

**DRAFT Franklin County RESTORE Advisory Committee (RAC)
Multi-Year Implementation Plan Kickoff Meeting Minutes
Franklin County Courthouse Annex, Apalachicola, Florida
December 15, 2015, 5:00 p.m. EST**

Attendees:

Jessica Koelsch – National Wildlife Federation

*Rose McCoy-Thomas – Citizen of Apalachicola, Former City Administrator (Retired)

*Brenda Lapaz – Mayor – City of Carrabelle

Greg Kristofferson – Citizen of Carrabelle

Alan Pierce – Franklin County RESTORE Coordinator

*Erik Lovestrand – County Extension Director, University of Florida IFAS Extension

*Lynn Martina – Seafood Industry (Lynn's Quality Oysters, Eastpoint)

*Van W. Johnson Sr. – Mayor of Apalachicola

Tom Doly – Citizen of Apalachicola

*Ottice Amison – Seafood Industry (Amison Seafood Inc., Apalachicola)

Dan Tonsmeire – Apalachicola Riverkeeper

Robin Rickel Vroegop – Ecotourism Industry

Beth Wright – Citizen of Apalachicola and Wildlife Biologist

Creighton Brown - Citizen of Apalachicola

Holly Brown – Citizen of Apalachicola

Tamara Allen – Carrabelle Waterfronts Partnership

Calvin Allen – Citizen of Carrabelle

Pinki Jackel – Supervisor of Elections of Franklin County

Connie Lasher – Dewberry Engineers, Inc.

Stella Wilson – Dewberry Engineers, Inc.

Paul Johnson– Ecology and Environment, Inc.

Jade Marks – Ecology and Environment, Inc.

*** Denotes official RAC Member**

Minutes:

- A. Pierce opened the meeting at 5:00 p.m. (EST) with an introduction to the Multi Year Implementation Plan (MYIP) development process and the role of the RESTORE Advisory Committee (RAC):
 - The RAC was established in response to Franklin County’s need to develop an MYIP to submit to the U.S. Treasury for access to Direct Component (“Pot 1”) RESTORE Act Funds.
 - The RAC is in an advisory role and ultimately the Board of County Commissioners (BOCC) will make final decisions about what is included in the MYIP.
 - RAC membership represents the interests of the county and includes the mayors of both municipalities, Carrabelle and Apalachicola, as well as individuals in the seafood and tourism industries.

- Franklin County has selected Dewberry Engineers, Inc. as consultants to help guide the RAC through the process. The Dewberry team is very familiar with the MYIP, as they are currently assisting four panhandle counties that are in various stages of the MYIP development process.
- Dewberry also has experience working directly with the U.S. Treasury.
- Franklin County is starting the process somewhat later than other counties, which offers an opportunity to use other counties' experience as guidance to move forward more rapidly.
- The purpose of this meeting is to gather information and learn the role of the RAC. During subsequent meetings, the RAC will begin setting up the criteria for projects and decide how projects will be considered and ranked.
- Although many different "Pots" of money have been in the news and media, the RAC is primarily concerned with the Direct Component or "Pot 1." Pot 1 consists of funds allocated to the eight disproportionately affected and 15 other Florida Gulf counties, thus this money is reserved for "projects in Franklin County and only in Franklin County."
- Pot 1 funds total \$23 million (\$3.56 M Transocean settlement available, \$19.4 available after BP Consent Decree) to be distributed over 15 years. Currently there is \$3.56 million available for projects. The counties receive no interest on Pot 1 funds, so there is no benefit in delaying the process.
- Additionally, the U.S. Treasury "will only fund what's in the bank" – meaning that the budget for first-year MYIP projects cannot exceed the dollar amount that has been received by the Treasury.
- This constraint will pose a challenge, as there will be many great ideas, but ultimately the county can only spend the money that is already in the bank.
- The county may apply to use funds from other Pots. For example, if the RAC identifies a project that will have regional significance, they could recommend that project for funding through the Gulf Consortium (Pot 3 funds).
- The Triumph Fund is also a competitive Pot of money that the RAC should be aware of, but the main focus of the RAC is to assist the community in identifying Direct Component projects that will benefit the local community.
- A. Pierce also brought it to the RAC's attention that other counties have a RAC chairperson, but at this time Franklin County does not. He explained that he could "potentially step into this role," but that it is "not necessary to have a chair." If the RAC decides to proceed without a chair, it just means that anyone on the RAC can make a motion.
- A. Pierce noted that although the county wanted to have its first RAC meeting before Christmas, the second meeting may be pushed back because of requirements the Treasury has placed on Dewberry and the County.
- A. Pierce then turned the floor over to S. Wilson of Dewberry.
- Dewberry (S. Wilson) provided a PowerPoint presentation in the form of a printed handout for RAC members. This has been posted at www.franklincountyrestore.com, the Franklin County website, and is available to the public.
- The presentation covered the following items:

- Introduction to the Dewberry Team;
 - The role of the RAC;
 - Overview of the MYIP; and
 - The RESTORE MYIP process and proposed schedule.
- S. Wilson reiterated that Dewberry was hired by Franklin County to assist with the creation of the MYIP framework. This will be an 18-month process, but the framework should ultimately result in a process that is repeatable every year, making it easier for the County to continue receiving Pot 1 funds on an annual basis.
- S. Wilson then introduced the rest of the Dewberry team, including mention of those members not present.
 - Present team members:
 - Connie Lasher, Dewberry Engineers, Inc.
 - Paul Johnson, Ecology and Environment, Inc.
 - Jade Marks, Ecology and Environment, Inc.
 - Additional team members:
 - Bryon Griffith, Vice President, Dewberry Engineers, Inc.
 - Mike Hanson, Dewberry Engineers, Inc.
 - Rick Harter, Ecology and Environment, Inc.
 - Brice Harris, UWF Haas Center.
- The RAC members then introduced themselves as follows:
 - Lynn Martina – Seafood Industry (Lynn's Quality Oysters).
 - Rose McCoy – Citizen of Apalachicola, Former County Commissioner (retired).
 - Erik Lovestrand – County Extension Director, University of Florida IFAS Extension.
 - Brenda Lapaz – Mayor, City of Carrabelle.
 - Ottice Amison – Seafood Industry (Amison Seafood Inc.).
 - Van W. Johnson, Sr. – Mayor, City of Apalachicola.
- Following this introduction, A. Pierce reminded the RAC that one member of the committee has not yet been appointed and that there will be a seventh member at the next meeting. Previous efforts to establish a committee resulted in a larger membership, but that number was scaled back in an effort to streamline the process and make it easier for the RAC to reach a quorum. A. Pierce also explained that a smaller RAC opens others in the community up to lobby for and submit projects.
- S. Wilson then provided a brief overview of the RAC general guidelines, stressing how important it is for the RAC members to attend as many meetings as possible.
 - If members are unable to attend a meeting, they should let A. Pierce know as soon as possible.
 - Any recommendations that the RAC makes will be passed on to the BOCC for approval.
 - Everything the RAC discusses is subject to the Florida Sunshine Law, meaning RAC members are not permitted to discuss RAC related activities outside of a publically noticed meeting, workshop or event.
- S. Wilson provided RAC members with copies of the Florida Statute chapters of General Provisions for Public Officers, including Chapter 112.3143: Voting Conflicts and 112.313:

Standards of Conduct and for Public Officers, Employees of Agencies, and Local Government Attorneys. She reminded RAC members that the Franklin County Attorney could answer any questions regarding the sunshine law they might have.

- Next, S. Wilson explained the MYIP requirements:
 - Page 6 of the Dewberry Presentation outlines the requirements for accessing Direct Component Funds.
 - Before funds will be distributed, each county must create an MYIP in which all projects must fall under one of the eligible activities identified by the U.S. Treasury.
 - The U.S. Treasury provides four to five documents pertaining to RESTORE requirements on their website: <https://www.treasury.gov/services/restore-act/Pages/home.aspx>.
 - There are three tiers of eligibility. The project itself must fall under one of the eligible activities. The organization or individual submitting the project must be an eligible entity and the costs of executing the project must go towards eligible activities.
 - Briefly, the eligible activities (outlined on page 7 of the presentation) include:
 - Restoration and protection of natural resources, ecosystems, fisheries etc.
 - Mitigation of damage to fish, wildlife, and natural resources.
 - Implementation of federally approved marine coastal or comprehensive conservation management plans, including fisheries monitoring.
 - Workforce development and job creation.
 - Improvement to or on state parks located in coastal areas affected by the Deepwater Horizon oil spill.
 - Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.
 - Coastal flood protection and related infrastructure.
 - Planning assistance.
 - Administrative costs.
 - Promotion of tourism in the Gulf Coast region, including recreational fishing.
 - Promotion of the consumption of seafood harvested from the Gulf Coast region.
- A. Pierce explained the MYIP process is to select which projects will be funded, not necessarily who will implement them. This means that the County will be required to go through a bidding process to select which entities will execute the design and construction of funded projects.
- He gave an example of the Apalachicola Riverkeeper submitting a project that was selected for inclusion in the MYIP. “The Riverkeeper might not implement this project,” Pierce explained, “if an organization does not have federal grant experience it will be difficult to prove to the U.S. Treasury that they have the capacity to manage federal money.”
- The entity that implements the project must have financial organizational capacity such as a grants management or accounting office.
- A. Pierce reminded attendees that although the U.S. Treasury will ultimately determine who will oversee the funds, the most important thing for the RAC to focus on is getting projects “on the ground that will improve people’s lives.”
- S. Wilson went on to explain the MYIP development process:

- Step 1 is conducting a community Needs Assessment to identify what the critical issues in the community are. This process will begin at the next meeting.
- Before the meeting, Dewberry will provide the RAC with a draft list of issues and ask for their feedback to finalize and improve the list.
- There may be two meetings dedicated to Step 1, depending on how long it takes the RAC to develop a comprehensive list.
- Step 2 is to develop a Selection Criteria to prioritize those issues. For example, if oyster restoration and repairing leaky septic tanks are both identified as county needs, the Selection Criteria could assign different point values to those two needs, thus ranking them to reflect the county's priorities.
- Step 3 is the actual Solicitation of Project(s) ideas. The needs assessment and selection criteria should favor projects that are comprehensive in nature.
- The County Needs Assessment identifies issues of local significance, while the Project Selection Criteria identifies potential solutions.
- Proposed projects should be the pathways to those solutions. They should be holistic and fair.
- Every project will be evaluated by a subject matter expert for each criteria.
- R. McCoy asked if the RAC would solicit pre-proposals.
- S. Wilson explained that the solicitation of pre-proposals was up to the RAC, and that some counties have chosen to solicit pre-proposals while others have forgone that step. Ultimately it depends on how much information the RAC wants to gather from potential project applicants.
- R. McCoy suggested that perhaps because Franklin County is small, pre-proposals may not be necessary.
- A. Pierce took this opportunity to address the issue of leveraging. "We may never see an opportunity like this again in our lifetimes," Pierce said, "and it is important that we leverage Pot 1 funds with other programs to magnify the amount of money coming into Franklin County. We want to turn \$23 million into \$50 million."
- R. McCoy then suggested that leveraging be worked into the scoring criteria.
- S. Wilson explained that Gulf County made leveraging its own category worth 18 points, which was a large value by the metrics of their criteria. Through leveraging, Gulf County was able to multiply their funding three times over; from \$23 million in RESTORE Funds to a total of \$73 million.
- B. Lapaz then asked if Mr. Pierce would be reviewing projects before they come to the RAC to make sure they are feasible.
- S. Wilson and A. Pierce explained that the Dewberry team would be conducting an eligibility and feasibility review for the RAC as follows:
 - Submitted projects will undergo the feasibility and scoring process.
 - The subject matter experts will provide whole-number scores for their criteria.
 - Dewberry will then provide the score totals, along with a dollar amount of funds available to put towards those projects.

- The RAC will discuss and consider, and ultimately provide recommendations on which projects they would like to include in the MYIP, which will then go to the BOCC for final approval before submission to the U.S. Treasury.
- A. Pierce reminded the RAC that once projects are selected, everything has to be submitted to the U.S. Treasury in the MYIP for approval. Additionally, the majority of organizations within the county have never operated with Federal involvement or using Federal funding, and will thus not be eligible to execute projects. Additionally; the permitting and the mandatory processes, are “hoops to jump through”, likely to make people upset, overwhelmed, and frustrated.
- S. Wilson elaborated on this point, explaining that the County could set up “cooperative arrangements” with other organizations for implementing the projects. These cooperative arrangements would be initiated by the County, adopted and approved by the BOCC, and reviewed by the County’s attorney.
- A. Pierce explained that “the U.S. Treasury didn’t want this role of administrator of the RESTORE Funds, even though they are auditors by nature, and they don’t want any mismanagement of funds, so they’ve set the bar very high and made the process of acquiring funds a challenge.”
- B. Lapaz then asked about the project implementation process, specifically, if the county or city would likely be implementing the projects due to their financial infrastructure, would there be money set aside for administrative costs, such as the development of documentation, paperwork, and accounting.
- S. Wilson explained that up to 10% of Direct Component funds can be used for indirect costs and up to 3% of those funds can be used for administrative costs. She also stated that “as consultants, the Dewberry team will provide guidance and help the RAC navigate the MYIP process, but only you truly know your community.”
- A. Pierce expanded on this by telling the RAC members that they are here as citizens representing their community. Meetings will be in the evening to accommodate public involvement, but hopefully the goals (and mission) of the RAC can be accomplished in 18–20 meetings.
- E. Lovestrand asked if a committee would have to meet every year, and if that coincided with a 15-year commitment on the part of the RAC members.
- S. Wilson explained that there must be public involvement in every year, but that once the MYIP process is in place, the BOCC could potentially receive public comment. By setting up the document, the MYIP will establish a planning framework for future years. Once that MYIP is approved, it becomes a federally approved planning document, which is a good tool for applying for other federal grants. For example, should Franklin County decide to apply for funding through the National Oceanic and Atmospheric Administration (NOAA) in the future, there is already a framework for identifying and documenting County needs in place.
- B. Lapaz asked if changes could be made to the MYIP once it is in place.
- S. Wilson explained that every year there is an opportunity for amendment, but there must be a 45-day public notice/comment period before the amendment can be submitted to the U.S. Treasury. She also noted that usually major changes in a county’s need(s) do not occur on an annual basis. Most likely amendments will need to be made on a five-year basis.

- The next RAC meeting is tentatively scheduled for January 19th, however the next step may be delayed due to the U.S. Treasury requirements. All of the RAC meetings are scheduled for Tuesday nights at 5:00 p.m. EST. In addition to regular meetings, there are several public workshops scheduled for May and June. During these workshops, Dewberry will walk potential applicants through the project submission process and allow them to get direct feedback on questions.
- V. Johnson brought it to the RAC members' attention that the February 2nd meeting is also the date of an Apalachicola City Council Meeting, therefore the date of this meeting may need to be changed.
- S. Wilson then explained the timeframe for accessing funds; after the MYIP is approved, individual grant applications must be submitted to the U.S. Treasury. These applications will likely take six months to get approval. Thus, the County will not actually receive funds until late 2017.
- S. Wilson reminded the RAC that the Dewberry team has been dealing with the U.S. Treasury and the MYIP process for some time, and are well positioned to guide them through the process. She also pointed out that Bryon Griffith, Dewberry's Vice-President, was staffed in the Gulf Coast Ecosystem Restoration Task Force when the RESTORE Act was being written.
- O. Amison then asked about the first year BP settlement funds and when that money should come in.
- S. Wilson explained that a consent decree must be signed before BP will begin paying, and that the first year begins when that decree is signed. Thus, BP funds may be available in 2017.
- A. Pierce then opened up the floor to questions from the general public.
- Tamara Allan said that she had seen A. Pierce speak at the BOCC meeting and inquired if the RESTORE Direct Component (Treasury) frowned on using funds for land acquisition.
- A. Pierce explained RESTORE Funds could be used for land acquisition, and that Natural Resources Damage Assessment (NRDA) projects were the ones constrained by limitations on land purchases. Note: Recent Early NRDA restoration projects included land acquisition in Florida and throughout the Gulf.
- S. Wilson elaborated on this, explaining that several proposals in Gulf County included land acquisition for environmental conservation and public waterfront access.
- D. Tonsmeire asked S. Wilson and A. Pierce to speak a bit more about what exactly the funds could be spent on and whether or not there would be caps on how much funding goes to certain types of projects.
- S. Wilson and A. Pierce explained that there are four categories that a project can fall into: environment, infrastructure, economy, and tourism. Although other Pots do have caps on how much money can be spent in each category, the Direct Component does not. As long as the project falls under one of the eligible activities outlined in the RESTORE Act, it qualifies for consideration.
- On this note, A. Pierce said that "as a community, we don't want to take this money and put it into programs we already have. For example, we can't subsidize the Sheriff's department. We want to use it to execute projects and ideas that haven't had the opportunity for funding before."

- R. Vroegop asked for a more specific discussion on the needs assessment document and what the County is looking for.
- P. Johnson explained that as part of this needs assessment process, the Dewberry team would be reviewing existing documents (resource management and capital improvement plans) and data to help guide the RAC in determining what their focus should be.
- A. Pierce reminded attendees that one of the conditions of the MYIP is that the projects the County submits must make use of the best available science.
- S. Wilson explained that the RAC would not be starting with a blank slate. The Dewberry team will review documents and best available science, then provide the RAC with a draft needs assessment that they can add items to, delete items from, and tweak to reflect their understanding of the community.
- B. Lapaz asked if there would be a preference towards projects with previously engineered plans.
- S. Wilson stated that there would be a preference towards projects that have already completed design and engineering because the value of those services is considered leveraging / matching funds.
- P. Johnson reminded attendees that it is possible to submit phased projects that take a “bite at the apple” by tapping into funding over multiple years.
- J. Koelsch addressed RAC members and introduced herself as part of the National Wildlife Federation (NWF). This organization, she told the RAC, has a diverse membership from conservationists and environmentalists to avid hunters and everyone in-between. NWF has been tracking BP funding and knows how important the Apalachicola River system is to the entire Gulf. Koelsch stated that she hopes to see a multitude of good projects come out of Franklin County. She encouraged the RAC to “think big” stating “that this is your opportunity to make a statement and a significant contribution.”
- Before adjourning, A. Pierce gave a brief summary of other Pots:
 - Triumph funds are exclusively for economic development and will not be distributed to counties without a 1:1 match of leveraged funds.
 - A portion of this match must come from a private enterprise, but RESTORE Funds can also be leveraged for Triumph dollars.
 - Triumph funds are reserved for projects of a transformational nature; projects that bring new industry to the area or create jobs.
 - Additionally, there is the Gulf Consortium which is made up of all 23 Gulf Coast counties.
 - Originally, 75% of Consortium funds were meant to go to the eight disproportionately affected counties, however the rules have sense changed and Consortium money will now be split equally with 50% of funds going to the eight disproportionately affected counties, and 50% going to the remaining 15 counties.
- P. Johnson summed up A. Pierce’s closing remarks by reminding attendees that “the legislature can giveth, and the legislature can taketh away,” particularly in regard to Triumph funds, which was legislatively created.
- There were no further questions and the meeting was adjourned at approximately 6:08 p.m. EST.