

Assistant Secretary Richard L. Gregg Department of the Treasury Room 2050; 1500 Pennsylvania Avenue, NW Washington, DC 20220.

Dear Assistant Secretary Gregg:

Thank you for the opportunity to comment on the Department of Treasury ("Treasury")'s Notice of Proposed Rulemaking on the Gulf Coast Restoration Trust Fund. The **Partnership for Gulf Coast Land Conservation** (PGCLC) wishes to submit the following comments regarding the Treasury's proposed rules governing the expenditure of funds under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 ("RESTORE Act").

Partnership for Gulf Coast Land Conservation

The PGCLC is a coalition of 31 national, local, and regional non-governmental organizations dedicated to advancing land and water conservation in the Gulf of Mexico coastal region. Our mission is to work together across the Gulf of Mexico coastal region and within watersheds bordering the Gulf of Mexico to increase the pace, quality, and permanence of voluntary land and water conservation. The organization is organized under the auspices of the Land Trust Alliance.

The PGCLC is developing a Conservation Vision (available Winter 2014) that will identify the shared land protection priorities of the non-profit conservation community in the Gulf of Mexico region. The Conservation Vision will be aligned with the goals and objectives adopted by the Council in the *Initial Comprehensive Plan*. The PGCLC will use this document to advocate for high priority land protection projects in the oil spill restoration process and other conservation initiatives.

Public Comments Regarding Treasury Regulations

The PGCLC's recommendations regarding RESTORE Act regulations are designed to accomplish the following:

- Ensure a transparent process that provides opportunities for the public to participate in decision-making;
- 2) Ensure that land acquisition and conservation easements are permitted uses for RESTORE Act funds for the purpose of land protection and restoration;
- 3) Allow for the participation of nonprofit organizations in the implementation of projects, programs, and activities;
- 4) Allow funds to be used for long-term stewardship of land and water resources, and
- 5) Stream-line planning, oversight, and compliance activities so that environmental restoration projects, programs and activities are implemented in a timely fashion.

General Recommendations Regarding the Direct Component, the Oil Spill Impact Component, and the Comprehensive Plan

- Treasury should adopt rules that establish that States, jurisdictions and the Council must translate their plans and communications into Spanish and Vietnamese for public input activities. Rules should be developed regarding how public outreach should be conducted in low income communities and not just through posting materials on the internet.
- 2) Treasury should develop a review and/or grievance procedure to be used if members of the public find that the jurisdictions have included activities in their plans that are not in accord with the purposes of the RESTORE Act. Similarly, there should be a grievance or review process regarding projects that are appropriate as described, but not conducted or implemented in compliance with environmental laws and best management practices.
- 3) Treasury should state that plans developed by States, jurisdictions and the Council may include the use of funds for long-term stewardship of conservation lands. Similarly, if jurisdictions choose in invest in water and sewer projects or other infrastructure that meets the environmental purposes of the Act, the rules should allow funds to be used for long-term maintenance and upkeep.

- 4) Treasury should allow flexibility regarding the acquisition of land for purposes of environmental protection and conservation. While we acknowledge the need for consistency and transparency in Treasury guidelines, we recommend Treasury take into account the unique challenges of land acquisition as a conservation strategy, and the need to retain nimbleness and flexibility in due diligence and tract substitutions while ensuring consistency with stated project goals. Protracted due diligence periods and onerous tract substitution requirements often prove challenging to land acquisition project goals when faced with the real-world constraints associated with private land transaction. For example, the RESTORE Act requires the Council to provide a prioritized list of projects and programs to be implemented over a 3-year period. In the case of land acquisition projects, it is extraordinarily rare to maintain an option on a parcel of land for that length of time. Landowners generally prefer shorter options and NGOs often must pay substantial sums for the option and associated due diligence costs. Allowing flexibility in the replacement of parcels of similar ecological and restoration value would allow land acquisition to be a useful tool in the Gulf Coast's recovery effort.
- 5) Treasury should allow funds be spent on private land to protect resources and improve ecological function in accordance with the laws governing conservation easements.
- 6) The PGCLC recommends that the Treasury include language in the final rules that creates a standard format for administering the Direct Component, the State Expenditure Plans, and the Council Comprehensive Plan. The standard format would streamline activities and create consistency across the three areas. In particular, the PGCLC recommends the development of one set of criteria to guide the selection of projects across the three 'pots'; and a single set of guidelines for contracting, auditing, and compliance regulations.
- 7) Treasury should establish a schedule by which plans by States, jurisdictions and the Council will be reviewed, monies will be disbursed, and reporting and audits to be conducted. Treasury should set deadlines of 60 to 90 days for action once a requirement has been met by one of the parties.

Conclusion

Thank you again for providing the opportunity to comment on the draft regulations for the RESTORE Act. We are committed to ensuring that RESTORE Act funds are invested wisely so that the region will see long-term landscape scale environmental restoration.

Sincerely,

Bob Stokes

President, Galveston Bay Foundation

Chair of PGCLC Executive Committee

Chuck Roe

Director, Southeast Programs

Land Trust Alliance

On Behalf of

The Partnership for Gulf Coast Land Conservation

Local and State Organizations

Alabama Forest Resources Center (AL)

Alabama Land Trust (AL)

Bayou Land Conservancy (TX)

Coastal Land Trust (AL)

Apalachee Land Conservancy (FL)

Conservation Foundation of the Gulf Coast (FL)

Dauphin Island Bird Sanctuaries (AL)

Florida Wildlife Federation (FL)

Galveston Bay Foundation (TX)

Guadalupe Blanco River Land Trust (TX)

Land Trust for Southeast Louisiana (LA)

Land Trust for the Mississippi Coastal Plain (MS)

Lemon Bay Conservancy (FL)

Mississippi Land Trust (MS)

Mississippi River Trust (MS/LA)

Pelican Coast Conservancy (FL/AL)

Tall Timbers Research Station & Land Conservancy (FL)

Tampa Bay Conservancy (FL)

Texas Land Trust Council (TX)

Texas Agricultural Land Trust (TX)

Trust for Coastal Stewardship (LA)

Weeks Bay Foundation (AL)

Wildlands Forever Trust (FL)

Wolf River Conservation Society (MS)

National organizations

Land Trust Alliance

Ducks Unlimited

The Conservation Fund

The Nature Conservancy

The Trust for Public Land