the  
9 Alabama coast and actually develop a cooperative between  
10 a couple of shoreline cities, as well as other interior  
11 bureaus to get this done. And the proposed cost for  
12 that is just over one million dollars.

13           One of the projects that Louisiana brought  
14 forth is the Lake Hermitage restoration project. This  
15 project actually is a unique concept, because it adds  
16 onto a project already moving forward under another  
17 funding avenue, and Louisiana is already restoring this  
18 footprint.

19           This funding would, however, actually  
20 restore brackish marsh within the footprint of that  
21 project. The estimated cost of that project is just  
22 about \$13 million.

23           Louisiana also brought forth an oyster  
24 restoration project as part of this first phase.  
25 Oysters in the Gulf of Mexico are not only unique in

1 terms of what's remaining, but also provides really  
2 valuable habitat for other organisms and also provides  
3 economic stimulus to local workers, as well as the  
4 states along the Gulf Coast, so they're important.

5           The Louisiana proposal would not only help  
6 restore 850 acres of oyster growing area, but also the  
7 proposal includes enhancing one of their oyster hatchery  
8 facilities to actively grow and develop and place oyster  
9 bars, and the estimated cost for that is about \$14  
10 million.

11           Mississippi has a similar project. Their  
12 proposal is limited to restoring the oyster growing  
13 areas themselves on top of the existing oyster reefs  
14 that are harvested just off of the Mississippi coast, in  
15 the Mississippi Sound, and the estimated cost of that  
16 was about \$11 million.

17           Mississippi also would like to see some  
18 near-shore artificial reef restoration done. Near-shore  
19 reefs, like oysters, offer valuable habitat for all  
20 ecosystems. And so this proposal includes restoring  
21 approximately a hundred acres of near-shore artificial  
22 reef in the Mississippi Sound at a cost of about two and  
23 a half million dollars.

24           Alabama is prioritizing salt marsh  
25 restoration projects. Marsh Island exists just west of

1 Mobile Bay, off the Alabama coastline, and has been  
2 eroding for decades. There are valuable salt marsh  
3 habitats on the island, so the proposal there is to not  
4 only protect what's there, but build a breakwater around  
5 the island which will help actively create about fifty  
6 acres or fifty-two acres of salt marsh, as well as  
7 develop linear breaks and other features on the island  
8 itself.

9 Florida has two proposals on the table as  
10 part of this plan. There was lost public use. Florida  
11 had a very, very large public use loss during the spill,  
12 so to address that, Florida has proposed enhancing and  
13 building four boat ramps in Escambia County. The stars  
14 at the top would be new boat ramp construction and the  
15 two stars down to the bottom, on the bottom right, are  
16 enhancements of current features. And the estimated  
17 cost for those is \$4 million.

18 Florida also has a dune restoration proposal  
19 very similar to the DOI proposal that would extend that  
20 project along four miles of Florida coastline, actively  
21 restoring about twenty acres of primary dune habitat.

22 So if I can get Perry up here to discuss the  
23 next step here in a second, but some of you mentioned  
24 during the open house period our comment period on this  
25 plan is almost closed. You have about a week.

1 Unfortunately or fortunately, you were the last meeting,  
2 so that being what it is, and what we do is the trustees  
3 must consider and will consider all public comments  
4 submitted. We're actually already starting on the  
5 process as we receive public comments from these  
6 meetings.

7           So in the final plan, you will see an  
8 additional chapter that's not there now, outlining  
9 public comments received and how we respond to them and  
10 how they may or may not change the final plan.

11           Once that's done, the trustees will sign the  
12 final plan as they move forward with final funding and  
13 then finally get out and implement the projects.

14           It's been a busy month. We have received  
15 lots of comments across the coast, and hope to hear more  
16 tonight, so it's been a very valuable experience to us  
17 and we look forward to more.

18           So again, thanks for having us.

19           MR. FRANKLIN: I hope you all received a lot  
20 of information and good information, new information,  
21 and this is the portion of tonight's meetings that is  
22 most important.

23           We thought it was very good to give you  
24 updated information so that your comments apply to where  
25 we are in the process and not where we were last month

1 or two months, so that was the latest information to  
2 share with you.

3 We have had some new individuals join us.  
4 If you would like to make a verbal comment at tonight's  
5 meeting, we will need you to put your name on a card  
6 like this. (Displays card.)

7 Are there any individuals who just joined us  
8 that are in need of a speaker's card? If you will raise  
9 your hand, we will get one of those to you.

10 Thank you.

11 Okay, so the process that we're going to  
12 follow -- and this is what we have already talked about.  
13 There are several ways to give your comments. You can  
14 come up tonight and give verbal comments, you can go on  
15 line with your comment, you can fill out a form and mail  
16 your comments in, but we just want to remind you of the  
17 February 14th deadline to submit your comments, and  
18 that's very important.

19 So Sarah has just joined us. The format  
20 that we're going to follow is that each person is going  
21 to be called forward. When you are called, if you can  
22 come to one of two microphones and if you can state your  
23 name, and if you are representing an organization,  
24 please state your organization to insure that we get it  
25 correct for the public record.

1           You're going to be given three minutes to  
2 deliver your comments. If you have further comments, we  
3 ask that you give us highlights during the three  
4 minutes, and then we will assist you to write your  
5 extended comments.

6           When you get to two minutes, Sarah will hold  
7 up this sign and acknowledge that one minute is  
8 remaining. When you get to three minutes, she will hold  
9 up the other sign, and at that time, if you will be so  
10 kind as to wrap up your comments, we would be very  
11 appreciative.

12           Okay. We need one more slide, Sarah.

13           So we can have the house lights, please.

14           To receive your comments, we have three  
15 individuals who will come forward, and they will listen  
16 to your comments, at which time, Rachel Jacobson, with  
17 the Department of Interior trustees, Deborah McLean, the  
18 DOI Deputy Case Manager, and Melissa Shannon, the NOAA  
19 trustee.

20           Additionally, if you have a specific  
21 question, the intent of tonight is not to have a  
22 dialogue -- in fact, I might even put them on microphone  
23 to respond to a question -- it is to receive your  
24 comments.

25           If you have a specific question, we will

1 insure that individuals sitting in the rear of the room  
2 assist you at the end of this presentation and connect  
3 you up with an expert to appropriately answer your  
4 question. So if you have a question, if you would  
5 submit it in the form of a comment during this portion  
6 of tonight's meeting.

7 First up is Mr. Jeffrey Buchanan, Oxfam  
8 America. If you will come to one of the microphones and  
9 please start with your name and organization.

10 MR. BUCHANAN: I'm Jeffrey Buchanan, and I'm  
11 here as an advisor to Oxfam America.

12 First, I would like to thank each and  
13 everyone here, the trustees, for taking time to make  
14 this public engagement. We realize it's a  
15 time-consuming process to implement this plan here, but  
16 we appreciate it on behalf of stakeholders like  
17 ourselves, who represent the communities that are  
18 affected.

19 At Oxfam America -- chances are you have  
20 heard of us -- it's a dual, anti-poverty and social  
21 justice organization. We have been working on the Gulf  
22 Coast intensively in the aftermath of Katrina, and are  
23 carrying on with that.

24 We have worked with member organizations,  
25 key organizations in Louisiana and Mississippi. Some of

1 the group have been very concerned in the aftermath of  
2 this spill about the restoration of the resources that  
3 people depend on for their livelihood, the estuaries,  
4 barrier islands, the oyster reefs. These are all things  
5 that low-income communities and disadvantaged  
6 communities depend on disproportionately to the rest of  
7 the population in terms of providing things like  
8 opportunities through commercially important species and  
9 the commercial fishing industry and things like flood  
10 protection for those coastal areas.

11 So it's very important that as the trustees  
12 develop their plan, that you continue to look at those  
13 social and economic impacts for these individual  
14 projects.

15 I'm pleased to see in the actual plan some  
16 sections looking particularly at the positive and  
17 negative impacts on low-income and disadvantaged  
18 communities. I would say that some of the projects, it  
19 looks like, took greater efforts in analyzing those  
20 efforts that will have greater significance across the  
21 project, and continue to look at how can we start to  
22 rebuild the facilities in our communities that have been  
23 disproportionately affected.

24 One thing I would like to bring attention  
25 to, on the phase one plan it highlights job creation in

1 terms of both the construction and the maintenance of  
2 these proposed projects that could be a positive  
3 economic impact. I would challenge the trustees to look  
4 at efforts to ramp up these efforts around both hiring;  
5 and creating training opportunities. There is really an  
6 opportunity, with policies, with partnerships and with  
7 procurement, to look at, even with existing laws, how  
8 else to ramp up efforts to employ the locally-impacted,  
9 significantly damaged, underemployed and  
10 locally-impacted communities such as commercial fishing,  
11 and I'm pleased to see in both this plan and future  
12 plans or any resolutions pending negotiation in the  
13 future, there are agreements for greater local hiring  
14 and training of workers.

15 Thank you.

16 MR. FRANKLIN: We have had a few new people  
17 joins us since our last time that we introduced you to  
18 our sign language interpreter.

19 Are there any of those individuals who have  
20 joined us that are in need of sign language assistance?

21 Thank you very much.

22 Thank you, Mr. Buchanan.

23 Next we have Mr. Matthew Huelsenbeck, of  
24 Oceana.

25 MR. HUELSENBECK: I appreciate you guys

1 having us here tonight and the input that we can give.  
2 The schedule looked a lot like a rock concert tour, and  
3 -- (inaudible).

4 I'm Matthew Huelsenbeck; I'm an  
5 environmental scientist at Oceana. We're the world's  
6 largest nonprofit dedicated to protecting the world's  
7 oceans, and we appreciate the opportunity to comment on  
8 the early restoration project by the trustees.

9 (Inaudible) -- restorations there are  
10 essential to marine resources to the community that  
11 depend on them. Clearly, there is a limit to the number  
12 of projects that the trustees will support in this  
13 round. For this reason, it's critical that any  
14 restoration projects funded must make real improvements  
15 to the natural resources lost due to the Deepwater  
16 Horizon.

17 During this restoration, doing this  
18 restoration right can also help some of the Gulf area's  
19 long-lasting environment degradation problems so that  
20 future generations may enjoy the Gulf Coast's many  
21 resources.

22 Progress that would achieve these goals  
23 would be geared toward improving fishing, the marine  
24 environment by improving water quality, restoring Gulf  
25 assets, producing better fishing, constructive fishing

1 practices, or otherwise protecting deepwater coral  
2 communities that have been harmed by the oil spill.

3 (Inaudible) -- infrastructure, reducing  
4 coastal erosion and -- (inaudible).

5 Based on these criteria, we believe that the  
6 following projects are clearly appropriate for early  
7 restoration funding, and will fulfill the purpose and  
8 the view of the National Environmental Policy Act, NEPA,  
9 and therefore should move forward: The Louisiana Lake  
10 Hermitage Marsh Creation Project, the Louisiana Oyster  
11 Culch Project, the Mississippi Oyster Culch Restoration,  
12 and Alabama Dune Restoration Project.

13 (Inaudible) -- and oyster culch restoration  
14 -- (inaudible) -- plus it contributes to water quality  
15 in reducing coastal erosion. So dune restoration and  
16 marsh projects will have economic benefits as well.

17 (Inaudible.)

18 In compliance with NEVA -- (inaudible) --  
19 the Florida dune restoration, EI and EA -- (inaudible)  
20 -- marsh creation project. (Inaudible) -- those  
21 projects require further study.

22 On the other hand, artificial reefs and the  
23 Florida boat ramp proposals are not my idea of --  
24 (inaudible) -- and therefore should not be considered  
25 part of the early restoration funding. The creation of

1 artificial reefs should not be part of this early  
2 restoration project, as artificial reefs can serve as an  
3 attraction for fishing and can lead to over-exploitation  
4 of resources that were already decimated by the oil  
5 spill. (Inaudible) -- this project total offset will be  
6 difficult and has the potential to -- (inaudible) -- and  
7 has the possibility -- (inaudible).

8 The proposed boat ramp may increase  
9 recreational traffic, increase recreational fishing and  
10 also impact natural resources that were damaged.

11 I'm going to skip to the last part.

12 The early restoration projection sets a  
13 precedent for the future administrative action, and we  
14 would hope that the trustees -- (inaudible) -- that they  
15 will follow all environmental laws in their assigned  
16 areas.

17 Thank you very much.

18 MR. FRANKLIN: Thank you, Mr. Huelsenbeck.

19 Thanks for coming in.

20 The next comment will come from Ellen Bolen,  
21 Associate Director of Government Relations, Ocean  
22 Conservancy.

23 MS. BOLEN: Thank you.

24 I'm Ellen Bolen, and I am representing the  
25 Ocean Conservancy.

1           We appreciate the opportunity to make  
2        comments on the Draft Phase I Early Restoration Plan and  
3        Environmental Assessment for the Deepwater Horizon oil  
4        spill. We commend the trustees for recognizing that  
5        early restoration is an important step for making the  
6        environment and the public whole in the natural  
7        resources restoration issues and the damage relating to  
8        the Deepwater Horizon oil disaster.

9           Although it is not part of the early  
10       process, it is clear that the people of the Gulf of  
11       Mexico want to see projects benefiting the Gulf  
12       ecosystem and that create a recreational economy that  
13       benefits the people of the Gulf as well.

14          As an important part of that project for  
15       creation of a restored economy and -- (inaudible). As  
16       the restoration planning and implementation of the  
17       projects currently, it is critical that the trustees set  
18       a high standard for restoration monitoring. The early  
19       restoration will serve as a precedent for the broader  
20       longer-term restoration of the area; therefore, we  
21       strongly recommend that both state and federal trustees  
22       commit sufficient funds to the monitoring of the  
23       project, performance, identifying the benchmarks by  
24       which projects will be judged, and specify the type and  
25       minimal duration of monitoring needing to track progress

1 and attain project goals.

2           Additionally, we recommended that the  
3 trustees establish a Deepwater Horizon oil spill  
4 restoration evaluation and monitoring program with a  
5 portion of the one billion dollars provided by BP for  
6 early restoration to make a collective impact on  
7 restoration projects on recovery of injured resources in  
8 along the Gulf Coast.

9           It's critical that the trustees continue to  
10 monitor oil-related impact well into the future to  
11 insure that responsible parties are held fully liable.

12           Ocean Services is committed to helping the  
13 trustees develop the restoration program and plan to  
14 geographically and ecologically monitor the effects on  
15 injured natural resources and lost services as a result  
16 of the Deepwater Horizon oil spill.

17           We encourage the trustees to compliment the  
18 personal nature of the stage one early restoration  
19 project by proposing additional projects that address  
20 damaged offshore resources and related -- (inaudible).

21           Thank you.

22           MR. FRANKLIN: Thank you, Ms. Bolen.

23           Next speaker is Whitford Remer,  
24 Environmental Defense Fund.

25           Please start with your name.

1                   MR. REMER: Sure. Good evening. My name is  
2 Whitford Remer. I'm a policy analyst with the  
3 Environmental Defense Fund.

4                   I will make comments on behalf of the  
5 Environmental Defense Fund, along with our partner  
6 organizations, the National Wildlife Federation and the  
7 National Wildlife Foundation.

8                   Six months ago I had occasion to come to  
9 Washington, D.C. to work specifically on the Louisiana  
10 Coastal Restoration Policy.

11                  As the world watched, oil spewed, creating  
12 -- (inaudible) -- in the deep blue water of the Gulf of  
13 Mexico. Almost immediately, the best and brightest  
14 engineers gathered to collect their talents and energy  
15 to help capture the oil. Thousands of workers and  
16 billions of dollars have been employed in the effort to  
17 clean up the oil spill. It was a massive response to a  
18 devastating environment disaster.

19                  Oil from the Deepwater Horizon spread for  
20 thousands of miles -- (inaudible). Damage from the oil  
21 spill -- (inaudible) -- injury resulting in the  
22 Mississippi River. (Inaudible) -- authority to restore  
23 natural resources pushed over the edge by the oil spill.  
24 Our groups insist that restoration of these oiled  
25 natural resources must be addressed with long-term --

1 (inaudible). Luckily, the -- (inaudible) -- that's the  
2 Mississippi River.

3 If we -- (inaudible) -- and employ the same  
4 sense of urgency to restore the delta as we did to cap  
5 the well, we will see real results in our lifetime. To  
6 do this -- (inaudible).

7 We recommend the trustees prioritize a  
8 large-scale sediment -- (inaudible) -- at the  
9 mid-barrier area. The river will mend, the river will  
10 build land, the river will slowly -- (inaudible). Yes,  
11 there is a chance to reverse what has happened to our  
12 local communities. But with the help of local, state  
13 experts and federal resources like yourselves, we can  
14 restore resources damaged by the oil and enjoyed by all.

15 Thank for your time.

16 MR. FRANKLIN: Thank you, Mr. Remer.

17 The next comment will be from Ms. Ericka  
18 Canales, Florida Regional Manager, Surfrider Foundation.

19 MS. CANALES: Please excuse my cold.

20 Thank you so much for this opportunity today  
21 to speak. My name is Ericka Canales, and I'm the  
22 Florida Regional Manager for the Surfrider Foundation,  
23 an organization dedicated to the protection of ocean  
24 waves and beaches through a powerful activist network.

25 As watermen and women, our Alabama and

1 Florida members were some of the first beachgoing  
2 residents who were impacted by the spill as the oil came  
3 ashore. Many of them, including our children, reported  
4 burns to their mouths and eyes, nosebleeds and coughing  
5 up blood after surfing in our waters.

6 In light of these human impacts and the lack  
7 of confidence that we had and shortfalls of our state  
8 testing, the local Emerald Coast chapter developed a  
9 State of the Beach testing program to provide an  
10 alternate source of information regarding the presence  
11 or absence of oil disbursements in our coastal water and  
12 beaches, which has been posted monthly on our website.

13 While we previously had submitted comments  
14 just on the proper use of NRDA funds under OPA, as of  
15 March 15, many of our states were seeing previously-  
16 funded erosion projects as eligible projects, which I am  
17 pleased to see they are not in this initial phase.

18 We are here to share our organization's  
19 disappointment with the human resource impact project,  
20 as well as some of our summary finding of our two-year  
21 State of the Beach oil trend and its impact on our  
22 waters in Florida, Alabama and Mississippi.

23 Our final report, unfortunately, was not  
24 ready before this meeting, as it is in peer review at  
25 the University of South Florida, and we hope to have our

1 findings to you shortly so that you can use them in your  
2 future decisionmaking and for more appropriate human use  
3 and health impact projects.

4           These cleanup methods to date have actually  
5 pulverized the oil tar balls to be miniscule sizes, and  
6 it's been misleading to the public as to whether or not  
7 it's actually safe to go on our beaches and making  
8 removal even more difficult. Our findings show that  
9 there is still a greater need for human use assessment  
10 and we will be continuing forward with our project.

11           We have selected and -- (inaudible) -- the  
12 dispersed crude oil product in the form of weathered tar  
13 balls continue to be remobilized by erosional wave  
14 patterns from local storms in our region. This  
15 remobilized product contains high levels of toxic  
16 polycyclic aromatic hydrocarbons, PAH's, compounds known  
17 and suspected to be carcinogenic agents. As the data  
18 will show in our report, 291 positive detections of PAH  
19 compounds from our sample group, that 259 of those  
20 exceeded the NIOSH handbook hazardous chemical  
21 carcinogenic exposure limit. These range from 1.2 to  
22 3,912 times the limit.

23           We are also seeing other discrepancies such  
24 as the dermal absorption rate from direct contact with  
25 disbursed crude oil weathered tar balls with our wet

1 skin, and that is now in dispute, after two years of  
2 being told by public health officials that the risk to  
3 beachgoers was zero.

4 Thank you.

5 MR. FRANKLIN: Thank you, Ms. Canales.

6 The next comment will come from Mr. Michael  
7 Sturdivant, Chairman of the Emerald Coast Chapter,  
8 Surfrider Foundation.

9 MR. STURDIVANT: Thank you.

10 My name is Michael Sturdivant, and I chair  
11 the local chapter of the Surfrider Foundation, Emerald  
12 Coast Chapter, and I have been present at most of the  
13 meetings for the oil spill.

14 For the people that have not been present at  
15 those, we have submitted comments through the entire  
16 process.

17 I would like to thank you for administering  
18 this fund for the Gulf Coast BP disaster. We do  
19 appreciate the efforts of the trustees.

20 In the early restoration projects, they're  
21 an uplifting prospect for those of us in the communities  
22 that suffered damage from the disaster, and the word  
23 "restoration" means to repair and return to function,  
24 and we very much applaud that.

25 But to complicate the order by spending over

1 four million dollars on new boat ramps is inappropriate  
2 and insulting. The inland boating community, first of  
3 all, has all the use of -- (inaudible) -- during the  
4 many months of the disaster. Building new boating ramps  
5 will serve to increase power boat usage, which will foul  
6 our environment with more oil, completely inconsistent  
7 with this ongoing process, which will needlessly  
8 introduce more oil.

9           Repairing the beaches, including sporting  
10 events, family gatherings, this is what was  
11 significantly lost due to the disaster. So when you're  
12 considering this plan of restoration, please don't put  
13 in pet projects that serve to reward the boating  
14 industry or tourism. Be sure that you put into use  
15 projects that serve the people who were actually harmed:  
16 swimmers, surfers, beach walkers, young people, old  
17 people. With regard to the human use project, wherever  
18 possible, make sure the project leads to the actual  
19 persons who suffered and does no long-term damage to our  
20 beach environment. Refuse to support projects that  
21 actually damage the ecosystem. Do not support projects  
22 that (inaudible).

23           During this disaster, people lost the use of  
24 our beaches, and many, including myself and my child,  
25 were physically injured, and we received no offer of

1 diagnosis, no treatment. A representative from the  
2 state or county health department never was present at a  
3 meeting, none of your meetings, none of the other  
4 disaster meetings.

5           So we have no reimbursement for medical  
6 expenses, for lost recreation, and this is our only  
7 hope, you will provide it. Under the NRDA process --  
8 (inaudible) -- you have the opportunity to even improve  
9 the facilities in our community, restore the damage and  
10 help us prepare for future disasters. And in the  
11 future, we will have in place community resources that  
12 will allow a hundred neighbors to gather together every  
13 day, even with the beaches being unsafe.

14           And these don't have to be multiple-million-  
15 dollar projects to have an impact. Consider the  
16 facilities of our boys and girls clubs. They can build  
17 a pool for our kids so that they can swim there in  
18 safety. When we could no longer enjoy the beach, many  
19 of us started riding our bicycles. So literally,  
20 putting in bike paths or matching funds for a skate  
21 park. And we also have a lot of places that could be  
22 turned into assets. A bench or two can add a huge  
23 difference to our enjoyment, and the simple --  
24 (inaudible). It's where we consult each other as to  
25 what was lost in the environment.

1                   Please do not give in to the dollars,  
2           commissioners and other profiteers in communities who  
3           see this as a money grab. And they have already taken a  
4           huge amount and likely will pursue more. If you want to  
5           help our communities, think small, think direct, think  
6           instead of all of us who have never been paid and have  
7           no attorneys. And please think of the children, the  
8           children who lost their precious summer break. My  
9           child, Dillon, nine years, he can't even swim on his  
10          summer vacation. And the summer was supposed to be the  
11          best summer ever. But you can still make it up to them,  
12          and if every summer -- (inaudible) -- you can make it  
13          easier for those kids in our communities.

14                   I submit those comments for your  
15          consideration.

16                   MR. FRANKLIN: Thank you, Mr. Sturdivant.  
17                   Our next comment comes from Susan Forsyth.

18                   MS. FORSYTH: I'm Susan Forsythe, from  
19          Sandestin, Florida. I first of all want to thank NOAA  
20          and all the trustees for allowing this very important  
21          public input. And actually, I would like to thank BP  
22          for providing this important funding to carry out these  
23          programs to combat this disaster.

24                   For twenty months, I have been on our  
25          beaches, for about 2,000 hours, monitoring, sampling and

1 documenting the impact that BP oil has had on our  
2 beaches and environment. But if you look, you know,  
3 into the future, we need to really look back to another  
4 calamity, which was the Exxon Valdez.

5 Now, Exxon has recovered quite well, and  
6 last year they had about a \$30 billion profit. But what  
7 about Prince William Sound? How is their ecosystem?  
8 Newly released scientific studies have revealed that oil  
9 samples from those beaches is still quite toxic and only  
10 two of the 26 monitored species have actually recovered,  
11 and that's been in twenty years. So in twenty years,  
12 trustees, what are you going to be remembered for?

13 Will you be remembered as the one that  
14 helped restore our Gulf? Twenty years from now, will  
15 you be able to tell your grandkids you did everything  
16 possible to assure that those dolphins would be in my  
17 back yard in the Gulf, and those little sand fleas that  
18 will be burrowing along the tideline?

19 And then are you going to be able to come to  
20 the Panhandle and see those little coquina shells in  
21 purple and pink and yellow and orange, shells on the  
22 beach? Are you going to be able to watch the little  
23 turtles -- I don't know if you have ever seen that --  
24 when they come out of their nests? Are we going to have  
25 that in twenty years?

1                   So basically, I think what I really want to  
2 point out, the BP oil still matters to all of us. We  
3 have a very fragile ecosystem at stake. And I hope you  
4 remember that when you're determining the projects.

5                   Are the oyster beds that are going to be  
6 going into contaminated soil really help the fragile  
7 ecosystem? Will fishing piers or docks rejuvenate our  
8 ecosystem? So that this really asks you, do we need to  
9 be funding expensive monitoring and testing of our  
10 coastal areas as we continue to recover from the oil  
11 spill.

12                   Now, since I saw you last a month ago, we  
13 still have oil coming in every week, and so that needs  
14 to be addressed, because we have buried oil and then we  
15 have oil still coming in in the Florida panhandle.

16                   So what are the chronic, day-to-day dangers  
17 to the sea life, what are the sublethal toxicities  
18 happening right now, and then a bioaccumulation, all  
19 that contact we have through eating, contact with oil,  
20 of our sea life.

21                   I'm just going to close with a poem that I  
22 read, and I'll just share it with you, and that is, "In  
23 every grain of sand... there is a story... of the  
24 earth." So I ask you, what story are you going to be  
25 leaving for us?

1 Thank you.

2 MR. FRANKLIN: Thank you, Ms. Forsyth.

3 The next comment is coming from Mr. Derek  
4 Brockbank, Mississippi River Delta Restoration Campaign.

5 MR. BROCKBANK: Thank you. My name is Derek  
6 Brockbank, with the Mississippi Delta Restoration  
7 Campaign. It's a coalition of natural environmental  
8 groups, as well as a coalition to restore the coastal  
9 Louisiana and Lake Pontchartrain Basin Foundation, both  
10 in Louisiana.

11 I want to thank you for all the work that  
12 you have done thus far and public comments and the  
13 tremendous scientific data that you have collected. Our  
14 coalition will be submitting comments as well on the  
15 Louisiana plan, the Louisiana project, but I just want  
16 to talk a little bit about our desire to emphasize the  
17 need for large-scale, sustainable restoration as part of  
18 these and future NRDA projects.

19 We need restoration that will survive the  
20 impact of subsidence in the Delta, as well as climate  
21 impact such as sea level rise and increased storm  
22 intensity.

23 We believe competent restoration requires a  
24 full sweep of projects. We support reestablishing  
25 diminished habitat areas, marsh creation projects and

1 natural storm barriers; however, it's imperative for the  
2 trustees to consider funding system-wide, large-scale  
3 restoration projects, such as river diversion that can  
4 build marsh wetlands faster than subsidence and sea  
5 level rise destroys such wetlands.

6 In conclusion, I just want to applaud the  
7 work that you have done. I really urge you to move  
8 forward on restoration quickly and consider restoration  
9 that is commensurate with the scope of the largest  
10 environmental disaster in U.S. history. We want you to  
11 think big.

12 MR. FRANKLIN: Thank you, Mr. Brockbank.

13 The next comment will come from Stephanie  
14 Powell, Field Director with the Mississippi Delta  
15 Restoration Campaign.

16 MS. POWELL: Thank you so much for the  
17 opportunity to comment this evening.

18 Hi. My name is Stephanie Powell. I'm the  
19 field information for the Mississippi River Delta  
20 Restoration Campaign and also work with the National  
21 Wildlife Federation. I'm here today on behalf of the  
22 National Wildlife Federation, for a million supporters  
23 across the country who are interested in protecting  
24 wildlife for future generations.

25 The first thing I want to say is that, as a

1 current resident of Florida and as a former resident of  
2 the City of New Orleans, the health, beauty and  
3 resilience of the Gulf Coast, and its ecosystems is  
4 really important to me personally and very close to my  
5 heart and to the hearts of millions of others, and I  
6 have had the honor to work with residents in Louisiana,  
7 across the Gulf Coast and across the country, and I love  
8 to hear the stories of why this area is so important to  
9 people, whether it's a river boat captain in Indiana or  
10 hunters in Minnesota and to understand how critical our  
11 Mississippi River Delta is to wintering wildfowl,  
12 hunting, compared to across the country.

13 I guess, in that role, I first want to urge  
14 the trustees and my colleagues here to not place  
15 emphasis on large-scale restoration projects that mask  
16 the scope of impact of the Deepwater Horizon disaster.  
17 I also want to ask you, as the trustees, to disclose the  
18 negotiation process for calculating the natural resource  
19 damage offset. We understand that this is really  
20 complicated and a technical process, but it is one that  
21 we really ask that you keep the public informed as to  
22 what's going into the negotiations for the projects.

23 Then finally, in the Phase I project, we  
24 want to emphasize the importance of focusing on control  
25 of resource restoration.

1                   We will send in further detailed comments  
2 before the February 14th deadline.

3                   MR. FRANKLIN: Thank you, Ms. Powell.

4                   The next comment is from Mr. Kevin Chandler,  
5 Communications Coordinator with the Mississippi River  
6 Delta Restoration Campaign.

7                   MR. CHANDLER: My name is Kevin Chandler,  
8 with the Mississippi River Delta Restoration Campaign,  
9 as were Stephanie and Derek.

10                  First I would like to commend you all for  
11 your swift work, and I understand this process has been  
12 notable for the speed at which it was done and the size  
13 of the early work .

14                  As everyone here knows, the Delta ecosystem  
15 supports a vast array of wildlife, including one hundred  
16 million migratory nesting birds and many virtually vital  
17 seafood species.

18                  Just last week, at the National Audubon  
19 Society Paul J. Rainey Wildlife Sanctuary, I observed a  
20 flock off 350,000 snow geese nesting -- excuse me --  
21 landing in a marsh. On the same day, I also observed 45  
22 highly-endangered Piping Plovers on an isolated beach  
23 there in Louisiana. These were the species that were  
24 affected by the spill. They're the ones who have borne  
25 the brunt of the cost and at the same time they have

1 also borne the cost of decades of mismanagement and  
2 increasing coastal land loss. So with that, I would  
3 like to echo the call for large-scale, sustainable  
4 restoration that will promote the resilience of the  
5 wetlands that provide an important bugger against  
6 natural disasters, but also provide a very crucial home  
7 for these countless species of wildlife that all  
8 Americans know and enjoy.

9 At the same time, I would also like to take  
10 the opportunity to encourage the trustees to swiftly  
11 implement the projects that have been approved and to  
12 move quickly into phase two projects. This will  
13 encourage the best chance for us to take a  
14 forward-moving step in the long-term vitality of the  
15 Mississippi River Delta and the Gulf coast at large.

16 Thank you.

17 MR. FRANKLIN: Thank you, Mr. Chandler.

18 Thanks for coming.

19 The next comment will be from Jennie Dean,  
20 Senior Associate, Pew Charitable Trusts.

21 It appears Ms. Dean is out in the hall.

22 Is there any individual who would like to  
23 make a verbal comment on the process? Please raise your  
24 hand and we will get you a card so that we can get your  
25 name.

1                   MS. DEAN: Good evening. My name is Jennie  
2 Dean, Senior Associate, speaking on behalf of the Pew  
3 Environmental Group.

4                   So thank you for allowing me and allowing  
5 the public a chance to weigh in on the restoration  
6 project selection.

7                   The NRDA restoration requirements are very  
8 specific in regards to what NRDA will do for recovery of  
9 the losses involved in the oil spill and for --  
10 (inaudible.) However, many of the projects do not  
11 involve natural resources and services provided to  
12 beaches. For example, there are several projects for  
13 beach nourishment or erosion lost in hurricanes and  
14 natural events that are not the result of the oil spill.  
15 Therefore, these should not even be a part of the --  
16 (inaudible) -- used in recovery.

17                   The trustees should prioritize habitats and  
18 waterfowl projects that -- (inaudible). Moreover,  
19 trustees should provide projects that have lasting  
20 impact, as in the case of ongoing challenges, including  
21 sea level rise. Projects should only be selected if  
22 they are sustainable and provide a ongoing benefit to  
23 the Gulf Coast ecosystem and the beaches.

24                   (Inaudible) -- in the recovery process  
25 should be used wisely on projects that have the

1 potential for -- (inaudible).

2 Thank you for your time, and I look forward  
3 to seeing the projects implemented.

4 MR. FRANKLIN: Thank you, Ms. Dean.

5 The next comment is coming from Mr. George  
6 Busick, GOIC Chairman.

7 MR. BUSICK: My name is George Busick. I'm  
8 with the GOIC. That's the Gulf Oyster Industry Council.  
9 It's a five-state council that gets together and works  
10 on all the issues that affect our industry. As you  
11 probably know, Katrina, the BP oil spill, freshwater  
12 diversion has just about depleted and destroyed our  
13 industry. So any freshwater diversion you're talking  
14 about in the Mississippi River will completely wipe us  
15 out.

16 There are ways to restore these marshes from  
17 diversion from the spoils of the deep water channel that  
18 they -- that the Corps just disperses in the Gulf. They  
19 have to be convinced to put those into the marshes and  
20 build the marshes.

21 We want to thank all of you who put these  
22 plans together for our oyster industry, because I am a  
23 representative of the processors for twenty years in the  
24 industry, and this is going to do just wonders for us  
25 and all the fishermen and everybody's potential in this

1 resource.

2 So thank you for what you have done for this  
3 area, and we hope that these plans will go through soon  
4 to restore our reefs.

5 Thank you.

6 MR. FRANKLIN: Thank you, Mr. Busick.

7 The next comment is from Mr. Michael Voisin,  
8 Gulf Oyster Industry Council.

9 MR. VOISIN: Thank you. I'm Michael Voisin,  
10 Gulf Oyster Industry Council. It is a pleasure to be  
11 here tonight. I'm sorry that we have to be here  
12 tonight, but it's a pleasure to be here and to hear the  
13 comments of the participants.

14 The Oyster community in the Gulf of Mexico  
15 produces, on average, 500 million in-the-shell pounds of  
16 oysters a year, but that was taken from two years ago.  
17 By the actions as a result of the Deepwater Horizon and  
18 as a result of the oil challenges -- (inaudible).

19 The oyster community works hard, working  
20 with the State of Louisiana to identify areas and the  
21 State of Mississippi to identify areas for oyster culch  
22 placement, to make sure that those areas are  
23 environmentally safe and able to hold that culch and be  
24 able to produce that seed.

25 We strongly support the Mississippi culch

1 placement, the Louisiana culch placements, as well as  
2 the hatchery programs that have been supported in the  
3 Louisiana early restoration dollars.

4 One of the challenges in the East  
5 Mississippi River estuary is that we have not had a  
6 reproductive cycle since the Deep Water Horizon, and we  
7 should have been through about four of them at this  
8 point, and that's an interruption in the cycle in  
9 eastern Louisiana and in Mississippi. The hatchery will  
10 help to overcome that and hopefully improvements in the  
11 maturation will help us to be able to rebuild that area,  
12 be able to reconstitute it and be able to accomplish and  
13 bring us back to full production.

14 As I said, we produce 500 shell pounds of  
15 oysters per year in the Gulf, 250 million a year in  
16 Louisiana. Only 750 million oyster shell pounds are  
17 produced in the United States, so we are the gorilla, if  
18 you would, of oyster production, two-thirds of the  
19 nation has been our production. That has been  
20 decimated, and we're down to about fifty percent of that  
21 production in Gulf water this year as a result of the  
22 challenges that we face.

23 We appreciate your investing in the culture  
24 in Mississippi and Louisiana and we strongly support it,  
25 as well as the hatchery work in Louisiana.

1 Thank you.

2 MR. FRANKLIN: Thank you, Mr. Voisin.

3 The next comment will come from Mr. Steve  
4 Vasallo, CEO, Gulf Oil Industry Council.

5 MR. VASSALLO: Thank you for allowing us to  
6 speak tonight. I'm here to speak as the CEO of the  
7 Terrebonne Economic Development Authority, located in  
8 Houma, Louisiana.

9 The criteria listed on the screen before we  
10 spoke tonight, I want to emphasize that I'm not here  
11 tonight to talk about the oyster industry in Louisiana;  
12 I'm here to talk about the Terrebone area.

13 The likelihood for success as predictive of  
14 the cost of the compensation of the loss, making the  
15 environment whole, restoring resources and ready for  
16 implementation, I applaud your efforts for the 14.8  
17 million dollars that has been earmarked for the oyster  
18 culture project and the expansion of the hatchery in  
19 Grand Island, but we need a new -- we need more new  
20 hatcheries in Louisiana and especially where we are on  
21 the fifty-yard line and in the whole of Louisiana and  
22 Terrebone Parish. Our industry has been devastated, and  
23 this would bring it back faster than ever.

24 We have not only suffered potential loss, as  
25 well as ongoing intangible loss, as some 40 percent of

1 the seafood hasn't recovered -- (inaudible) -- and  
2 health concerns that we're going through with our oyster  
3 community in the Gulf.

4 So we would grateful for any considerations  
5 for immediate action to allow us to have hatcheries, new  
6 hatcheries in Louisiana, and in particular Terrebone  
7 Parish.

8 Thank you for your time.

9 MR. FRANKLIN: Thank you, Mr. Vassallo.

10 The next comment is from Dr. Martin Waugh.

11 DR. WAUGH: Thank you for coming and taking  
12 public comment. This is like a great first step.

13 I am speaking as a physician. I was trained  
14 by the U.S. Army and went to Walter Reed as part of my  
15 medical training. I then went to Yale and did a  
16 psychiatry residency and substance abuse fellowship.

17 My last few years have been spent here in  
18 Washington working with Congressman Patrick Kennedy in  
19 teen mental health -- (inaudible) -- policies and drug  
20 programs, and I understand that -- (inaudible) -- is a  
21 very important issue.

22 I have family members down in Pensacola, and  
23 when they have a physical complaint, they go to their  
24 doctor, and it seems as if there is a desire to not be  
25 heard any time it's what I call neurological symptoms.

1 It seems to me that personally -- and I'm just speaking  
2 personally -- that there is this desire to get people  
3 back in the Gulf to be portrayed as -- (inaudible) --  
4 and friends and family that I have down there, I'm in  
5 this awkward position of not knowing whether to call  
6 their doctor or call the public health department or  
7 something, but I'm sensing that there is a social stigma  
8 against speaking up if you have a bloody cough or if you  
9 have increased -- (inaudible) -- or your child is not  
10 learning as fast as they used to learn in school.

11 Nobody wants to see. They have a saying  
12 that if it's a minor thing that no one sees, then I  
13 won't see it. So I would hope that as part of the  
14 trustees' trust, that they would consider strongly  
15 thinking about projects like functional brain scanning  
16 or serious public health issues, to do screening about  
17 neurologic difficulties if the schools are having more  
18 drops in grades that they were.

19 Thanks for letting me have a few comments  
20 and I'll go to prepare some comments in more detail  
21 before the February 14th deadline. We do have to  
22 acknowledge appropriate screening, and I think we should  
23 be asking more questions about how the kids are handling  
24 this.

25 Thank you.

1 MR. FRANKLIN: Thank you, Dr. Waugh.

2 The next commenter is Mr. Patrick Hughes,  
3 ITV Entertainment.

4 MR. HUGHES: I'm Patrick Hughes, from  
5 Vienna, Virginia, private citizen.

6 I guess the question I have to comment on  
7 the oyster restoration is, I would like to have it  
8 clarified that of the approximately 1430 acres of oyster  
9 culch areas within the Mississippi Sound that will be  
10 restored under the first phase, there is approximately  
11 9,000 acres of oyster culch area that can't be harvested  
12 in the Mississippi Sound, and that I would like to know  
13 that in subsequent phases, that all 90,000 acres will be  
14 covered, and similarly, in Louisiana, only 850 acres is  
15 going to be restored in the first phase, and as was  
16 previously mentioned, Louisiana represents approximately  
17 a third of the nation's oysters per year, and in  
18 subsequent phases will the rest of Louisiana oysters be  
19 included as a part of the one billion dollars that BP  
20 has put up.

21 MR. FRANKLIN: Thank you for your comment.

22 I would invite you to visit the table to add that  
23 specific project out in the open area out front, and an  
24 expert will be able to give you additional information.

25 The next comment is coming from John

1 Tesvich, Louisiana Oyster Task Force.

2 MR. TESVICH: Thank you, members of the  
3 board of trustees. I'm John Tesvich, with the Louisiana  
4 Oyster Task Force.

5 I live in Garyville, Louisiana, in  
6 Plaquemines Parish, down in the Mississippi Delta that  
7 you have heard several speakers refer to. I'm a  
8 fourth-generation oyster grower in Plaquemines Parish,  
9 and my oyster farming business was shut down for seven  
10 months. My processing plant was shut down for six  
11 months, and I have experienced BP's handiwork firsthand,  
12 so I'm giving you a firsthand account.

13 I would like to say on behalf of the oyster  
14 industry as chair of the task force that we support the  
15 culch planning projects that are in the early  
16 restoration phase in Louisiana and Mississippi, and it's  
17 well-deserved and well-placed monies to help the oyster  
18 industry recover.

19 I had worked on those in the early  
20 development phase. The oyster industry has been a part  
21 of this in our state, and -- but I wasn't going to speak  
22 on this, but when I heard some of these people speaking  
23 tonight about bringing in river diversion and sediment  
24 diversion for recovery of my coastal area that I live  
25 in, it really upsets me. The people in Plaquemines

1 Parish and the people that work on the coast do not want  
2 these large-scale river diversion plans to wipe out our  
3 estuaries. And that's what some of these people don't  
4 understand.

5           When you divert huge amounts of river water  
6 in a natural estuary, you destroy it. You're creating a  
7 new river delta. And they're not thinking about the  
8 estuary and all the marine animals and ecosystem  
9 services that the estuary provides. So please keep that  
10 in mind. It's an important issue.

11           There's people that want to rebuild  
12 Louisiana. They're going to run over and destroy as  
13 much of it as they are going to create. They are going  
14 to create land, but they're going to destroy our lives,  
15 the environment that people like me and others in  
16 Louisiana depend on for our livelihoods, for our  
17 recreation and for our flood protection.

18           We can't rebuild the coast. We don't have  
19 to turn the river. The river is not clean; it's not  
20 what it used to be. So keep that in mind, please,  
21 because that is another issue. Coastal restoration is  
22 an issue, but it's not BP-caused. So trying to link  
23 these drastic diversions with BP, I think is the wrong  
24 way to go. And you need to take some input from the  
25 people that were affected. People that were affected by

1 BP need to these funds to go to help them recover and  
2 make them whole.

3 And we fully support and thank you for all  
4 your considerations on the needs of the Louisiana oyster  
5 community and the coastal community. We thank you, and  
6 I appreciate the time to be able to make my comment.

7 MR. FRANKLIN: Thank you, Mr. Tesvich.

8 Next up is Mr. Wilbert Collins, Collins  
9 Oysters.

10 MR. COLLINS: I'm Wilbert Collins. I live  
11 in Golden Meadow, Louisiana. I represent the Collins  
12 Oyster Company and a few oyster fishermen along the  
13 coast of Louisiana.

14 Like John said, I'm one that's against a  
15 fresh water diversion. It hurts more than it helps. I  
16 mean, these people that talk about it, it's easy for  
17 them to talk about it, but they don't have the  
18 experience in the marsh, what makes the marsh go away,  
19 and the marsh has been going away a little bit, a little  
20 bit every year, and to from all I hear, when they  
21 started fishing the barrier island first, they would  
22 have a better chance to save some of our coast. But the  
23 fresh water, I mean, they say it's clean, but it's been  
24 flushed all along the river, they flush their cesspools  
25 and everything else, and it comes down to us and they

1 want to put it in our lakes, and we don't think it's  
2 right. And it's really not helping the marsh, and in  
3 Plaquemines Parish it's washing the marsh away faster,  
4 it's making it polluted. You hear all kinds of stories.

5           And so talk about BP, I mean, I represent  
6 the little people, the little oyster fishermen, the  
7 shrimpers. I mean, from Lafourche Parish, we got  
8 processors, they're shutting down because of this spill,  
9 because they don't have enough shrimp to operate. And  
10 the oyster fishermen, I mean, you know BP said they're  
11 doing the right thing. They're spending a whole lot of  
12 money on advertising. The State wants the money and  
13 everybody wants the money, but the little guy, nobody is  
14 helping.

15           They got trouble paying their bills, but BP  
16 is not helping. And I know you all got a big job to do.  
17 You're trying to do the right thing. BP is giving  
18 millions and millions to these universities for studies,  
19 but the little guy is getting nothing, and they're  
20 getting out of business.

21           I mean, our biggest shrimp plant in  
22 Lafourche Parish shut down Christmas, and, I mean, BP  
23 didn't want to help them. And it looks like a lot of  
24 people are going out of business, the seafood business  
25 is going down and down, and we talk a lot about raising

1 our oysters in hatcheries and all of that, but Louisiana  
2 fisherman, the Florida fishermen, we're not used to  
3 that. We wasn't raised like that. The east coast, the  
4 west coast, they can make a living raising oysters out  
5 of a hatchery, and it looks like we're going to have to  
6 learn, too.

7 So that's all I got to say. Thank you.

8 MR. FRANKLIN: Thank you, Mr. Collins.

9 Are there any others wishing to make a  
10 verbal comment tonight?

11 Seeing there are no other oral comments  
12 tonight, on behalf of the federal trustees and the state  
13 trustees, we thank you for your time and input into the  
14 process.

15 The subject matter experts will be back out  
16 front if you have any additional questions, and we thank  
17 you for coming out tonight.

18 Thank you.

19 (Public Meeting concluded at 8:31 p.m.)

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1 District of Columbia,

2 At Large, to wit:

3

4 I, George W. Tudor, a Notary Public of  
5 the District of Columbia, do hereby certify that the  
6 within-named witness, personally appeared before me  
7 at the time and place herein set out, and after having  
8 been duly sworn by me, according to law, was examined  
9 by counsel.

10 I further certify that the examination was  
11 recorded stenographically by me and this transcript  
12 is a true record of the proceedings.

13 I further certify that I am not of counsel  
14 to any of the parties, nor in any way interested in  
15 the outcome of this action.

16 As witness my hand this 20th day of  
17 February, 2012.

18

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21

George W. Tudor

22

Notary Public

23

24 My Commission Expires:

25 January 1, 2015