

Estuary Restoration Act of 2000  
Title I of Estuaries and Clean Waters Act of 2000  
Public Law 106-457 dated November 7, 2000

This report has been prepared to meet the requirements of Section 108 of the Estuary Restoration Act, Title I of P.L. 106-457 (Act). The contents reflect the views of the Estuary Habitat Restoration Council members as well as the Assistant Secretary of the Army (Civil Works).

**Background:**

The purposes of the Act are to promote the restoration of estuary habitat; develop a national estuary habitat restoration strategy for creating and maintaining effective partnerships within the federal government and with the private sector; provide federal assistance for and promote efficient financing of estuary habitat restoration projects; and develop and enhance monitoring, data sharing, and research capabilities. The Act establishes a Council consisting of representatives of five agencies (National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency, U.S. Fish and Wildlife Service, Department of Agriculture, and Army). The Council is charged with development and implementation of a national estuary restoration strategy, designed in part to meet the goal of restoring one million acres of estuarine habitat by 2010. The Act authorizes the Secretary of the Army to carry out a cost-shared program for design and construction of habitat restoration projects in accordance with the national strategy developed by the Council. Appropriations totaling \$225,000,000 are authorized to the Army for fiscal years 2001 through 2005, to remain available until expended. Additionally, \$1,500,000 is authorized to be appropriated to the Under Secretary of Oceans and Atmosphere of the Department of Commerce in each of fiscal years 2001 through 2005, for the acquisition, maintenance, and management of restoration project information.

The U.S. Army Corps of Engineers received \$200,000 for Fiscal Year 2002 to use for coordination and \$1,000,000, less savings and slippage for projects in the FY 2003 Omnibus Bill. The National Oceanic and Atmospheric Administration has received a total of \$2,400,000 in fiscal years 2002 and 2003 for development of a national restoration project inventory and establishment of monitoring protocols for restoration projects.

**Accomplishments:**

In early 2001, representatives of the five Agencies began to meet to work on implementation of this Act. This small but energetic and dedicated group is an exemplary illustration of the kinds of partnerships envisioned by the authors of the Act. Each Agency represented on the Council designated a high-level official to serve on the Council. The first Council meeting was held in October 2001, and five subsequent meetings have been held. All of the Council meetings are open to the general public and announced in the *Federal Register*. On behalf of the Council the Corps has established a web site at <http://www.usace.army.mil/estuary.html> where information about the Act and Council is located with a link to a page that contains information about Council meetings, the Estuary Habitat Restoration Strategy and other information related to the Act. In addition, an electronic listserver is used to send notices and

information to the interested public. Most of the other Agencies represented on the Council also have information related to the Estuary Restoration Act on their respective web pages.

In accordance with section 106 of the Act, the Council published the Estuary Habitat Restoration Strategy in the *Federal Register* on December 3, 2002. A draft of the Strategy was published in the *Federal Register* on May 3, 2002. Twenty-nine individuals, agencies and organizations commented on the draft and the final Strategy was revised after consideration of those comments. Copies of the Strategy were provided to the Chairs and Ranking Members of 23 Congressional Committees and Subcommittees with authorization and appropriations responsibilities related to the Agencies represented on the Council.

One of the action items in the Strategy relates to the documentation of historic losses, estimated current rates of loss, and the extent of the threat of future loss or degradation of each type of estuary habitat. On behalf of the interagency work group, NOAA sponsored a two-day workshop in the spring of 2003 to identify sources of data, data gaps, and the potential for using trends data for strategic planning and prioritization of restoration initiatives. Attendees included representatives of the research offices of each of the Council member Agencies and a state employee active in estuary restoration. The workshop yielded valuable information on the types of information that are available for assessing trends in estuarine habitats and their associated ecosystems, and assigned specific responsibilities to several participants for providing data. The Council workgroup plans to assemble and analyze this information in the next fiscal year.

Even prior to the passage of the Omnibus Appropriations bill for FY 2003, the interagency workgroup and the Council considered the selection process and rating criteria for projects that might be funded under this authority. A set of evaluation criteria and a format for requesting proposals was developed. To expedite the process, the Council chose to make its FY03 funding decisions based on a review of existing but unfunded proposals that otherwise met the requirements of the Act. At its September 25, 2003 meeting, the Council approved a prioritized list of projects for recommendation to the Secretary of the Army. It is likely that the Army will be able to provide funds for four or five projects. As of September 30, 2003, a final decision regarding which projects to fund had not been made.

In response to section 107(b) of the Act, NOAA has done extensive work on developing a database for documenting estuary restoration project and tracking progress toward the goal of restoring 1 million acres by 2010. The National Estuary Restoration Inventory will be available on-line in early 2004 for project entry and data searches. The Inventory will provide access to detailed information on restoration projects from throughout the nation, including those conducted or sponsored by the ERA Council Agencies, other Federal Agencies, State, Tribal, and local governments, and private organizations. As required by the Act, the Inventory will house data on restoration techniques, monitoring parameters, and acres restored by habitat type. This information will assist restoration practitioners with the evaluation of the effectiveness of specific techniques, providing guidance for better design and improved success of future restoration projects.

As required by section 107(c) of the Act, NOAA, in consultation with the Council and the academic community, has released a set of monitoring protocols for restoration projects,

including direction on formulating monitoring plans and selecting meaningful parameters for tracking restoration success. An abbreviated version of these protocols, detailing minimum requirements for monitoring in projects funded under the Estuary Restoration Act, was distributed for comment via the Army Corps' Estuary Restoration Act listserver in July of 2003. The document was revised based on public comments, and approved by the Council on September 25, 2003.

**Future:** The U.S. Army Corps of Engineers, with help from the other Council Agencies, will submit the necessary forms to OMB for approval of the proposal solicitation documents, allowing the Council to openly seek proposals for funding from future appropriations. In addition, the interagency workgroup will proceed with the collection and analysis of habitat trends data for use in identifying regional and national priorities for future ERA-funded projects. NOAA will continue to populate the National Estuary Restoration Inventory with projects from throughout the nation, actively compiling data and working with the Council Agencies and other public and private restoration organizations to encourage use of the national inventory for tracking progress toward the Strategy's million-acre goal. The Council Agencies will also continue to work together and in conjunction with non-Federal partners to promote estuary restoration, facilitating the development of regional restoration plans and working to define common restoration goals and measures of success.

**Summary:** The Estuary Restoration Act of 2000 has been a catalyst for increased cooperation among the Agencies represented on the Council. Even though the specific items in section 108(b) of the Act cannot be addressed at this time, it has been a busy and productive three years for those within and outside of Federal Government interested in restoration of the nation's estuaries. Despite the fact that no acres of estuary habitat have been restored under this Act to date, there continues to be great interest in making the Act a success and continuing the collaboration necessary to identify and implement more effective restoration activities.