



**Gulf Consortium Board of Directors Agenda  
May 17, 2017, 1:00 p.m. Central  
Emerald Coast Convention Center  
1250 Miracle Strip Parkway, SE  
Ft Walton Beach, FL 32548  
Dial-In Number: 1-888-670-3525  
Participant Passcode: 998 449 5298#**

1. Call to Order and Roll Call
2. Public Comment
3. Approval of Minutes from April 6, 2017 Meeting
4. SEP Project Management Report: Status Report on Work Order # 7: Complete Draft Project List and Conduct Detailed Project Evaluation and Refinement
  - Update on Consultant Team Meeting with Restoration Council
  - Ongoing County Meetings and Development of Draft Project List  
Doug Robison  
Environmental Science Associates
5. Manager's Report
  - SEP and Implementation Options  
Valerie Seidel, Manager  
The Balmoral Group
6. Consideration of Project Leveraging, Sequencing & Implementation Strategies  
Board Discussion
7. Approval of Work Order #8: Conduct Project Leveraging Analysis and Develop Project Sequencing & Implementation Strategy  
Doug Robison  
Environmental Science Associates
8. Planning Grant Update
  - 8.1 Grant Management and Administration Report  
Lisa King  
Langton Consulting
  - 8.2 Analysis of Work Orders Approved and Planning Grant Amount  
Valerie Seidel, Manager  
The Balmoral Group



9. Manager's Transition Report
  - Archives Transfer
  - URL Transfer and Management
  - Gulf Consortium Bank Account Signature Cards
  - Procurement PolicyValerie Seidel, Manager  
The Balmoral Group
10. General Counsel Report
  - Conceptual Design & Feasibility Study Work RFQLynn Hoshihara  
General Counsel
11. New Business
12. Public Comment
13. Upcoming Board Meeting

Wednesday, June 28, 2017  
Time TBD  
Palm Beach County Convention Center  
West Palm Beach, Palm Beach County, Florida  
*In conjunction with the 2017 FAC Annual Conference*

Wednesday, September 27, 2017  
Time TBD  
Embassy Suites Orlando Lake Buena Vista South  
Osceola County, Florida  
*In conjunction with the 2017 FAC Policy Conference*

Wednesday, November 15, 2017  
Time TBD  
Hyatt Regency Sarasota  
Sarasota, Sarasota County, Florida  
*In conjunction with the 2017 FAC Legislative Conference*
14. Adjourn

## Notice of Meeting/Workshop Hearing

### OTHER AGENCIES AND ORGANIZATIONS

#### Gulf Consortium

The Gulf Consortium announces a public meeting, to which all persons are invited.

DATE AND TIME: Wednesday, May 17, 2017, 1:00 pm, Central Time.

PLACE: Emerald Coast Convention Center, 1250 Miracle Strip Parkway SE, Ft. Walton Beach, Okaloosa County

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Gulf Consortium will meet to discuss the progress of the state expenditure plan; grant management and administration; and, conduct other business.

A copy of the agenda may be obtained by contacting: Craig Diamond at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us); or, see [www.FACRestore.com](http://www.FACRestore.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Craig Diamond at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Craig Diamond at 407-629-2185 or [Gulf.Consortium@balmoralgroup.us](mailto:Gulf.Consortium@balmoralgroup.us); or, see [www.FACRestore.com](http://www.FACRestore.com).

## Gulf Consortium Directors, Alternates and Governor's Appointees 2017

County	Director and Alternate
Bay	Commissioner Guy Tunnell, Director; Commissioner Philip Griffiths, Alternate
Charlotte	Commissioner Christopher Constance, Director; Commissioners Ken Doherty, Bill Truex, Stephen R. Deutsch and Joe Tiseo, Alternates
Citrus	Commissioner Scott Carnahan, Director; Jeffrey Rogers, Assistant County Administrator/Public Works Director, Alternate
Collier	Commissioner Burt Saunders, Director; Commissioner Penny Taylor, Alternate; Director Gary McAlpin, 2nd Alternate
Dixie	Tim Alexander, County Administrator/Director of Emergency Management
Escambia	Commissioner Grover Robinson, Director; Commissioner Doug Underhill, Alternate
Franklin	Commissioner Cheryl Sanders, Director; Michael Moron, County Coordinator, Alternate
Gulf	Warren Yeager, Director; Donald Butler, County Administrator, Alternate
Hernando	Commissioner Wayne Dukes, Director; County Administrator Len Sossamon, Alternate
Hillsborough	Commissioner Les Miller, Director; Commissioner Ken Hagan, Alternate
Jefferson	Commissioner Betsy Barfield, Director; County Coordinator Parrish Barwick, Alternate
Lee	Commissioner John Manning, Director; Commissioner Larry Kiker, Alternate; Kurt Harclerode, 2nd Alternate
Levy	Commissioner John Meeks, Director; County Coordinator Tisha Whitehurst, Restore/Grants Coordinator, Alternate
Manatee	Commissioner Carol Whitmore, Director; Charlie Hunsicker, Natural Resources Dept., Alternate
Monroe	Commissioner George Neugent, Director; Commissioner David Rice, Alternate
Okaloosa	Commissioner Kelly Windes, Director; Commissioner Carolyn Ketchel, Alternate
Pasco	Commissioner Jack Mariano, Director; Commissioner Kathryn Starkey, Alternate
Pinellas	Commissioner Charlie Justice, Director; Coastal Manager Andy Squires, Alternate
Santa Rosa	Commissioner Rob Williamson, Director; Commissioner Lane Lynchard, Alternate
Sarasota	Commissioner Charles Hines, Director; Laird Wreford, Natural Resources Manager, Alternate
Taylor	Commissioner Jim Moody, Director

**Gulf Consortium Directors, Alternates and Governor's Appointees  
2017**

Wakulla	David Edwards, County Administrator, Director; Commissioner Ralph Thomas, Alternate
Walton	Commissioner Sara Comander, Director; Larry Jones, County Manager, Alternate
Governor's Appointees	Pam Anderson, Panama City; Peter Bos, Destin; Lino Maldonado, Niceville; Collier Merrill, Pensacola; Mike Sole, Tallahassee; Neal Wade, Panama City

## **AGENDA ITEM 3**

**Gulf Consortium Meeting  
April 6, 2017, 11:00 a.m. (ET)  
Florida Department of Environmental Protection  
The Carr Building, Room 170  
3800 Commonwealth Blvd  
Tallahassee, Florida**

---

**Board Members in Attendance:** Commissioner Philips Griffiths (Bay), Commissioner Chris Constance (Charlotte), Commissioner Scott Carnahan (Citrus), Gary McAlpin (Collier), Commissioner Grover Robinson (Escambia), Warren Yeager (Gulf), Commissioner Wayne Dukes (Hernando), Beth Cardenas (Hillsborough), Commissioner Betsy Barfield (Jefferson), Commissioner John Meeks (Levy), Charlie Hunsicker (Manatee), Commissioner Kelly Windes (Okaloosa), Commissioner Jack Mariano (Pasco), Commissioner Charlie Justice (Pinellas), Commissioner Rob Williamson (Santa Rosa), Commissioner Charles Hines (Sarasota), David Edwards (Wakulla) and Commissioner Sara Comander (Walton), Peter Bos, Collier Merrill and Neal Wade.

---

**Agenda Item #1 – Call to Order**

Chairman Grover Robinson (Escambia) called the meeting to order at 11:08 am (ET).

---

**Agenda Item #3 – Presentation to Leon County**

Presentation was made by the Chairman to Vincent S. Long, County Administrator, Leon County and Shelly Kelley, Leon County Purchasing Director.

---

**Agenda Item #4 – Public Comment**

None.

---

**Agenda Item #6 – Approval of February 8, 2017 Minutes**

Chairman Grover Robinson (Escambia) presented the minutes from the February 8, 2017 meeting of the Gulf Consortium. A motion to approve the minutes was presented by Commissioner George Neugent (Monroe) and seconded by Commissioner Jack Mariano (Pasco). The motion passed unanimously.

**ACTION: APPROVED**

---

**Agenda Item #7 – Approval of Contract for Permanent Management Services with The Balmoral Group**

Chairman Grover Robinson (Escambia) recognized Ginger Delegal, Interim Manager, introduced the agenda item to the Board and introduced The Balmoral Group to the Board of Directors. The Chairman then recognized Lynn Hoshihara, General Counsel who gave a detailed overview of the agenda item and the proposed contract. There were no questions; however, the Chairman recognized FAC staff for their hard work over the course of the existence of the Gulf Consortium. A motion was made to approve the contract for management services between the Gulf Consortium and The Balmoral Group by Commissioner Sara Comander (Walton) and the motion was seconded by Commissioner Chris Constance (Charlotte). The motion passed unanimously.

**ACTION: APPROVED**

**Agenda Item #8 – Discussion of Teleconference Gulf Consortium Board of Directors’ Meetings**

Chairman Grover Robinson (Escambia) recognized Ginger Delegal, Interim Manager, who gave an overview of the agenda item and informed the Board that the Executive Committee had discussed this agenda item in detail at their meeting on March 30, 2017 and direction was given to staff to place this item on the Board agenda for general discussion. The Chairman then gave a statement to the Board of the Executive Committee rejecting the idea of moving to telephonic Board of Director meetings. Board discussion ensued and a motion was made by Commissioner Kelly Windes (Okaloosa) and seconded by Commissioner John Meeks (Levy) to only hold face-to-face Gulf Consortium Board meetings.

**ACTION: APPROVED**

---

**Agenda Item #9 – Receipt of the 2015-2016 Independent Financial Audit**

Chairman Grover Robinson (Escambia) recognized Ginger Delegal, Interim Manager, who gave an overview of the agenda item and the independent financial audit performed by Warren Averett. There were no questions or discussion and a motion was made to accept the FY 2015/2016 independent financial audit by Commissioner George Neugent (Monroe) and seconded by Commissioner Scott Carnahan (Citrus). The motion passed unanimously.

**ACTION: APPROVED**

---

**Agenda Item #10 – SEP Project Management Report: Status Report on Work Order #6 – Update on Preliminary Project List**

Chairman Grover Robinson (Escambia) recognized Doug Robison with ESA who gave a detailed power point presentation to the Board on the status of Work Order 6, including concluding the follow-up meetings with the counties on their proposed projects. Mr. Robison also distributed the proposed project list as it exists on April 6, 2017. There was little Board discussion and no action was required on this agenda item as it was informational only.

**Agenda Item #11 – SEP Project Management Update: Approval of Work Order #7: Complete Draft Project List and Conduct Detailed Project Evaluation and Refinement**

Chairman Grover Robinson (Escambia) recognized Doug Robison with ESA who gave a detailed power point presentation to the Board on the work that will be performed under Work Order # 7, including a detailed project evaluation, refinement and definition of all county projects to be included in the SEP. Board discussion ensued and clarification sought on the not to exceed amount of Work Order #7. A motion was made by Commissioner Kelly Windes (Okaloosa) to approve Work Order #7. The motion was seconded by Commissioner Jack Mariano (Pasco) and passed unanimously.

**ACTION: APPROVED**

---

**Agenda Item #12 – SEP Project Management Update: Preview of Work Order #8 – Conduct Project Leveraging Analysis and Develop Project Sequencing & Implementation Strategy**

Chairman Grover Robinson (Escambia) recognized Doug Robison with ESA who gave a detailed power point presentation to the Board on the preview of Work Order # 8, which include conducting a project leveraging analysis and to develop project sequencing and implementation strategy. There were no questions or Board discussion and no action was required on the agenda item.



**Agenda Item #13 – SEP Project Management Update: Discussion of Potential Conceptual Design and Feasibility Study Work**

Chairman Grover Robinson (Escambia) recognized Doug Robison with ESA who gave a detailed overview of the agenda item via power point on the need for conceptual design and feasibility study work in the near future. After lengthy Board discussion, a motion to authorize the Manager to draft an RFQ for the design and feasibility study work for review at the Board meeting to be held on May 17, 2017 was made by Warren Yeager (Gulf) and seconded by Commissioner Wayne Dukes (Hernando). The motion passed unanimously.

**ACTION: APPROVED**

---

**Agenda Item #14.1 – Planning Grant Update: Grant Management & Administration Report**

Chairman Grover Robinson (Escambia) recognized Mike Langton with Langton Consulting who briefed the Board on the grant management status, including filing the Financial Progress Report due to the Restoration Council on April 30, 2017. There were no questions or comments and no action was required on this item.

**Agenda Item #14.2 - Planning Grant Update: Analysis of Work Orders Approved and Planning Post Award Process/Procedure**

Chairman Grover Robinson (Escambia) recognized Ginger Delegal, Interim Manager, who gave a detailed overview of the work orders approved to date along with the amounts expended on behalf of the Consortium. There were no questions and no action was required on this item.

---

**Agenda Item #15 – Update on Bonding Pot 3 RESTORE Funds**

Chairman Grover Robinson (Escambia) recognized Lynn Hoshihara, General Counsel, who gave an overview of the agenda item and the correspondence to the Florida delegation dated February 17, 2017 regarding same. There were no questions and no action was required on this item.

---

**Agenda Item #16 – New Business**

None.

---

**Agenda Item #17 – Public Comment**

Jessica Bibza – National Wildlife Federation

---

**Agenda Item #18 – Adjournment**

There being no further business, the Board adjourned at approximately 12:53 pm (ET).

Respectfully submitted,

Grover Robinson  
Chairman

## **AGENDA ITEM 4**

**Florida SEP**  
**Restoration Council Questions and Responses**  
**5/11/17**

Planning Grant Uses

- 1) The Gulf Consortium has \$1.5 million reserved in its planning grant for the purpose of conducting “Conceptual Design and Feasibility Studies” to support the development of the SEP, as needed. Several of the Gulf Consortium counties have asked if they could be reimbursed for use of a current consultant or county staff to do conceptual design and feasibility study work on one of their Pot 3 projects from this line item. Would this be allowable? **No, counties cannot be reimbursed for costs already incurred. The Gulf Consortium is the recipient of the planning grant, not individual counties. However, under the current PSEP grant, the Gulf Consortium, as the recipient, could request approval from the Council to subaward some of the conceptual design and feasibility studies to individual counties, or current county consultants could bid on portions of the work if it was contracted out by the Consortium. Any subawards would require an amendment to the existing planning grant. After SEP approval, the Consortium may apply for individual grants to do planning for individual projects, and may then sub-award to a county to perform the planning, which can include conceptual design and feasibility work.**

SEP Content and Organization

- 2) We have reviewed both the Louisiana and Mississippi SEPs and see a large discrepancy in the level of project description details provided in those respective SEPs. We are assuming that all projects described in the SEP must be: a) consistent with Council goals and objectives; b) determined to be technically feasible; and 3) accurately cost estimated. Please provide additional guidance as to the level of project description detail necessary for SEP approval. **The level of detail to be provided in a SEP is discretionary, and is for each state to decide. However, the Council staff and Chair review of the SEP will focus only on ensuring compliance with the: 1) RESTORE Act, 2) Treasury regulations, and 3) SEP Guidelines developed by the Council. The level of detail in the SEP should be sufficient to demonstrate compliance with these three documents. Of the three, the SEP Guidelines are generally the most detailed. For example, the SEP Guidelines call for the budget for each activity in the SEP to be divided between planning and implementation. The SEP Guidelines also provide the requirements for meeting Best Available Science (BAS) requirements. Council staff offers to review a preliminary draft of the SEP to help ensure compliance with these three documents. Similarly, Council staff offers to review a preliminary draft of a project-specific appendix to ensure it addresses all required information. That appendix could then be used as a template for the others. While the Consortium can provide additional information (beyond what is needed for SEP approval as set forth in the three sources referenced above), Council staff would not be in a position to review and offer comments on such additional information during the 60-day statutory SEP review period.**
- 3) The Florida SEP will likely include 60-80 projects of various types, with each County proposing their own unique mix of projects. Please provide recommendations with regard to how to organize project descriptions in the SEP (i.e., by County, project type, other). **The organization of the material included in the SEP is also discretionary, and for each state to decide. One suggestion provided was to organize projects by RESTORE Act eligible activity; however, other**

organizational structures such as by County or by DEP project type are also acceptable. The primary objective should be to organize the material such that the projects are clearly described in a manner that best facilitates an expeditious review by Council staff and the Chair. As noted above, submittal of a draft project template for Council review is recommended.

#### SEP Approval and Amendments

- 4) Can the SEP be submitted to the Council in phases to accelerate critical early action projects (e.g., land acquisition) in advance of other longer term projects? Or must the complete SEP be submitted all at once including both early action and longer term projects? **Yes. It is acceptable to submit a SEP that includes only early action projects, or projects to be conducted over a shorter time horizon (e.g., 5 years). The SEP can then be amended (pursuant to the amendment process described in the SEP Guidelines) to include additional actions.**
- 5) Given the 15-year payout, it is very likely that the SEP will need to be amended periodically to address changing priorities and accommodate new information over the payout period. Can the SEP be amended periodically? If so, how often and at what frequency (e.g., every 3 years; every 5 years), and what rule or authority says that? Can new projects not included in the original SEP be submitted in the amended/updated SEP? **Yes, the approved SEP can be amended at any time; and there is no set limit on the number of SEP amendments. Projects not included in the first approved SEP may be described later in subsequent SEP amendments. There is no required annual performance or progress reports for the approved SEP; however, if there are any updates, revisions or clarifications to the approved SEP, they must be submitted on an annual basis (as described in the SEP Guidelines).**

#### Bonding, Advance Funding, and Cost Reimbursement

- 6) Can Pot 3 grant recipients (Gulf Consortium) and/or sub-recipients (Counties) utilize Pot 3 funds as guaranteed income with respect to local bonding or other advance funding options to accelerate their projects? What portions of bonding costs may or may not be reimbursable for a recipient that chooses to exercise this option? **The characterization of what constitutes “guaranteed income” is up to individual bonding entities but does not bind or otherwise affect the Council. Under federal law, the Council cannot commit to providing funds to a recipient until the funds are deposited in the Trust Fund and then actually obligated by the Council through a grant award. It is possible that BP could default on its commitment to deposit funds in the Trust Fund; thus the remaining portions of the settlement payout are not in fact guaranteed. Grant recipients may be reimbursed for allowable project costs, and associated allowable financing costs related to capital assets as specified in 2 CFR 200.449, incurred between SEP approval and project completion. Reimbursement of costs incurred prior to the grant award must be requested in writing, and any such funds are expended at the Consortium’s risk.**
- 7) Has the Council investigated rulemaking to clarify issues related to advance funding and or reimbursement if a recipient wishes to advance bond project financing? **No. Council members have explored various legislative adjustments to the RESTORE Act to allow for bonding at the federal level; however, at present the Council has no such authority. The Council will work closely with the States and Consortium to resolve questions regarding bonding, advance funding and cost reimbursement.**

- 8) Has the Council investigated any other strategies to provide options that allow recipients to secure financing and expedite project implementation? If so, what are they, and with what States? Can any examples be provided? **No. Such options and strategies are up to the individual States and local governments. The Council will work with the States and Consortium to resolve questions regarding bonding, advance funding and cost reimbursement.**
- 9) Can projects or project phases that are completed prior to SEP approval be reimbursed as pre-award costs (or other mechanisms) if those projects are subsequently included and described in the approved SEP? The relevant example here is time-sensitive land acquisition necessary for project implementation; or early construction phases of multi-phased projects. How can the SEP reflect those pre-award costs (or other mechanisms) so as to most likely assure reimbursement? **No. Projects or project phases that are completed prior to SEP approval cannot be reimbursed as pre-award costs.**
- 10) Are all project activities funded by Pot 3 grants subject to “federalization” with respect to federal grant management, monitoring, reporting, procurement, program income, etc.? Are there any exceptions? **Yes. There are no exceptions.**
- 11) Do Spill Impact Component funds accrue interest? If so, how is it calculated and is this interest available to the States? If so, how would it be accessed? **Spill Impact Component funds do accrue interest in the Trust Fund, but such interest is not directly accessible by the States. The RESTORE Act specifies how interest earned from the Trust Fund is treated and requires that the interest be transferred to other RESTORE Act components, so in that sense a portion of this interest may be available as leveraging for Spill Impact Component projects.**

#### Use of Spill Impact Component Funds

- 12) Can planning grant funds be used to conduct property appraisals for properties identified for public acquisition for conservation/restoration? **No. Market analyses can be conducted as part of the planning phase of a project, but actual property appraisals would be conducted in the implementation phase.**
- 13) If a County purchases land with Pot 3 funds does the property need to be remain in County ownership in perpetuity? For example, if a County acquires and improves a property with POT 3 funds for septic tank abatement, can that property then be sold on the open market to a private owner for development? If so, do proceeds from the land sale need to be reinvested in the POT 3 program/projects? **Any and all lands acquired with federal funds require notice of the federal interest and any applicable land use restrictions in the relevant real property records (generally through a deed restriction and a separate filing providing notice of the federal interest). When a property purchased with RESTORE funds is no longer needed for the purposes for which it was acquired, it can be disposed of, but only with the approval of the Council and with the return of funds to the Council equal to the amount of the federal interest at the time of disposition. The example cited may be allowable in the case of RESTORE Act funds; however, the sale of any property improved with RESTORE funds must be for fair market value and, in general, proceeds from the sale attributable to federal funds would be returned to the Council and reinvested in other SEP projects. See also 2 CFR 200.311(c)(2).**

- 14) Can Pot 3 funds be used to improve private lands? The relevant example here is a septic to sewer projects where the collection/conveyance infrastructure would be constructed on public easements, but the hookups and actual removal of septic tanks would be on private lands. Could Pot 3 funds be used to construct hook ups and septic tank removal on private lands? **Yes, the septic tank example may be an allowable use of Spill Impact Component funds as such private lands improvements would be necessary for the project to provide the expected pollutant removal benefits. The Consortium may be required to execute an agreement to maintain such infrastructure to ensure project benefits are achieved.**
- 15) Can various phases of a single project be funded using multiple RESTORE Act Pots? For example, could Pot 1 funds be used for design and permitting phases of a project, with Pot 3 funds being used for construction and monitoring phases of the same project? **Yes. Spill Impact Component funds can be used for any phase of a particular project, and used in conjunction with other funding sources over the entire project life cycle. However, the actual use of Spill Impact Component funds must be clearly documented and segregated in the accounting records from other funding sources.**
- 16) Can a County use Pot 3 funds be used to construct habitat restoration projects that, in turn, can be used as mitigation credits to offset project impacts from other County CIP projects (e.g., Regional Offsite Mitigation Area for highway expansion)? **Council staff continues to review whether Spill Impact Component funds could be used to establish a mitigation bank. Council staff recommends that the Consortium discuss this question with the U.S. Army Corps of Engineers, the agency responsible for approving/permitting mitigation banks and assessing credits. Specifically, Council staff recommends asking the Corps of Engineers whether using RESTORE Act funds to establish a mitigation bank would be allowable under the 2008 federal mitigation rule. (The Corps of Engineers generally coordinates with a federal and state mitigation team to address such questions.)**
- 17) Can a County use Pot 3 funds be used to construct wastewater or stormwater treatment projects that, in turn, can be used to address pollutant load reduction obligations specified in an adopted TMDL? **There are no specific provisions in the RESTORE Act or associated rules which would expressly prohibit the use of such projects to meet TMDL pollutant load reduction obligations. However, the Council recommends discussing this question with the U.S. EPA and/or the applicable State agency with delegated TMDL authority.**
- 18) Can Pot 3 funds be used to purchase a private utility, or create a new public utility, for the purposes of improving and/or expanding services? The relevant example here is the establishment of a county wastewater utility to provide advanced wastewater treatment to an area currently only served by septic tanks. **Spill Impact Component funds may be used to assess the need for and feasibility of a new public utility and to construct wastewater infrastructure and physical facilities as specified in the approved SEP, but in accordance with 2 CFR 200.444 "General costs of government", Spill Impact Component funds may not be used to provide general types of government services normally provided to the general public, which generally prohibits costs to establish and operate a public utility. The Council will work closely with the Consortium to help assess any costs related to a public utility.**

- 19) Can Pot 3 funds be used as a match for local, state, federal grants/programs? The relevant example here is local match for USACE authorized dredging projects, where permitting, contractor selection, project/construction management are all completed by the Corps? **Yes. The RESTORE Act authorizes Trust Fund amounts made available to a State or political subdivision under the Direct Component and Spill Impact Component to be used for the non-federal share portion of other federal grant programs. State and local grant programs may also determine that these funds may be used as matching funds, but the Council cannot attest to those determinations.**
- 20) Can Pot 3 funds be used to fund another federal agency's implementation of a project? The relevant example here is a U.S. Army Corps of Engineers channel dredging project where the Corps has authorization to provide maintenance dredging but not the funding. **There may be some prohibitions on the direct pass through of Spill Impact Component funds to the U.S. Army Corps of Engineers (USACE). The Council suggested discussing this directly with the applicable USACE District.**
- 21) Can Pot 3 funds be used for projects greater than 25 miles inland of the Gulf coast, and/or in non-coastal counties? The relevant example here is the construction of a wetland treatment system in an inland county to remove pollutants from a river that flows to the Gulf, thus benefitting the adjacent coastal county and the Gulf. **Yes. If a project is primarily designed to restore or protect the Gulf Coast Region (with respect to the member states, generally the region within 25 miles of the "coastal zones" defined under Section 304 of the Coastal Zone Management Act of 1972 that border the Gulf of Mexico, plus certain other federal lands and waters), then such projects may be conducted using Spill Impact Component funds.**
- 22) Does the 25% infrastructure limitation apply to septic to sewer conversion projects? While sewer upgrade projects are technically infrastructure, the primary objective of these projects is to improve ambient water quality in existing impaired coastal waters. Therefore, we believe the 25% infrastructure limitation should not apply. Please clarify. **The 25% infrastructure limitation does not necessarily apply to stormwater and/or wastewater infrastructure projects that define their primary purpose as restoring or improving water quality through the reduction of pollution from existing sources. Accordingly, septic to sewer conversions within coastal basins, especially those discharging to an impaired receiving water body, would not be considered as "infrastructure" subject to the 25% limitation. In such cases, the primary eligible activity should be listed as "Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands of the Gulf Coast region." The SEP should provide sufficient information to demonstrate that the proposed activity is addressing an existing water quality problem.**
- 23) Does the 25% infrastructure limitation apply to sewer expansion/extension projects into projected growth areas? An objective of these projects is to ensure that new development in high growth areas is adequately served by sewer facilities, thus preventing future water quality impacts. **Projects involving the extension of new sewer facilities to accommodate projected future growth may be considered as infrastructure subject to the 25% limitation if the provision of such facilities could promote or facilitate future growth. In such cases, the primary benefits may be economic rather than environmental; however, the Council will review such projects on**

a case-by-case basis.

- 24) Can Pot 3 funds be used to hire County staff? The relevant example here is a County that wants to start a benthic monitoring program, but needs to hire staff to implement the program, and is proposing the use of Pot 3 to fund a staff position. **Spill Impact Component funds may be used to fund temporary staff, or contract staff, necessary to implement a project/program defined in the SEP only during the grant performance period.**
- 25) Can Pot 3 funds be used to conduct only the engineering design and permitting for a project, with future construction of that project being funded by other non-RESTORE Act sources? **Yes. Spill Impact Component funds can be used for any phase of a particular project, and used in conjunction with other funding sources over the entire project life cycle. However, the actual use of Spill Impact Component funds must be clearly documented and segregated in the accounting records from other funding sources.**

#### Pre- and Post-Project Monitoring

- 26) Please describe what will be required to document existing conditions for pre-project monitoring; and how to document project benefits through post-project monitoring. Can existing data developed by others be used, or will project-specific data collection be required? **Pre- and post-project monitoring are not required for SEP approval, but will be required as part of the implementation grant process. All SEP project grant applications (post-SEP approval) will require Observational Data Plans and Data Management Plans that describe the pre and/or post-project monitoring, data collection and management that will take place during the project's life. Data developed by others may be acceptable to document pre- and/or post-project conditions, but will be determined on a case-by-case basis.**



**.....Gulf Consortium's cUfX'A Yfh[b[  
May 1+, 2017**

**Agenda Item (  
SEP Project Management Report on Work Order #7 – Complete the Draft Project List  
and Conduct Detailed Project Evaluation and Refinement**

**Background:**

At its April 6, 2017 meeting the Gulf Consortium approved Work Order #7 which involves the completion of the Draft Project List, and conducting Conduct detailed project evaluation and refinement. This work has been initiated and will continue through August 2017.

**Update:**

It is anticipated that all 23 County Commissions will have taken formal action approving their respective projects prior to the June 28, 2017 Gulf Consortium meeting in West Palm Beach.

Over the next several months the ESA consultant team will work closely with each of the counties to evaluate and further refine their projects. The goals of this effort are to:

- Identify fatal flaws;
- Determine feasibility;
  - Permit-ability
  - Constructability
  - Affordability
  - Public support
- Estimate cost.

This will involve information exchange between the consultant team and county staff through several teleconferences and/or in person meetings with each county. This work effort has just begun, and progress will be reported on in subsequent meetings.

**Recommendation:**

Information only

**Attachment:**

None.

**Prepared by:**

Doug Robison  
SEP Project Manager  
Environmental Science Associates  
On: May 2, 2017

**Gulf Consortium Board Meeting  
May 17, 2017**

**Agenda Item (  
Update on Consultant Team Meeting with Restoration Council**

**Background:**

At its April 6, 2017 meeting the Gulf Consortium authorized the ESA consultant team to meet with the Gulf Coast Ecosystem Restoration Council to present the Preliminary Project List, and to obtain feedback and responses to a number of questions that have been raised during county consultations.

**Update:**

Gulf Consortium Chairman Grover Robinson and the ESA consultant team met with six senior staff at the Restoration Council office in New Orleans, LA on April 26, 2017, from 8am until noon. The meeting agenda and list of questions discussed during the meeting are attached. Key take away points from the meeting include:

- A high level of detail for project descriptions contained in the SEP is not needed for SEP approval, but will be needed for the approval of implementation grants.
- The Council's SEP review and approval process is limited to a 60-day window; and approval is based primarily showing compliance with SEP guidelines specified in Council rules.
- The approved SEP can be amended as needed (e.g., annually or multi-year increments) to inform the Council of forthcoming implementation grant submittals.
- Conceptual design and feasibility study work is likely not needed to complete and obtain approval of the SEP, but will be needed for the preparation of implementation grants for those projects lacking adequate definition.

SEP Project Manager Doug Robison will be present a summary of the meeting and lead a discussion of next steps.

**Recommendation:**

At its May 17, 2017 meeting, the Gulf Consortium should discuss potential strategies to transition from SEP approval to the implementation grant process without delay while also optimizing the use of available planning grants funds.

**Attachments:**

Questions and Answers Discussed with the Restoration Council

**Prepared by:**

Doug Robison

SEP Project Manager

Environmental Science Associates

On: May 2, 2017

## **AGENDA ITEM 5**

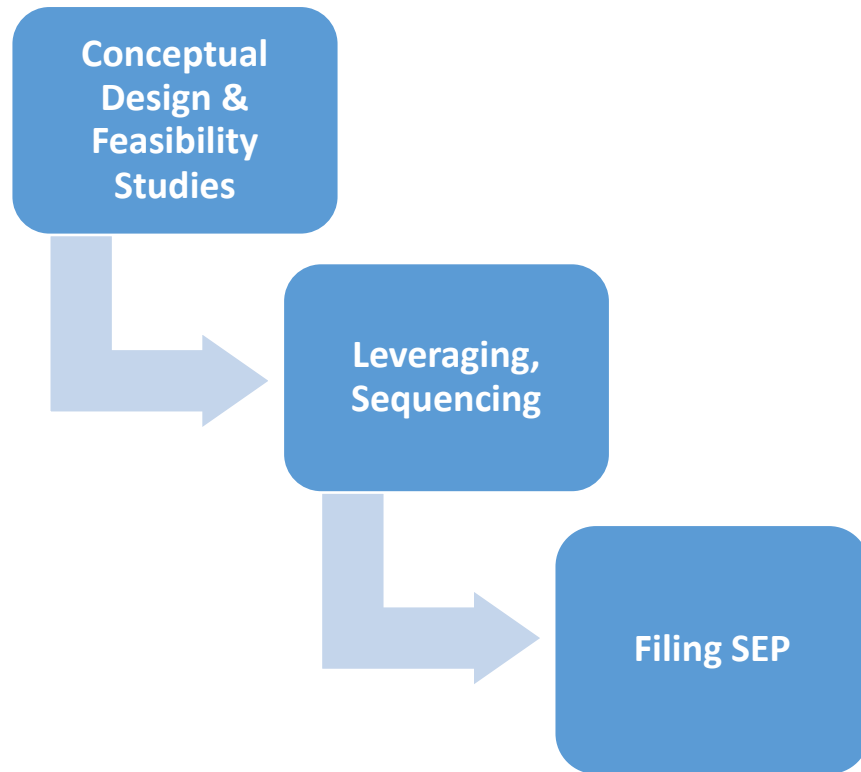
Agenda Item #5

# SEP and Implementation Options

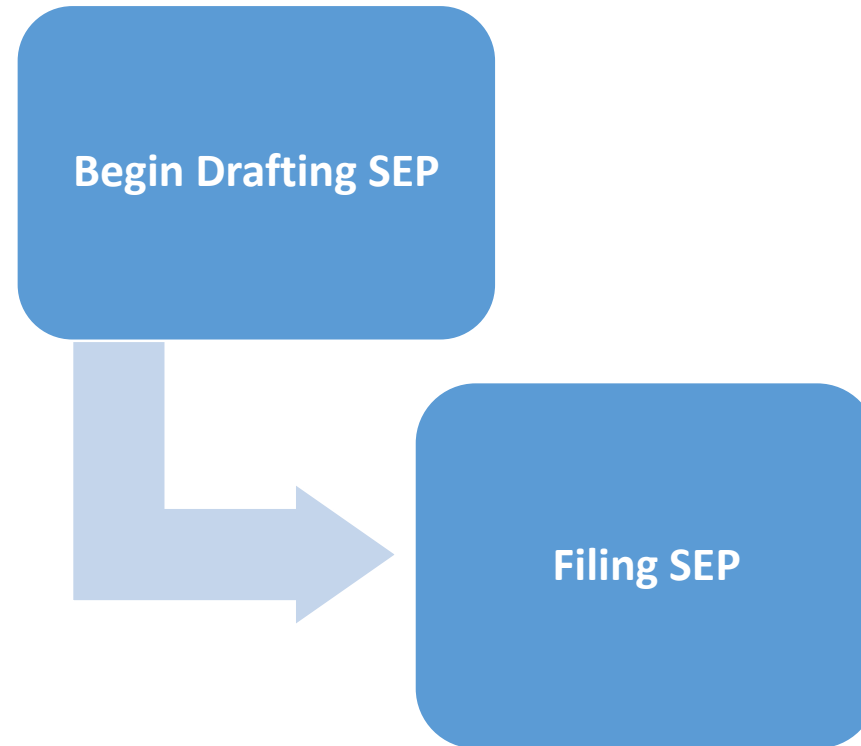
Manager's Report

# I. Path to SEP Filing – Part I

## Option 1



## Option 2



# I. Path to SEP Filing – Part I

- Pros of Option 1:

- For some counties, CDFS will be required regardless of timing
- Leveraging opportunities will be initially mapped out
- Sequencing may be generally agreed to, but there remain options on how best to achieve this

- Cons of Option 1:

- Requires the time contemplated by the SEP Planning Grant
- Leveraging and Sequencing is not required or sought by the RESTORE Council for SEP approval

- Pros of Option 2:

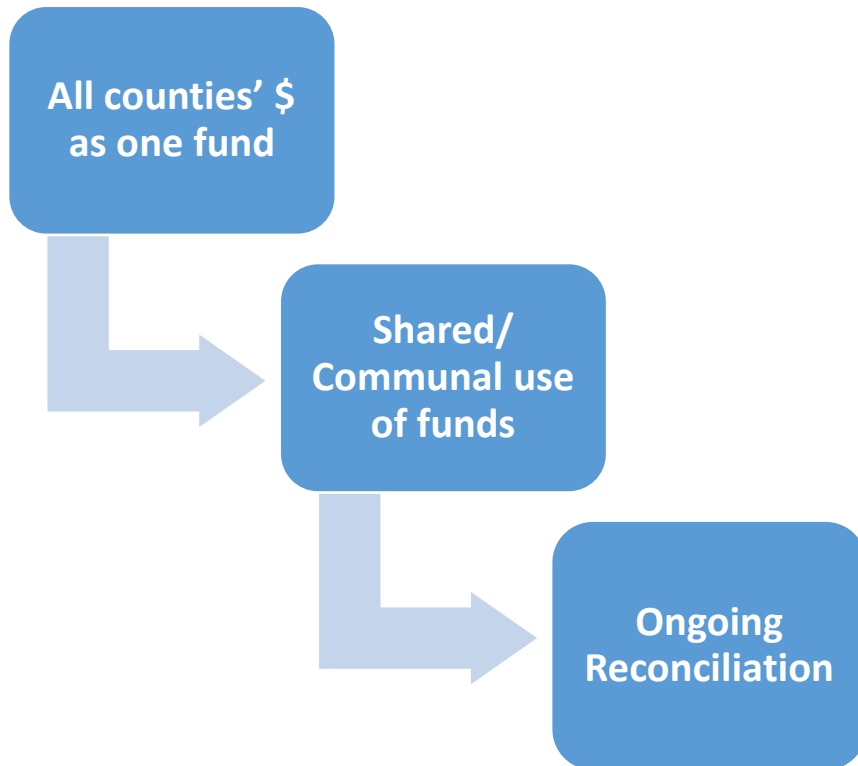
- After discussion with ESA, this approach could reduce time to SEP filing by 5 months
- Avoids work effort that is now unnecessary for SEP filing
- Avoids double procurement (CDFS procurement now, and again after SEP approval for any counties still needing this service)

- Cons of Option 2:

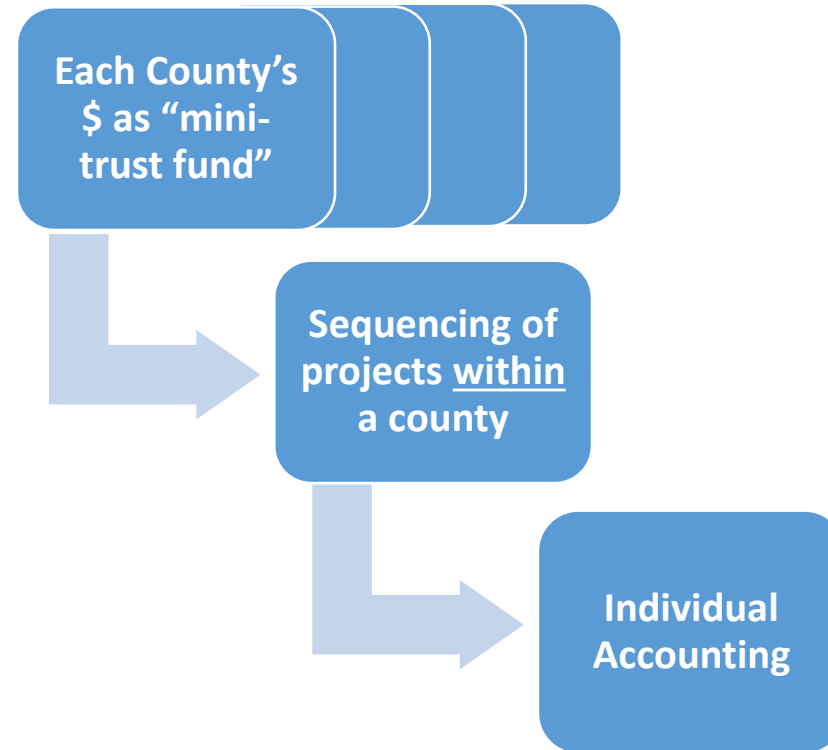
- Postpones CDFS, but there are mitigating remedies – discussed in Item IV

## II. Treatment of Funding

### Option 1 (i.e., the “*cookie jar*” Option)



### Option 2 (i.e., the *1/23<sup>rd</sup>* Option)



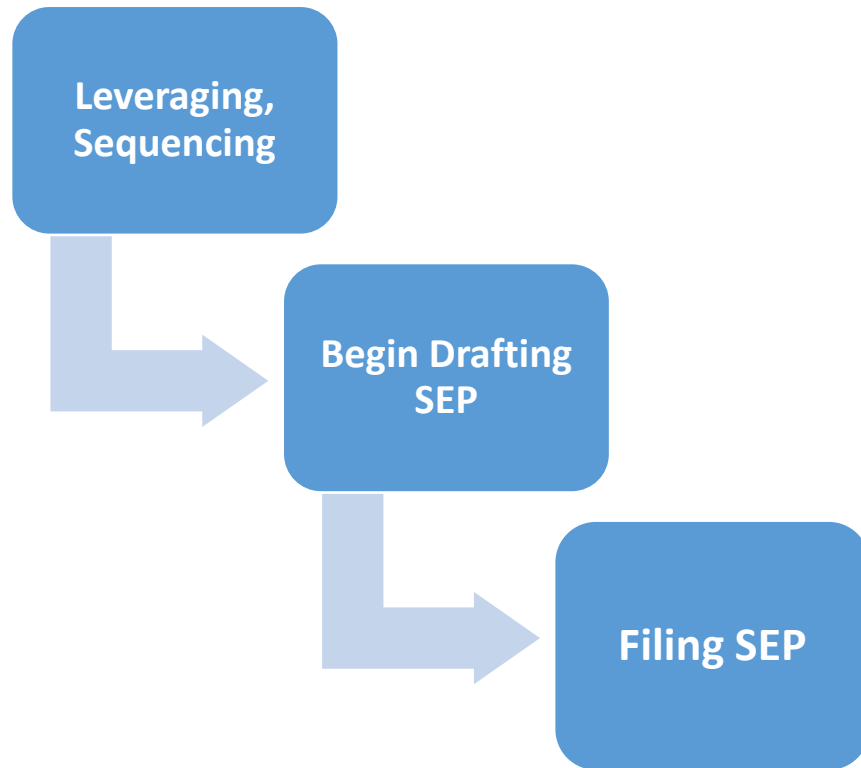


## II. Treatment of Funding

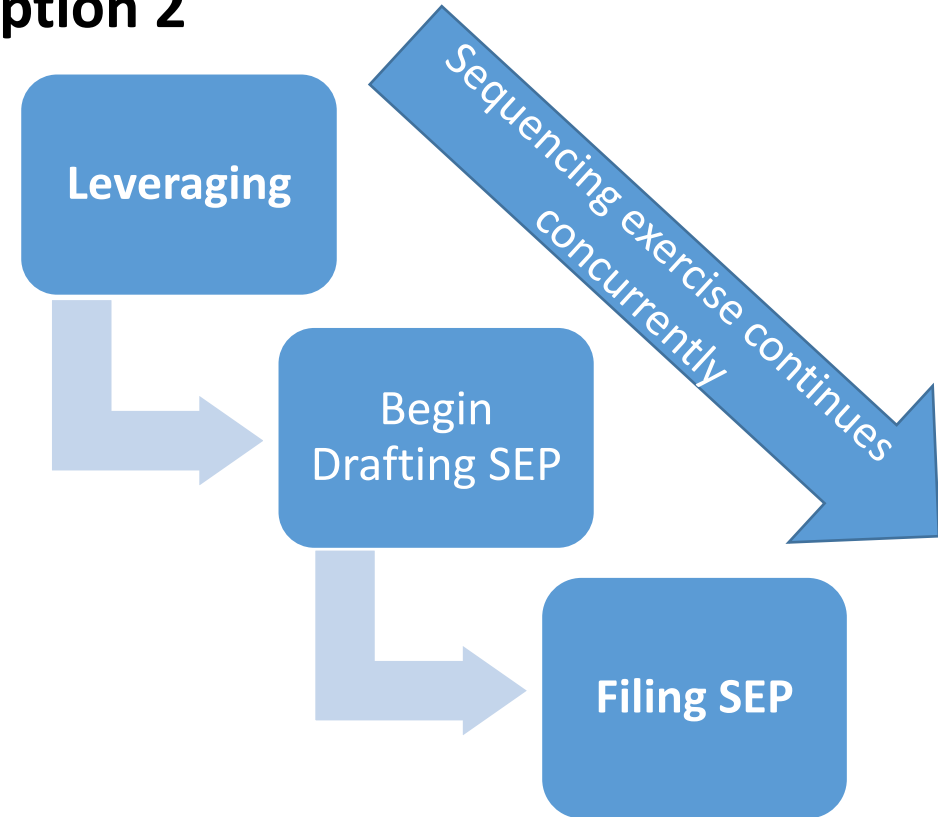
- Pros of Option 1 (*“cookie-jar”*):
  - Provides flexibility to initiate and undertake projects, regardless of cost of location
- Cons of Option 1:
  - Accounting must ensure no counties exceed their allocation
  - Accounting may open the Grant to additional Treasury scrutiny
  - In the case of BP default or delays there is a risk for counties accessing implementation funds later potentially not obtaining all funds
  - Mechanism to improve or ensure equity for later counties may be needed
- Pros of Option 2 (*1/23<sup>rd</sup>*):
  - Leveraging and Sequencing analysis may proceed, but with a different focus
  - In the unforeseeable event that BP payments cease or are delayed, all counties are assured to have their share of total payments made
- Cons of Option 2:
  - Funding for projects which require several years of payments would require either
    - (a) phasing (similar to that used by FDOT– feasibility, PD&E, Design, and Construction) or
    - (b) matching funds, which is the intent of the leveraging analysis in any event
  - For projects that cannot be phased or have matching funds identified and secured, counties would have to wait until adequate funds are compiled

### III. Path to SEP Filing – Part II

#### Option 1



#### Option 2

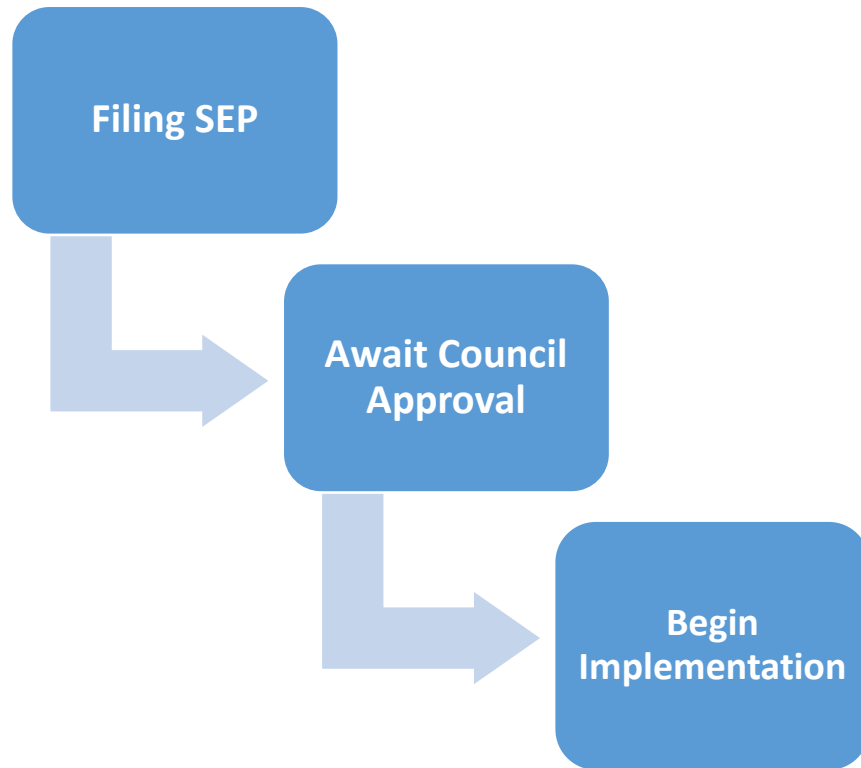


### III. Path to SEP Filing – Part II

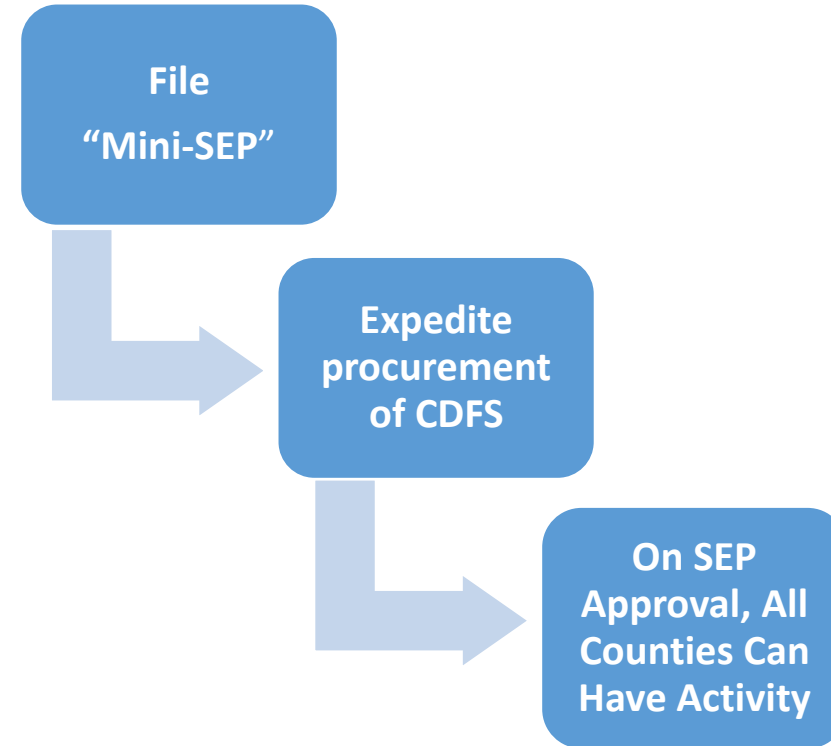
- Pros of Option 1:
  - General process has been mapped out by the SEP Planning Grant and Contract
  - Leveraging opportunities will be initially mapped out
  - Sequencing may be generally agreed to, but there remain options on how best to achieve this
- Cons of Option 1:
  - Requires the time contemplated by the SEP Planning Grant
  - Leveraging and Sequencing is not required or sought by the RESTORE Council for SEP approval
- Pros of Option 2:
  - Potentially expedite SEP preparation, while still achieving benefits of leveraging exercise
- Cons of Option 2:
  - Potentially reduce total sequencing effort

## IV. Path to Implementation

### Option 1



### Option 2



## IV. Path to Implementation

- Pros of Option 1:
  - Does not require the submittal of the “mini-SEP”
- Cons of Option 1:
  - Administrative & Financial Structure would need to be an initial implementation grant project
  - Likely delays post-SEP approval prior to implementation while processes are approved by RC
- Pros of Option 2:
  - General SEP may proceed while “mini-SEP” is being implemented
  - Allows all counties to begin implementation upon SEP approval
- Cons of Option 2:
  - Cannot use Planning Grant funds to prepare mini-SEP; potentially, County-only funding may be insufficient to cover cost; *more information will be gathered*

## **AGENDA ITEM 8**

## **AGENDA ITEM 8.1**

**Gulf Consortium Executive Committee**  
**May 17, 2017**

**Agenda Item , .1**  
**Update on Planning Grant**

**Executive Summary:**

Update on the status of the Planning Grant Application.

**Most Recent Activity:**

A Planning Grant in the amount of \$4,640,675 was awarded to the Gulf Consortium on June 23, 2016. The Gulf Consortium executed the grant agreement on June 28, 2016. Langton Consulting and Consortium staff have developed the financial control systems and enrolled the Consortium in invoicing and payment systems and commenced the drawdown and disbursement of federal grant funds. Four payment requests totaling \$520,451.70 have been submitted and paid to date. The Gulf Consortium's first Financial Progress report for the period of 9/23/14-9/30/16 was submitted on 10/30/16.

**Full Background on Post Award Process/Procedure:**

The Consortium submitted its fifth payment request in the amount of \$339,480.00 through RAAMS on April 24, 2017.

The Consortium's next Financial Progress report is due May 18, 2017. The Council extended the deadline from April 30, 2017 due to RAAMS upgrades taking the system down for 10 days in April.

**Fiscal Impact:**

Under Work Order #5, the Consortium agreed to pay ESA a \$5,000 flat fee monthly for grant management services (Task 15) provided by Langton Consulting.

**Attachments:**

None

**Recommendation:**

For information only.

**Prepared by:**

Lisa King

Langton Consulting

On: May 2, 2017



## **AGENDA ITEM 8.2**

**Gulf Consortium Executive Committee**  
**May 17, 2017**

**Agenda Item , .2**  
**Planning Grant Update: Analysis of Work Orders Approved and**  
**Planning Grant Award**

**Executive Summary:**

Presentation of ESA Work Orders approved to date and a comparison of that encumbered amount with respect to the Planning Grant Award.

**Background:**

On April 22, 2016, the Gulf Consortium Board of Directors approved a contract amendment for the ESA Consulting Team to assist the Consortium in developing Florida's State Expenditure Plan for the Governor's submission to the Restoration Council for the Spill Impact Component of the RESTORE Act. The ESA Team was selected and hired after a comprehensive, competitively procured process. The Contract between the Consortium and ESA is a not to exceed amount of \$2,722,780. The contract is performed on a work order basis.

The Consortium also hired Nabors, Giblin & Nickerson as its General Counsel, also after a comprehensive, competitively procured process. The contract between the Consortium and NGN is a not to exceed amount of \$150,000 per year.

The Consortium's Planning Grant Application was approved by the Restoration Council on June 23, 2016 and the award contract was executed on June 28. The grant award is in the amount of \$4,640,675.

**Analysis:**

As of September 13, 2016, the Consortium has approved five work orders, totaling \$576,688, broken down as follows:

<u>Task 1</u> (PSEP, Planning Grant App) (approved 1/21/15) (\$35,980 of which is funded by the grant)	\$50,980
<u>Task 2</u> (Goal Setting Workshop) (approved 3/25/15)	\$21,560
<u>Task 3</u> (Public Involvement – Phase I) (approved 6/19/15)	\$82,388
<u>Work Order 4(A)</u> (Prelim Project List – Phase I) (approved 6/28/16)	\$92,660
<u>Work Order 4(B)</u> (Preliminary Project List-Phase II) (approved 9/13/16)	\$209,100

Work Order 5 (Grant Admin) \$120,000  
(approved 4/21/16) (\$5,000 per month for 24 months)

Work Order 6 (Map Preliminary Project List & Perform Gaps Analysis) \$455,290  
(approved 12/2/16)

Work Order 7  
(Complete Draft Project List and Conduct Detailed Project Evaluation & Refinement)  
(approved 4/6/17) \$518,320

**Total \$1,550,298**

As of September 13, 2016, the Consortium has approved one other contract to be funded partially from the planning grant: Nabors, Giblin & Nickerson

NGN General Counsel Services \$180,000  
(\$90,000 of which can be funded by the grant, annually)

Also, out of the grant award, the Consortium can pay for some of the actual costs it incurs for its meetings: AV, IT, meeting space. These costs are incurred on a meeting by meeting basis.

AV/IT Reimbursement \$11,285  
(in the first grant drawdown; incurred between 8/22/14 – 4/30/16)

Accordingly, the following summarizes the grant budget as compared to Consortium-approved and grant-fundable contracts:

Grant Award	ESA Contract Amount	ESA Work Orders Approved to Date	NGN Contract from Grant	AV Reimbursement
\$4,640,675	\$2,722,780	\$1,550,298	\$180,000	\$11,285

**Options:**

No action required.

**Recommendation:**

For information only.

**Prepared by:**

Valerie Seidel  
The Balmoral Group  
Manager  
On: May 2, 2017

## **AGENDA ITEM 9**

**Gulf Consortium Board Meeting  
May 17, 2017**

**Agenda Item 9  
Domain Name Transfer**

**Statement of Issue or Executive Summary:**

Give custody of gulfconsortium.org, gulfconsortium.info, gulfconsortium.com to the new manager, The Balmoral Group, LLC.

Ownership of gulfconsortium.org, gulfconsortium.info, gulfconsortium.com shall be held by The Gulf Consortium.

**Background:**

In order to provide website support and the creation of a new Gulf Consortium website the Board will allow the transfer of the following domain names: gulfconsortium.info, gulfconsortium.com from the former Manager, Florida Association of Counties, to the new Manager, The Balmoral Group, LLC.

**Fiscal Impact:**

None.

**Options:**

- (1) Authorize the domain name transfer of gulfconsortium.org, gulfconsortium.info, gulfconsortium.com to The Balmoral Group, LLC
- (2) Provide other direction to staff.

**Attachment:**

Resolution.

**Recommendation:**

Entertain a motion approving Option 1.

**Action Taken:**

Motion to: \_\_\_\_\_, Made by: \_\_\_\_\_;

Seconded by: \_\_\_\_\_.

Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.

**RESOLUTION 2017 - \_\_\_\_**

**A RESOLUTION OF THE GULF CONSORTIUM  
RELATING TO ITS BANK ACCOUNTS, AUTHORIZING  
SIGNATORIES; AUTHORIZING THE TRANSFER OF  
FUNDS FROM SUNTRUST TO SEASIDE NATIONAL  
BANK & TRUST; AND PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, the Gulf Consortium (the “Consortium”) has engaged The Balmoral Group (“TBG”) to perform management services on its behalf; and

**WHEREAS**, TBG proposes to maintain the existing account with Wells Fargo, which serves as the conduit for federal funds and transition the current SunTrust operating account to Seaside National Bank & Trust; and

**WHEREAS**, the Consortium finds it necessary to update its bank account signature cards and authorize transferring funds as proposed.

**NOW THEREFORE**, be it resolved by the Consortium, as follows:

**Section 1. Authorize Signers on Consortium Bank Accounts.**

The Consortium hereby approves the following individuals as authorized signers on its accounts:

Wells Fargo Account and Seaside National Bank & Trust Account

- Valerie Seidel
- Craig Diamond
- Grover Robinson

**Section 2. Authorize transfer of Consortium funds.**

The Consortium hereby authorizes TBG to transfer its operating account from SunTrust to Seaside National Bank & Trust.

**Section 3. Effective Date.**

This resolution takes effect immediately upon adoption.

**ADOPTED BY THE GULF CONSORTIUM, THIS \_\_\_\_ DAY OF MAY, 2017.**

GULF CONSORTIUM

ATTEST:

---

Grover Robinson  
CHAIRMAN

---

SECRETARY

## **AGENDA ITEM 10**

**Gulf Consortium Board of Directors  
May 17, 2017**

**Agenda Item 10**

**Update on Conceptual Design and Feasibility Study Work**

**Executive Summary:**

This agenda item provides an update on the RFQ for Conceptual Design and Feasibility Study work ("CD/FS").

**Background:**

At the April 6, 2017 meeting, ESA recommended that the Consortium procure professional engineering services to access the \$1.5 million set aside in the planning grant to perform CD/FS concurrent with SEP development. Pursuant to ESA's recommendation, the Board authorized Consortium staff to draft an RFQ for CD/FS to be presented to the Board at its May 17<sup>th</sup> meeting.

Since the April 6<sup>th</sup> meeting, the Consortium Team (The Balmoral Group, ESA, Langton and NGN) has met with the Restoration Council staff to further evaluate the need to perform CD/FS concurrent with SEP development. Given the new information learned our meeting with the Council, the Consortium Team recommends proceeding with submitting the SEP and then procuring CD/FS work after SEP approval.

**Options:**

- (1) Approve the recommendation to proceed with submitting the SEP and procure CD/FS work after SEP approval.
- (2) Disapprove the recommendation.
- (3) Provide other direction.

**Prepared by:**

Lynn M. Hoshihara  
Nabors, Giblin & Nickerson, P.A.  
General Counsel