The Delta Discussion Group & theurbanconservancy
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present

Getting it Done Together:
The Public's Role in Shaping Our Coast's Future

Thursday, June 23, 2011 | 5:00 - 7:30 PM
Longue Vue House & Gardens, 7 Bamboo Road
New Orleans, Louisiana

FULL REPORT
JULY 2011

LONGUE VUE HOUSE & GARDENS
NATIONAL WILDLIFE FEDERATION
GULF RESTORATION NETWORK United For A Healthy Gulf
www.healthygulf.org
THE UNIVERSITY OF SOUTHERN MISSISSIPPI
CPRA
Coastal Protection and Restoration Authority of Louisiana
Tulane Institute on Water Resources Law & Policy

The Importance of Public Participation in Restoring Louisiana's Coast

Advocacy is just citizenship. If you want your community to work, you have to stay involved. Get to know the organized groups in attendance tonight. It's hard to do it alone. Show a common front and stay on the team: when you like what they do, tell them; when you don't like what they do, tell them.
Mark Davis, Tulane Institute on Water Resources Law & Policy

The important message we need to deliver to the people of Louisiana is that we are at a critical place in coastal Louisiana -- a place where communities live or die -- determined by the difficult decisions we now face. The reality is, if we do not start restoring wetlands in the next ten years, it's too late and we cannot do anything. People have got to realize that and people have got to get behind restoration. If the politicians don't have the political will to do it, we'll never get them to do it.
Cyn Sarthou, Gulf Restoration Network

The British Petroleum Oil Drilling Disaster (BPODD) brought coastal Louisiana's climate of fragility to the forefront of national attention. Yet this disaster marks just one salient incident in the accelerating degradation and disappearance of Louisiana's coast since the mid-20th Century. The collapse of the Mississippi River Delta is an environmental and economic crisis of national significance that urgently must be addressed as such. Two primary long-term causes are the growth and practice of the oil and gas industry and the engineered levee system that allows communities to exist in place of the river's natural course. These developments account for the Delta's devastating symptoms of land subsidence, saltwater intrusion, erosion and deprivation of sediment. Accounting for 90% of total coastal marsh loss in the lower 48 states, Louisiana has experienced a land loss area of 1,883 square miles between 1932 and 2010, according to the 2011 USGS study *Land Area Change in Coastal Louisiana from 1932 to 2010.*

Fortunately, a surge of opportunities for funding and frameworks needed for effective coastal restoration in Louisiana has emerged in response to recent coastal disasters. The purpose of the Delta Discussion Group is to brief across sectors on strategic responses to the BPODD and for long-term coastal protection and restoration for a sustainable Gulf ecosystem.

A number of these critical state and federal strategies require public participation. Citizens must be proactive and vocal in these processes if they want their viewpoints to be represented in the outcomes. But a lack of accessible, accurate information can severely limit civic participation. On Thursday, June 23, 2011, The Urban Conservancy and Delta Discussion Group convened a public panel presentation to delineate the role of the public in the following ongoing processes that will have a high impact on defining the future of coastal Louisiana:

- **Deepwater Horizon Natural Resource Damage Assessment**
- **Louisiana Master Plan 2012 Update**
- **Critical Legislation for Coastal Restoration**
- **Gulf of Mexico Ecosystem Restoration Task Force Citizen Advisory Council**

First, Scott P. Milroy, Ph.D. presented his research on the effects of the BP drilling disaster on Gulf seafood and consumption safety.

"Polycyclic aromatic hydrocarbon (PAH) contamination within a Mississippi Sound biota: preliminary analyses of bioaccumulation, routes of exposure, and implications on seafood safety."
SCOTT P. MILROY, Ph.D.
Assistant Professor, Department of Marine Science, University of Southern Mississippi

Dr. Milroy's research was funded as part of the Gulf of Mexico Research Initiative's (GRI) Phase I rapid-response research program, awarded and administered by the Northern Gulf Institute (NGI).

As a result of the Deepwater Horizon blow-out, approximately 4.9 million barrels of "Sweet" Louisiana Crude (SLC) oil was spilled into the northern Gulf of Mexico over the course of 86 days, which is equivalent to an estimated 2.4 million gallons of oil per day. The SLC crude oil is a complex suite of many different gaseous, liquid and solid hydrocarbons, all of which vary greatly with respect to their toxicity. Polycyclic aromatic hydrocarbons (PAHs), found in SLC oil, have a relatively high level of toxicity and persistence in the ecosystem. Thus, PAHs are often used to trace the toxic effects of crude oil releases into the environment, because they can accumulate in the water, in the sediments, and within the tissues of organisms in areas affected by this event.

The National Oceanic and Atmospheric Administration Oil Budget Descriptive Report (August 2010) includes a pie chart designed to detail what happened to the oil months after the disaster began. The report indicates that in August 2010, after the well had been capped, only an estimated 25% of the crude released into the gulf had actually been recovered. Therefore, 75% of the total release was unrecovered from the environment. **This report left two important questions unanswered: how much oil actually remains in the Gulf of Mexico, and, is it enough to cause human health concerns for the consumption of Gulf seafood?**

To determine seafood safety in light of this disaster, the U.S. Food and Drug Administration assessed the levels of 12 toxic PAHs, in the edible tissues of shrimp, crab, oysters, and finfish. The FDA determined that the Gulf fisheries were safe for operation and that seafood was safe for consumption by comparing their measurements of PAH contamination in the samples with the FDA "levels of concern" (i.e. the thresholds of allowable contamination) based on the national average of seafood consumption rates.

The SLC crude released in the disaster has a PAH fingerprint distinct from other sources of PAHs unrelated to the BPODD, such as car exhaust. **By examining the chemical fingerprints found in composite oyster tissue and composite shrimp tissue samples taken from sites in the Mississippi Sound during Summer and Fall 2010, Dr. Milroy determined that the PAH contamination in his samples was consistent with the crude released from Deepwater Horizon.**

Dr. Milroy furthermore sought to critique the FDA's standards used for their levels of concern in order to judge whether or not the contamination levels were cause for concern. According to the Natural Resources Defense Council's (NRDC) December 2010 "Gulf Coast Seafood Consumption Survey" (http://docs.nrdc.org/health/ files/hea_10120702a.pdf), the NRDC found seafood consumption rates of Gulf Coast residents to be much higher than the national average used by the FDA's standards for levels of concern. While the FDA-referenced average for oyster consumption nationwide is 12 g/day, the NRDC survey found that Gulf Coast residents actually consume an average 85.7 g/day; an even higher difference existed between surveys for shrimp and crab consumption rates. **In samples from the same month that the FDA found no cause for seafood concern, Dr. Milroy's research shows that levels of concern based on *regional* seafood consumption rates, rather than national rates, indicated the toxic chemical contamination of the seafood exceeded the benchmark levels of concern for PAHs in oysters and brown shrimp collected in the Summer of 2010.**

Suggestions and plans for future research:

- Testing biota for contamination for other petrochemicals, such as those found in dispersants
- Extending analyses of "biomarker" petrochemicals (e.g. hopanes, steranes, triterpenes) and toxic by-products of PAH metabolism (e.g. naphthols, phenanthrols) necessary to determine the true toxicity of the Deepwater Horizon crude
- Continuing analysis of applicability of FDA seafood safety protocols and calculation methods adopted for the Gulf Coast relative to the true demographics of the exposed population
- Expanding the analysis of PAH bioaccumulation concerns to include non-human predatory organisms vital to ecosystem function and service (e.g. flounder, croaker, drum, dolphin, etc.)

PANEL: THE PUBLIC'S ROLE IN SHAPING OUR COAST'S FUTURE

DEEPWATER HORIZON NATURAL RESOURCE DAMAGE ASSESSMENT

MARK DAVIS
Sr. Research Fellow and Founding Director, Tulane Institute on Water Resources Law & Policy
DRUE BANTA
Counsel for Coastal Activities in the Office of the Governor

Moderated by Dana Eness, Executive Director of the Urban Conservancy
Assessing the damage caused by the BPODD includes quantifying the immediate and long-term impacts on public resources, such as fisheries and areas of recreation. The Oil Pollution Act of 1990 requires the party responsible for injuries to natural resources and services, caused by an incident involving a discharge of oil, to make the environment and public whole; these injuries are determined by the Deepwater Horizon - Natural Resource Damage Assessment (DH-NRDA). Trustees of NRDA manage the process, represent public interest, and ensure restoration of injured natural resources.

The DH-NRDA process is as unique from other NRDA processes as the disaster itself is unique from other oil spills in terms of its size, duration, and the number of communities affected to this day. **Just as the Governor does not normally have a role in the NRDA process, but does participate in DH-NRDA, there are roles the public can play in this assessment that go beyond almost any other.**

The DH-NRDA includes an Early Restoration Process in which the public's role is to submit ideas for near-future projects funded by the $1 billion Early Restoration Agreement. As restoration must begin immediately, this early restoration phase is enacted while the overarching NRDA process, which can take up to ten years, will continue to assess long-term impacts that are not yet measurable. In the largest NRDA settlement ever reached, the five Gulf State Trustees received $100 million each, the Federal Trustees NOAA and DOI (US Fish & Wildlife Service, National Parks Service, Bureau of Land Management and Bureau of Indian Affairs) received $100 million each, and the remaining $300 million will be used to fund state sponsored restoration projects based on impact. Projects must cover both the restoration of resources and the time period during which the resources were displaced.

While the deadline for the initial phase of early restoration project solicitation was June 25, 2011, the public can continue to submit projects for future early restoration and later restoration planning phases, by visiting: http://losco-dwh.com. The project list, currently consisting of 395 restoration project candidates, is updated periodically and can be viewed at: http://losco-dwh.com/SubmittedRestorationList.aspx.

The DH-NRDA Early Restoration Project Selection Process:

1. State Trustees are considering the master list projects.
2. Based on the NRDA Early Restoration Framework Agreement Criteria, projects will be proposed to Trustee Council.
3. Per agreement, the Trustee Council will vote on projects. The agreement criteria supports existing strategies by assuring that selected projects are consistent with anticipated long-term restoration needs, the anticipated final restoration plan, and the Louisiana Regional Restoration Planning Program Criteria.
4. Trustees will negotiate projects with BP.
5. **The public comment period for early restoration plan(s) is set for Fall 2011.**

The Legal Process of NRDA in 3 Stages:

1. Pre-assessment and Injury Assessment Phase: samples are collected as evidence to be used in court. In DH-NRDA, unprecedented methods for producing evidence will be introduced into the assessment. This stage can take up to ten years.
2. Restoration Planning: a compensation plan is created based on the size and scope of injuries.
3. Restoration Implementation: BP will either implement the plan, or give the money for another entity to do so.

LOUISIANA STATE MASTER PLAN 2012 UPDATE

LESLIE SUAZO
Master Plan Delivery Team Member for Coastal Advocacy/Local Public Outreach, Brown & Caldwell

After Hurricanes Katrina and Rita, the State embarked on an unprecedented effort to integrate hurricane planning and coastal restoration. This effort includes a statutory requirement for planning updates every five years to account for the dynamic coastal landscape changing due to land loss, hurricanes and oil spills. The Louisiana State Master Plan 2012 Update is the first required planning update, which simultaneously incorporates planning efforts dating back to the 1990s.

The 2012 Update began with an analysis of 1,200 flood risk reduction and ecosystem restoration projects that have been discussed over the past 15 years, which was then condensed into 270 candidate projects that avoid piecemeal and duplicated efforts. Six models, including wetland morphology and hydrology, will predict how projects interact to help the Master Plan Delivery Team determine the most effective combination of projects. Because the State will never have enough funding to meet all of the restoration challenges it faces, prioritization is critical.

Public Participation in the Louisiana Master Plan 2012 Update:

1. **The Framework Development Team, including over 30 federal, state and community organizations that provide local and technical expertise, meets monthly to represent the interests of their members and local populations. The public should contact these organizations to have their concerns represented.**

2. **The public is encouraged to participate in the Regional Stakeholder Workshops, which begin during the last week of July 2011. The meeting schedules, and all updates to the planning process, are accessible at www.coastal.la.gov.**

3. **A member of the public may request a presentation on the State Master Plan 2012 Update, tailored to your organizations specific concerns and needs, by emailing masterplan@la.gov.**

4. **A member of the public may receive meeting notices and coastal updates by signing up via the Coastal Wetlands Planning, Protection and Restoration Act here: http://lacoast.gov/new/News/Newsflash.aspx**

The Louisiana Master Plan 2012 Update will be submitted to the legislature in March 2012 for acceptance or rejection. **Because the plan cannot be amended in legislature, January 2012 is the designated time for a critical public commenting period.**

COASTAL LEGISLATION FOR COASTAL RESTORATION

AMANDA MOORE
Coastal Louisiana Organizer, National Wildlife Federation

In response to the BPODD, President Obama commissioned the Mabus Report, a roadmap for coastal restoration, and the Oil Spill Commission Report, an analysis of the disaster's cause. The Oil Spill Commission Report recommends Clean Water Act (CWA) penalties, which are predicted to be $4-5 billion, should be dedicated to Gulf restoration. **Because CWA penalties are generally directed to the Federal Government, legislation is needed to ensure that CWA penalties are directed to Louisiana restoration projects.**

Legislation for Gulf Restoration Funding:

1. The RESTORE Act (S. 861 - Landrieu) is currently under negotiation with a bill from Florida Senator Nelson to achieve Gulf-wide support. This legislation would establish a Gulf Coast restoration trust fund that uses 80% of CWA penalties (35% shared equally between the five Gulf states, 60% controlled by the Gulf Coast restoration council made of five federal and five

state representatives, 5% dedicated to a center of excellence for science and technology in the Gulf). Senator Vitter has co-signed the Restore Act.
2. The Gulf Coast Restoration Act (H.R. 56 - Scalise) also addresses the need for CWA penalties to fund coastal ecosystem restoration, fisheries and rebuilding the economy.

To ensure Clean Water Act Penalties are dedicated to Gulf ecosystem restoration, the Public Should:

1. Write a support letter for the legislation above.
2. Attend in-district meetings.
3. Contact your legislators.
4. Write letters to the editor and op-ed pieces.
5. With all of the above, as a member of the public, tell your own story that share your own values -- no matter if you are not a scientist or policy expert.

Where *should* the CWA penalties go?

1. Gulf Coast Ecosystem Restoration Task Force
2. Louisiana State Master Plan 2012 Update
3. Mississippi River Gulf Outlet Ecosystem Restoration

GULF OF MEXICO ECOSYSTEM RESTORATION TASK FORCE CITIZEN ADVISORY COUNCIL

CYNTHIA SARTHOU
Executive Director, Gulf Restoration Network

The National Oil Spill Commission recommends a Regional Citizens Advisory Council (RCAC) shared by the Gulf states. Like the one created in Alaska after the 1989 Exxon Valdez spill, this Council would act as an independent nonprofit group that promotes environmentally safe operation of the oil and gas industry. With adequate funding, the RCAC would have the ability to hire technical staff capable of reviewing oil spill response plans and holding the industry accountable. **Citizen voices are needed to advocate for the use of CWA penalties and for the creation of the RCAC; while legislation will likely pass through the Senate, we cannot assume the same will happen in the House considering the political climate.**

The NGO Response to the BP Oil Drilling Disaster led to the creation of the Gulf Future Campaign which created an action plan for the government to do the following:

1. Make coastal communities whole again
2. Commit to cleaning up and restoring the Gulf
3. Hold BP accountable
4. Ensure local participation in decision-making through the RCAC
5. Conduct short- and long-term monitoring

6. Invest in economic opportunities to support locally-driven, sustainable recovery that restores and enhances America's Gulf coast

The Ecosystem Restoration Task Force, called for in Mabus' Gulf Recovery plan, began leading Gulf-wide meetings in November 2010 to prepare for its required comprehensive strategy for Gulf Coast Restoration by October 2011.

In May 2011, the Task Force announced its intent to form a Citizen's Advisory Committee consisting of 25 members from the five Gulf States. **The EPA is currently accepting nominations for membership to the CAC; nominations close in August. The Gulf Future Campaign is working together to ensure that representatives of vulnerable communities participate in this CAC, including the interests of: fishing, environmental and conservation groups, socially vulnerable and affected communities, recreational water use, ecotourism, tribal and indigenous communities and scientists.**

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Speaker presentations, forum handouts and important links are accessible here: **http://www.urbanconservancy.org/library/uc-reports/**

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The Delta Discussion Group briefing was convened by The Urban Conservancy and the Tulane Institute on Water Resources Law & Policy. Since May 2010, the Delta Discussion Group has served as a participatory forum for a diverse group of scientists, academics, environmentalists, industry experts, artists, writers, NGOs, business owners and others in Southeast Louisiana affected by, documenting, and working to find long-term solutions to the BP Oil Drilling Disaster, coastal restoration, and a sustainable Gulf ecosystem. A summary report of the Delta Discussion Group kick-off convening is located here: http://www.urbanconservancy.org/issues/bp-drilling-disaster.

The Urban Conservancy is a New Orleans-based nonprofit organization. Founded in 2001, The Urban Conservancy engages in research, education, and advocacy promoting the wise stewardship of the urban built environment and local economies of Southeast Louisiana.

This report was prepared by **Petra Marar**, Delta Discussion Group Coordinator for The Urban Conservancy. Marar is an environmental organizer who supports initiatives for wetlands restoration and disaster resilience in south Louisiana. This fall, she begins a professional degree in Landscape Architecture at Cornell University and hopes to practice in coastal Louisiana.