

From: LorenzWilliam

Sent: Saturday, June 29, 2013 10:39 AM

To: Alberto Chavez; Andrew McElwaine; jennifer hecker; anita L; Jeremy Frantz; Clark Hill; Dr. James Riviere; Bryan Milk; Frank Perrucci; Frank Perrucci; John Sorey III; Lisa Koehler; Mayor Hamilton; Mike Bauer

Cc: PepinEmily; CasalanguidaNick; McAlpinGary; WertJack; WightDebbie; KurtzGerald; ValcanteMary; WatkinsRhonda; Clarence Tears; Brad Cornell (bcornell@collieraudubon.org); Nancy Payton; Minimushomines@aol.com; DeaneConnie; Bob Middleton; Danette Kinaszczuk; Erin P. Myers; Gary Lytton; Greg Strakaluse; HennigMelissa; Joe Moreland; KrausMaura; Michael Taworski; PrestonSteve; Roy R. Lewis III; SeguraChristal; William J Mitsch

Subject: RESTORE Committee Action Items from June 21 Meeting

Committee members,

At the June 21 meeting, the committee requested staff to work on a number of items that we have completed this past week. If you have any questions, please do not "Reply to All", but send me an e-mail and copy Mary Valcante or give me a call. Please note that I will be on vacation July 8 –July 19 and will miss your next meeting. However, I will assign several staff members to assist your efforts at the July 19 meeting.

Evaluation Form

- Attached is the evaluation form that staff and the Conservancy revised. We boosted the point scores of Environmental type of uses so that environmental elements are 50% of the total score as approved by the committee. We have also added the "shovel-ready" component at 25 points and added it to Item 5, Quality of Project. (We may rename this Quality of Project Proposal to distinguish these criteria from final project impacts, i.e., results vs. process.) Note also that we took Degree of Coastal Impact out of Item 5, boosted its point total to 40, and provided it with sub-categories to facilitate scoring.
- We are working on explanations of the form's criteria and will send this out as soon as it is complete...my target is July 3.
- We are also experimenting with an electronic version of the form where the evaluator will choose the project name from a drop-down list and the form will be populated with specific information. The form will also automatically calculate the total. We have a test version that Rhonda Watkins has developed and will be making a few tweaks to it. Anybody who would like to test it, let Rhonda know in the next day or two.

Eligibility Criteria

- The County Attorney's Office (CAO), Emily Pepin, has determined that Educational activities are not eligible for RESTORE funds. See her June 27 e-mail below.
- Also attached is the 25-mile boundary line. Note that we have included the Lee County coast in this analysis so that we have a boundary that depends on the "Gulf" coastal area, not just Collier County's coastal area. We are using the RESTORE Act definition and note that it cross-references the Coastal Zone Act of 1972. We have used that Act to define the landward extent of the coastal zone through definition 16.U.S.C 1453(3) that specifies areas "which contain a measurable amount of seawater.." Therefore, the 25-year boundary is essentially a 25-mile offset to the tidal line.

- It is staff's opinion based on the CAO e-mail that Projects 24 and 25 are not eligible for receiving RESTORE funds. Also, there appears to be some portions of Project 31 that are beyond the 25-mile boundary. I will work with the Project contact to modify the proposal to exclude these areas.
- Note also that the CAO e-mail also recommended that the applicants should be given an opportunity to correct their applications if they have failed to submit an eligible application. I will discuss this with the applicant for Projects 24 and 25.

E-mail from Emily Pepin:

From: PepinEmily

Sent: Thursday, June 27, 2013 2:06 PM

To: LorenzWilliam

Subject: RE: RESTORE Project Proposals Request for supplemental information by July 5th

Bill,

I have reviewed the RESTORE applications against the criteria set forth in the federal legislation.

The projects chosen must fall within one of the following categories:

1. Restoration and protection of the natural resources, ecosystems, fisheries marine and wildlife habitat, beaches and coastal wetlands of the Gulf Coast region
2. Mitigation of damage to fish, wildlife, and natural resources
3. Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring
4. Workforce development in job creation
5. Improvement to or on State parks located in coastal areas affected by the oil spill
6. Infrastructure projects benefitting the economy or ecological resources including port infrastructure
7. Planning assistance (could not find a decent definition of what this means)
8. Administrative costs (no more than 3% can be for administrative costs)
9. Promotion of tourism in the Region, including recreational fishing
10. Promotion of the consumption of seafood harvested from the Region.

In my reviewed, I solely reviewed the applications on their face and took the assertions made as truth. I have not researched the truth of these assertions and will not be providing an opinion on whether I believe the assertions. In addition, I have not provided my opinion as to how the applications rank as they relate to the categories since this is the role of the committee.

I have found that the majority of the projects submitted fell within these criteria with a few concerns.

First, you asked our office to evaluate whether educationally based requests are eligible for funding. Educationally-based projects are not contemplated under the law and any impact that they will have on the categories above are too speculative. Therefore, I would advise against approving a project that is purely educational, even though they seem like very beneficial projects. The two projects I noticed were the Rookery Bay submissions: Team OCEAN and the Environmental Education for Youth and Adults.

However, if an applicant can directly quantify an impact from the education, it may survive the evaluation. For example, education to the public about Regional seafood is directly promoting the consumption of seafood harvested. This may be the only category where this works.

My second concern is the addition of staff time or other items in the requests that may be deemed "administrative costs." The legislation requires that only up to 3% of the costs may be for administrative costs. In order to be on the safe side, we must consider that to mean not only the State's or the County's administrative costs, but the applicant's administrative costs. Therefore, I would ask applicant's that specify the amount of funds that will be administrative costs, which should not exceed 3% of the amount requested. If you have received additional information explaining this limitation, please forward that to me.

Finally, I have not yet seen a map depicting the 25 mile line from the coast, however, this needs to be determined since a few projects are far inland and may not be eligible based on distance.

Aside for the two educational projects stated above, the other projects have alleged that they meet at least one of the criteria above. Applicants should be given an opportunity to correct their applications if they have failed to submit an eligible application.

Please give me a call if you have any questions or concerns.

Emily R. Pepin
Assistant County Attorney
(239) 252-8400

Bill Lorenz

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