

**Trustee Council Standard Operating Procedures
for
Implementation of the
Natural Resource Restoration
for the
*Deepwater Horizon (DWH) Oil Spill***

May 4, 2016

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1.0 INTRODUCTION

- (a) In Appendix 2 to the Consent Decree, which is the Restoration Agreement Among the United States and the Gulf States Relating to Natural Resource Restoration (Restoration Agreement), the parties agreed to revise the original Memorandum of Understanding in accordance with the Restoration Agreement and to develop these Standard Operating Procedures (SOPs) for the long-term management, implementation, and administration of settlement funds for natural resource restoration. The Restoration Agreement requires these SOPs to include, but not be limited to, the following: Trustee Council structure and management, decision-making and delegation of authority, funding, administrative procedures, project reporting, conflict resolution, consultation opportunities among the Trustees, and administrative accounting and independent auditing systems for use by each Trustee Implementation Group (TIG). These SOPs supersede all prior SOPs for the *Deepwater Horizon* (DWH) Oil Spill Trustee Council (Trustee Council) and may be updated at the discretion of the Trustee Council.
- (b) The Trustees issue these SOPs to document the expectations of the Trustee Council and each TIG regarding restoration implementation and to promote consistency in restoration planning across the TIGs. These SOPs are intended only to improve the internal management of the Trustee Council and TIGs and do not create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States or states, their agencies, their officers or employees, or any person. These SOPs are not regulations and do not create any legally binding or enforceable requirements or obligations. Nor are these procedures intended to determine or set out compliance with any statute or regulation. These SOPs are not intended to amend or supplant the terms of the Consent Decree (including the Restoration Agreement), the final PDARP/PEIS, or the Trustee Council Memorandum of Understanding (MOU). If there is any conflict between these SOPs and the Consent Decree or the MOU, the Consent Decree or the MOU shall control. Because this document is intended for the internal management of the Trustee Council and TIGs, it is not intended to be cited in any court or litigation proceeding. Administration of the procedures discussed herein is within the sole discretion of the Trustees.
- (c) In order to operate efficiently and effectively, the Trustees may determine that deviation from these procedures is appropriate under some circumstances. Where any report, plan, or other document deviates from these procedures, approval of that report, plan, or other document by the Trustee Council shall also constitute approval of any deviation.

2.0 TRUSTEE COUNCIL STRUCTURE AND MANAGEMENT

- (a) The purpose of this section is to describe the responsibilities, structure, and administrative management of the Trustee Council memorialized in its MOU. The Trustees function as a full Trustee Council for conducting business of common interest to the entire group. The administrative functions described below are for the Trustee Council and do not include administrative functions of each individual Trustee, as required by various laws and regulations.
- (b) Additionally, the Trustees have established eight TIGs, one for each Restoration Area provided within the Consent Decree for the purposes of planning, administering, and implementing restoration. The Restoration Agreement and final PDARP/PEIS establish the following Restoration Areas: Restoration in Alabama, Restoration in Florida, Restoration in Louisiana, Restoration in Mississippi, Restoration in Texas, Region-wide, Open Ocean, and Adaptive Management and Unknown Conditions. The roles and structure of both the Trustee Council and the TIGs are described below.
- (c) Funding sources to support the various roles and responsibilities of the Trustee Council, TIGs, and Trustees are generally described in Appendix J. Final decisions on funding sources are made by the TIGs. This Appendix is for illustrative purposes only and to provide general guidelines for funding activities of the Trustee Council, TIGs and Trustees. All funding decisions will be made at the TIG level in accordance with the Restoration Agreement.

2.1 Trustee Council Roles and Responsibilities

The subsequent sections of these SOPs are organized into procedures related to administration, finance, restoration planning and implementation, monitoring and adaptive management (MAM), data management and reporting, and public affairs and outreach. The roles and responsibilities of the Trustee Council and TIGs (see Section 2.3), per these categories, are generally provided below, with more specific actions and definition provided within each respective section. The majority of the responsibilities of the Trustee Council are carried out by the Lead Administrative Trustee (LAT), or its designee, as denoted in parentheses below and with oversight of the Trustee Council. The Trustee Council may also establish work groups to carry out a portion of these responsibilities as needed.

2.1.1 Administration

- Establish minimum SOPs for each TIG.
- Assign the LAT.

- Develop and maintain the Administrative Record (LAT).
- Conduct meetings with the TIGs as provided within these SOPs.
- Document decisions and actions (LAT).
- Direct support staff in conducting business of the Trustee Council (LAT).

2.1.2 Finance

- Track transactions through the U.S. Department of the Interior (DOI) Natural Resource Damage Assessment and Restoration Fund (DOI Restoration Fund) (LAT).
- Maintain the Data Integration, Visualization, Exploration, and Reporting system (DIVER) Restoration Management Portal (Restoration Portal) to support consolidated TIG financial management and reporting (LAT).
- Coordinate timing of financial audits and reporting across TIGs (LAT).

2.1.3 Restoration Planning and Implementation

- Coordinate with other DWH restoration programs.
- Conduct reviews of the restoration program at appropriate intervals.

2.1.4 MAM

- Establish and provide direction to a Cross-TIG MAM work group (described in Section 10) to facilitate coordination and compatibility of MAM products and procedures across TIGs, where appropriate.
- As set forth in Section 10, coordinate with other science and monitoring programs and the broader scientific community where appropriate.
- As set forth in Section 10, aggregate and synthesize monitoring data and information to evaluate collective progress toward meeting programmatic Restoration Type goals, to inform restoration program review and reporting.
- Identify emerging unknown conditions and recommend activities to further characterize these conditions.

2.1.5 Data Management and Reporting

- Maintain and update as needed the Restoration Portal to collect, aggregate, and report restoration implementation and monitoring data (LAT).
- Generate various public reports of aggregated TIG data related to restoration projects, finance, compliance, and monitoring (LAT).

2.1.6 Public Affairs and Outreach

- Develop and maintain the Trustee Council website (LAT). The updated Trustee Council website, <http://www.gulfspillrestoration.noaa.gov/>, contains overarching information about restoration planning, the Trustees, and environmental compliance information. The website also includes restoration area pages with news stories, links to project information, and a document archive specific to that area.
- Conduct public Trustee Council meetings (LAT).
- Develop Trustee Council press releases and informational products as needed.

2.2 Trustee Council Management Structure

The Trustee Council is an executive body of all Trustees. Each Trustee is represented on the Trustee Council by a Designated Natural Resource Trustee Official (DNRTO) or designee. The Trustee Council is guided by a rotating Chair and Vice-Chair, and it is generally supported by the LAT and support staff.

2.2.1 Chair

The Chair of the Trustee Council is a DNRTO from one of the five Gulf states. If a state has multiple DNRTOs, the state shall designate one DNRTO from that state to serve as Chair. The Chair presides at meetings of the Trustee Council. The Trustee Council may assign the Chair other specific duties. A DNRTO from Texas is the current Chair.

Beginning on August 1, 2016, the Chair position will rotate among the five Gulf state Trustees in the following order: Alabama, Mississippi, Florida, Louisiana, and Texas. During the meeting prior to the next state member's assumption of the role, the state member shall notify the Trustee Council of its designated Chair; however, a designee may be selected to serve by the DNRTO if that designee is approved by a unanimous vote of the Trustee Council. The term of a Chair is one year beginning on August 1 following the Trustee Council meeting at which the Chair is designated. The Trustees may extend the term of an existing Chair or substitute another Trustee as Chair.

2.2.2 Vice-Chair

The Vice-Chair is a designee from one of the federal Trustee agencies. The Vice-Chair serves as Chair at Trustee Council meetings during absences of the Chair. The current Vice-Chair is a representative of the U.S. Department of Agriculture (USDA). Beginning on October 1, 2016, the order of rotation for the Vice-Chair will be: National Oceanic and Atmospheric Administration (NOAA), DOI, U.S. Environmental Protection Agency (EPA), USDA. The Vice-Chair will be a DNRTO; however, a designee may be selected to serve by the DNRTO if that designee is

approved by a unanimous vote of the Trustee Council. The term of the Vice-Chair shall be one year beginning on October 1 of each year. The federal Trustees may extend the term of an existing Vice-Chair or substitute another federal Trustee as Vice-Chair.

2.2.3 Designations

Each DNRTO will notify other DNRTOs of the names, addresses, email addresses, and telephone numbers of their designee and alternate designee and, if relevant, the designation of a common representative in accordance with Section VI of the MOU. DNRTOs may change his or her designees at any time by written notice to the other Designated Officials.

2.2.4 LAT

- (a) Trustee Council operations require administrative and technical support. The LAT, currently DOI, provides general administrative and technical support to the Trustee Council, which includes, but may not be limited to, the items provided in Section 2.1.
- (b) In carrying out administrative activities, the LAT may rely upon other Trustees acting on behalf of the Trustee Council or procure contractual services after review and approval of the scope and projected budget of services by the Trustee Council.

2.2.5 Support Staff

The Trustee Council may designate support staff or procure contractual services to assist in the management of the duties of the Trustee Council. Unless otherwise agreed upon by the Trustee Council, staff direction will be provided by the LAT. Support staff may include, but not be limited to, program coordination, administrative and financial support, public affairs and outreach coordination, and information technology administration. Such support will be on an as-needed basis and may also provide services to the TIGs upon agreement of the Trustee Council.

2.2.6 Work Groups

The Trustee Council may form and task work groups or teams on an as-needed basis to address specific issues that may arise. These Trustee Council work groups or teams will act only at the direction of the Trustee Council and will have no independent decision-making authority. Particular to some of the responsibilities provided in Sections 2.1.3 and 2.1.4, the Trustee Council will establish a Cross-TIG MAM work group composed of one primary and one alternate staff member with technical expertise from each of the nine Trustee Council members (see Section 10.1., Cross-TIG MAM work group). At the direction of the Trustee Council, the Cross-TIG MAM work group will address many of the Trustee Council MAM responsibilities described herein.

2.3 TIG Roles and Responsibilities

As set forth within the Restoration Agreement, the TIGs are composed of individual Trustee agencies, which together are responsible for the general actions listed below.

2.3.1 Administration

- Promote consistency with these SOPs.
- Coordinate collection and submission of documents for the Administrative Record.
- Conduct meetings as provided within these SOPs.
- Document decisions and actions.

2.3.2 Finance

- Approve and document TIG funding decisions.
- Oversee general management of TIG funds.
- Promote consistency with financial requirements.

2.3.3 Restoration Planning and Implementation

- Coordinate with other DWH restoration programs.
- Develop draft and final restoration plans.
- Coordinate environmental reviews and compliance.
- TIG members act as cooperating agencies for the purpose of NEPA (40 CFR 1501.6) in the preparation of NEPA analysis integrated into TIG restoration plans.
- Select and authorize projects and Implementing Trustee(s).
- Provide for public engagement in planning process.
- Oversee project implementation, including monitoring and long-term activities as specified in project plans.

2.3.4 MAM

- Identify MAM priorities for the TIG's Restoration Area as set forth in Section 10.
- Review project MAM plans for compatibility with Section 10 of these SOP.
- Track monitoring data, reports, and other MAM information submitted to the Restoration Portal for compatibility with Section 10 of these SOP.

- Provide TIG related aggregated MAM data, information, and evaluations to the Trustee Council.

2.3.5 Data Management and Reporting

- Submit project data as established by these SOPs.
- Generate various public reports of aggregated TIG data related to restoration projects, finance, compliance, and monitoring as set forth in these SOPs.

2.3.6 Public Affairs and Outreach

- Develop and maintain the TIG pages of the Trustee Council website.
- Conduct public meetings as provided within these SOPs.
- Develop TIG press releases and informational products as needed.

2.4 TIG Management Structure

2.4.1 Primary Point of Contact

A primary point of contact (POC) will be designated within each TIG. The TIG primary POC will coordinate with the Trustee Council and the LAT to encourage consistency of TIG operations with these SOPs, including timely project reporting and submission of documents to the Administrative Record. Each TIG will notify the current Trustee Council Chair of its designated POC.

2.4.2 Designations

The DNRTTO letters will identify the representatives and alternates of each of their respective TIGs who are authorized to make official decisions and serve as the signatory within those TIGs. DNRTTO letters should contain the names, addresses, email addresses, and telephone numbers of the designee and alternate designee(s). These letters should also indicate who has signature authority for financial resolutions.

2.4.3 Support Staff

Support staff necessary for TIG operations will be provided by members of each TIG. Additional support staff can be provided to the TIGs by the LAT, upon TIG request and approval by the Trustee Council.

3.0 ADMINISTRATIVE PROCEDURES

3.1 Trustee Agreements

In addition to the Trustee Council MOU, the Trustees may develop Trustee agreements and procedures to further restoration.

3.1.1 MOUs

- (a) The federal Trustees have a separate MOU (Federal Trustee Council MOU; Appendix B) setting forth an approach and procedures pursuant to which the federal Trustees will speak with a single voice (i.e., reach a single federal position) on decisions made by the five TIGs for each of the five Gulf states. The Federal Trustee MOU may also address coordinated decision-making and dispute resolution among the federal Trustees in connection with their participation in the other TIGs and the Trustee Council.
- (b) Each state with multiple state Trustees has a separate MOU setting forth an approach and procedures pursuant to which each state will speak with a single voice (i.e., reach a single position) for its respective state on decisions made by the TIGs and the Trustee Council.

3.1.2 SOPs and Amendments

- (a) The Trustee Council may amend these SOPs or draft additional SOPs to establish processes or guidance documents for the Trustee Council for any part of the restoration within its purview.
- (b) Paragraph 3.3 of the Restoration Agreement requires TIGs to develop procedures for developing projects. TIGs may choose to have these SOPs serve for this requirement. If a TIG desires to develop additional procedures, such procedures should be in writing in the form of TIG SOPs and effective prior to releasing its first draft restoration plan.

In addition to the requirement of the Restoration Agreement, TIGs may develop additional SOPs to further guide administration, planning, implementation, and long-term management of restoration activities for their Restoration Area, provided those SOPs are consistent with these Trustee Council SOPs. TIG SOPs, if developed, will be appended to the Trustee Council SOPs and will be adopted upon TIG consensus, in accordance with the Trustee Council MOU.

- (c) Amendments to Trustee Council SOPs, including appendices, may be initiated by any Trustee Council member. Such amendments will be vetted at a Trustee Council meeting

and must be agreed upon by all Trustee Council members to become effective. Amended documents supersede previous versions of the documents.

Minor changes may be proposed by any Trustee Council member by email to all other Trustee Council members through the Trustee Council Chair. Minor changes include the correction of typographical, transposition, or other scrivener errors; redrafting of a provision for clarification; and other refinements necessary to effect a provision's original intent. Minor changes will become effective only after email approval has been received by the Trustee Council Chair on behalf of each Trustee Council member and the minor change is made in writing in the current version of the Trustee Council SOPs posted to the Trustee Council website.

Amendments to TIG SOPs may be initiated by any TIG member. Such amendments will be vetted at a TIG meeting and must be agreed upon by all TIG members to become effective. Amended documents supersede previous versions of the documents.

Minor changes may be proposed by any TIG member by email to all other TIG members through the Trustee Council Chair. Minor changes will become effective only after email approval has been received by the proposing TIG member on behalf of each of the other TIG members and the minor change is made in writing in the current version of the relevant TIG SOPs appended to the Trustee Council SOPs posted to the Trustee Council website.

3.1.3 Public Availability

The Trustee Council MOU, Federal Trustee MOU, State Trustee MOUs, and Trustee Council SOPs, including any appended TIG SOPs, will be made publicly available on the Administrative Record.

3.2 Trustee Meetings and Documentation

3.2.1 Attendance

- (a) All Trustee Council members and/or their alternates and Trustee Council staff, as requested, are to attend Trustee Council meetings scheduled with advance notice of at least 30 days for in-person meetings. All Trustee Council members and/or their alternates and Trustee Council staff, as requested, are to make good faith efforts to attend all teleconferences or Web meetings scheduled with advance notice of at least seven days. Additional agency resources, including legal counsel, may also attend and participate in Trustee Council meetings at the discretion of their Trustee Council member. Trustee Council members may invite other non-Trustee attendees (e.g., RESTORE, NFWF staff), provided that advance notice is given to, and consent is received

from, the rest of the Trustee Council members. At the discretion of the Trustee Council, work group members may attend Trustee Council meetings.

- (b) Notification of and attendance at all TIG meetings is as provided in 3.2.1 (a) for the Trustee Council, unless otherwise agreed upon by consensus of the TIG.

3.2.2 Frequency

- (a) The Trustee Council and TIGs will meet as frequently as they deem necessary for advancing their respective work. At least once a year, the Trustee Council will have a meeting in which each TIG will provide an update on the status of its restoration planning, implementation, and monitoring/adaptive management, and where there will be opportunity for public input. TIGs will hold at least one public meeting per year, unless a TIG planning cycle calls for a different frequency, to discuss the status of its restoration planning, upcoming restoration planning (including the Restoration Type[s] that TIG will focus on for a specified timeframe), and where there will be an opportunity for public input.
- (b) The Trustee Council and TIGs may conduct additional meetings via other means, including teleconferences and Web meetings.

3.2.3 Location

For Trustee Council meetings, Trustees may rotate hosting in-person meetings, typically across the five Gulf states. Each TIG will decide by consensus the location of its respective meetings, taking into account travel and cost efficiencies of its members.

3.2.4 Decision-Making Documentation

3.2.4.1 Documentation

Documentation of decisions will be routed for Trustee Council or respective TIG approval. Such documentation will be submitted to the Administrative Record, upon approval. Meeting minutes will be developed for the annual meetings of the Trustee Council and the TIGs.

3.2.4.2 Trustee Council and TIG Resolutions

- (a) Resolutions are generally required for financial decisions, approval of restoration plans, and approval of restoration projects. Resolutions may additionally be necessary for some releases of information or data to the public, or for approving amendments to Restoration Plans or Trustee Council documents. Project or planning activities that affect or are funded by more than one TIG will require each TIG to sign a resolution for its portion of that project funding or activity.

- (b) Resolutions may be drafted and proposed by any Trustee Council or TIG member to be approved by the Trustee Council or respective TIG. Resolutions, once signed (by hand or approved electronic signature) by the Trustee Council or TIG, or their authorized designees, are maintained and distributed internally. Resolutions will be submitted to the Administrative Record.

3.3 Administrative Record

- (a) As provided in 15 CFR § 990.45 and § 990.61, Trustees will maintain the Administrative Record for restoration planning and implementation. The Trustees opened a publicly available Administrative Record on October 1, 2010 (see notice of intent to proceed with restoration planning, 75 Fed. Reg. 06800, at 60802), which can be found at <http://www.doi.gov/deepwaterhorizon/adminrecord/index.cfm>. In addition to this Administrative Record, an Administrative Record may be maintained by individual Trustees, as may be required by law.
- (b) The following outlines the responsibilities related to the Administrative Record for the LAT, the Trustee Council, and the TIGs.
- (c) The LAT will create and maintain the Administrative Record, including continued maintenance of the existing Trustee Council Administrative Record. Maintenance responsibilities will include:
 - (1) Hosting a website that, at a minimum, provides public access to the Administrative Record in a centralized location.
 - (2) Retaining Administrative Record materials.
 - (3) Periodically notifying the Trustee Council and TIGs of Administrative Record obligations.
 - (4) Supporting the Trustee Council and TIGs, as requested, with posting records to the Administrative Record, including providing Administrative Record submission business rules to the Trustee Council and TIGs (Appendix H).
 - (5) Providing Administrative Record indices and/or organizational structures, with input from the Trustee Council and TIGs.
 - (6) Closing the assessment section of the Administrative Record and opening a section(s) in the Administrative Record for further restoration planning and implementation, at the direction of the Trustee Council.

- (d) The Trustee Council will be responsible for providing guidance on the type and scope of materials to be included in the Administrative Record, in accordance with 15 CFR §§ 990.45 and 990.61, including the *Restoration Implementation Administrative Record Guidance* appended to these SOPs (Appendix I). The guidance will be applicable to both the Trustee Council and the TIGs to ensure consistency across the Administrative Record(s). The Trustee Council, in its independent capacity from the TIGs, may direct the LAT to post documents to the Administrative Record. Each Trustee Council member who nominates records for inclusion in the Administrative Record must allow Trustee Council members to review the proposed records for at least 7 days before submitting them to the Administrative Record.
- (e) The TIGs will be responsible for identifying, collecting, and submitting documents (with support from the LAT) to their TIG-specific section of the Administrative Record. Each TIG nominates records for inclusion in the Administrative Record and must allow TIG members to review the proposed records for at least 7 days before submitting them to the Administrative Record. Counsel to the Trustee responsible for proposed records (i.e., primary author or custodian) will conduct a legal review of records prior to submitting documents for posting on the Administrative Record. TIGs will submit approved documents for posting to the Administrative Record in accordance with the Administrative Record submission business rules provided in Appendix H.

3.4 Records Retention

Each of the Trustees has its own record retention requirements and policies which have various requirements for records retained and retention periods. The Trustees are working on establishing minimum requirements for documents related to restoration activities to be applied by all Trustees. Each Trustee agrees to retain records relating to restoration activities until an SOP regarding record retention has been established. The Trustees will issue an SOP related to record retention by September 15, 2016. If the Trustees do not issue such an SOP by September 15, 2016, the Trustees agree to retain records associated with a restoration project for 6 years after that project's completion (excluding the time for any post-construction monitoring). Should this provision require a Trustee to retain records beyond a state's applicable record retention period, that Trustee may submit documents to the LAT (in a manner and format determined by the LAT). Any costs associated with this retention service will be funded by Regionwide Administrative TIG funds.

4.0 DECISION-MAKING AND DELEGATION OF AUTHORITY

Sections VI and VII of the MOU are hereby incorporated by reference.

5.0 CONFLICT RESOLUTION

Section VII of the MOU is hereby incorporated by reference.

6.0 FUNDING

6.1 DWH Natural Resource Damages Account Structure and the Natural Resource Damage Assessment and Restoration Fund

- (a) Annual payments by BPXP to the Trustees for natural resource damages (NRD Monies) will be deposited into the DOI Restoration Fund, which is a U.S. Treasury account managed by the DOI.
- (b) With the exception of the Adaptive Management & Unknown Conditions TIG, two sub-accounts will be created in the DOI Restoration Fund for each TIG, a general sub-account and an administrative sub-account. Additional sub-accounts may be created at the discretion of the individual TIGs, as appropriate, and in coordination with the LAT.
- (c) The LAT will serve as a liaison between the TIGs and the DOI Restoration Fund, including providing uniform deposit, transfer, and withdrawal forms to the TIGs; providing any necessary documentation to the DOI Restoration Fund; providing financial reports to the TIGs and Restoration Portal administrator annually and after a deposit, transfer, or withdrawal is made.
- (d) Prior to any transaction with the DOI Restoration Fund, each TIG must provide the LAT with a copy of its DNRTO letter. The LAT will provide the Trustee Council MOU, the Federal Trustee MOU, the relevant State Trustee MOU, and relevant DNRTO letters to the DOI Restoration Fund. The TIG will be responsible for timely submission to the LAT of the relevant documentation described above, and any changes to those documents.

6.2 Annual Payment Deposit Process

- (a) BPXP will make payments to the DOI Restoration Fund accordingly:

- (1) Remaining Early Restoration funds¹ in the amount of \$124,909,626 plus interest by May 4, 2016.
 - (2) \$489,655,172 annually by April 4, from 2017 to 2031 (with the exception of 2018).
 - (3) \$244,827,586 in 2018.
 - (4) Payment(s) not to exceed \$700,000,000 made within 60 days after the Trustees joint demand to BPXP that may occur any time between January 1, 2026, and April 4, 2032.
- (b) Unless otherwise specified by a TIG, the annual payments will be deposited into each TIG's general sub-account per the Restoration Agreement, Table 3. If a TIG wants the annual payment to be split among its sub-accounts, the TIG must submit to the LAT a TIG resolution and DWH Deposit Form (appended to these SOPs) 15 days prior to the annual payment from BPXP, indicating the amount the TIG would like to allocate to each sub-account.
- (c) At least 10 days prior to the annual payment, the LAT will submit the deposit instructions to the DOI Restoration Fund, which will accelerate the deposit into the TIG-specific sub-accounts.
- (d) Once the deposits have been made, the LAT will provide each TIG and the Restoration Portal administrator with a report confirming the deposit of funds into the TIG sub-accounts.

6.3 Funding Transfers Between Sub-accounts

- (a) A TIG may request the transfer of funds between its sub-accounts.
- (b) Transfer of funds between sub-accounts can take up to 46 days. Transfers between TIG sub-accounts must be documented by a TIG resolution. The TIG must submit a TIG resolution requesting the transfer and the DWH Fund Transfer Form (appended to these SOPs) to the LAT, indicating the amount to be transferred, the sub-account from which

¹ On April 20, 2011, the Trustees and BPXP entered into an agreement whereby BPXP agreed to provide up to \$1 billion toward Early Restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the DWH spill ("Early Restoration"). The \$1 billion and any interest earned thereon will hereafter be referred to as "Early Restoration funds."

the funds should be withdrawn, and the sub-account to which the funds will be deposited.

- (c) A TIG should submit the resolution and DWH Fund Transfer Form to the LAT approximately 46 days prior to the date that the TIG needs to transfer funds.
- (d) The LAT will record the transfer request, assign a unique tracking number, and submit the transfer request to the DOI Restoration Fund.
- (e) Once the transfer has been completed, the LAT will provide the TIG and Restoration Portal administrator with a report, confirming the transfer of funds.

6.4 Withdrawal of Funds from the DOI Restoration Fund

- (a) Withdrawal of funds can take up to 50 days. Withdrawals must be documented by a TIG resolution. The resolution must state the purpose for which the funds will be used (i.e., approved restoration project, administrative activities). A TIG may request a withdrawal of funds by submitting a TIG resolution and a DWH Funds Withdrawal Form (appended to these SOPs) to the LAT. For planning purposes, TIGs should submit the withdrawal request 50 days prior to the date on which the TIG intends to expend funds.
- (b) A separate DWH Funds Withdrawal Form is required for each Trustee who will be receiving funds due to the required Trustee-specific account information.
- (c) A resolution may contain withdrawal requests for multiple Trustees as long as a DWH Funds Withdrawal Form is included for each Trustee.
- (d) If the funds are being requested for an approved restoration project, a final restoration plan must be submitted along with the resolution and withdrawal form, unless previously submitted.
- (e) The LAT will record the withdrawal request, assign a unique tracking number, and submit the withdrawal request to the DOI Restoration Fund.
- (f) The DOI Restoration Fund will prepare and process a Treasury transfer that will transfer the funds from the DOI Restoration Fund to the state and/or federal Trustee indicated on the DWH Withdrawal Form.
- (g) The Treasury will wire transfer the requested funds to the Trustee-specific account.
- (h) The LAT will notify the TIG when the Treasury transfer request has been made to allow the Trustees to internally track the incoming funds.

- (i) Every withdrawal confirmation report provided by the LAT shall contain the following language: The disbursement of funds confirmed in this report was made pursuant to a TIG resolution. The funds disbursed may be used only for the activities authorized by that TIG resolution. Any non-authorized use of disbursed funds must be reported to the full TIG immediately upon discovery of unauthorized use.

6.5 Return of Funds to the DOI Restoration Fund

Text for this section will be addressed in a later amended version of these SOPs.

6.6 Interest Earned

6.6.1 On Early Restoration Funds

The accrued interest paid by BXPX pursuant to paragraph 17 of the Consent Decree will be distributed for use in the Region-wide Restoration Area.

6.6.2 On TIG Allocations Within the DOI Restoration Fund

Interest earned on funds within the TIG sub-account can be used at the discretion of the TIGs for restoration within the jurisdiction of each TIG, including for planning, administration, or any other TIG responsibilities. The LAT will report interest by TIG annually on the total funds within all sub-accounts.

6.6.3 On Individual Trustee Accounts

Interest earned within individual Trustee accounts from withdrawals received from the DOI Restoration Fund and on Early Restoration funds received prior to the Consent Decree will be applied to the Restoration Area from which the funds were disbursed. The TIG will report interest earned annually. Interest can be used for any Restoration Type or activity as agreed upon by the TIG.

6.7 Investing Funds

Long-term investment decisions will be made and approved by a TIG resolution.

7.0 ADMINISTRATIVE ACCOUNTING AND INDEPENDENT AUDIT SYSTEMS

The financial accounting and audit requirements of these Trustee Council SOPs are the responsibility of each individual Trustee who receives funds under the Restoration Agreement. These SOPs do not supplant each Trustee's internal accounting and financial tracking systems,

but they instead establish standards in financial transparency that will be practiced by each Trustee.

7.1 Financial Accounting

7.1.1 General

For financial accounting of funds, it is the responsibility of each Trustee agency and certifying officers to ensure that all actions are based on sound accounting and budgetary practices, applying the Generally Accepted Accounting Principles adopted by the Federal Accounting Standards Advisory Board (for federal Trustees), the Governmental Accounting Standards Board (for state Trustees), or other equivalent federal or state standards.

7.1.1.1 Fiscal Year

Unless otherwise approved by the Trustee Council, the fiscal year begins on January 1 and ends on December 31.

7.1.1.2 Segregation of Funds

- (a) NRDA funds. All funds subject to these SOPs, including all principal and interest thereon, must be accounted for separately from other sources of funding to ensure that funds provided and interest earned under the Restoration Agreement are used only for authorized DWH NRDA activities. Funds that are not part of the Restoration Agreement are not subject to these procedures.
- (b) Project funding. Trustees receiving funds will maintain unique project codes or identifiers for each project or non-project activity to track funds received and expensed for each Restoration Type and TIG allocation expended on each project or activity.

7.1.2 Allocation Adjustments

Adjustments to the allocations provided in the Restoration Agreement will be made pursuant to Section 3.6 and 3.8 of the Restoration Agreement (Appendix K).

7.1.3 Project Adjustments

Expenditure of funds on restoration projects shall be consistent with the applicable final restoration plan and budget approved by the TIG. All funds are subject to these SOPs and must be documented accordingly. Adjustments to project budgets can be made per the provisions in the following sections, subject to any requirements provided in the restoration plan or resolution.

7.1.3.1 Excess Project Funds

Any unspent or unobligated funds, including any accrued interest, remaining from a project or non-project activity may only be used by the Implementing Trustee(s) for another restoration project or non-project activity agreed to by the TIG. Funds may not be used for another project unless and until the Implementing Trustee(s) has confirmed in writing to the TIG that 1) the project is complete or 2) there is sufficient funding to complete the project requirements defined within the restoration plan (see Section 9.5.2). Remaining funds may be retained by the Implementing Trustee(s) or returned to the DOI Restoration Fund as agreed upon by the TIG.

7.1.3.2 Insufficient Project Funds

As soon as the Implementing Trustee(s) determine that there are insufficient funds to implement a project, the Implementing Trustee(s) will: 1) notify the TIG and 2) seek a resolution to address the budget shortfall issue.

7.1.3.3 Funds from Terminated Projects

Funds from terminated projects (Section 9.5.3) should be managed pursuant to Section 3.5 of the Restoration Agreement (Appendix K). Expended funds will be reported per Section 11 of these SOPs.

7.1.4 Funding Transfers

(a) Transfers between Trustees:

- (1) Trustees may transfer funds to other Trustees for the purpose of carrying out some of the project implementation requirements. The TIG will document approval of such funding transfers. The respective Trustees decide which Trustee will track and report the respective project funds.

(b) Transfers between projects or non-project activities:

- (1) Consistent with the Restoration Agreement, Trustees may transfer funds between approved projects or non-project activities upon approval and documentation by the TIG, including justification for the transfer and financial tracking of such. Transfers will be tracked in accordance with Section 11.0 of these SOPs.

7.1.5 Planning and Implementation Costs

7.1.5.1 Allowable Costs

- (a) Funds received by Trustees under the Restoration Agreement shall only be used for costs associated with TIG-approved activities, such as restoration planning, non-project activities, project implementation, monitoring, and other related restoration activities. Such costs shall include:
- (1) Direct costs. Direct costs are those costs directly related to planning and implementing projects or related activities, to the extent that their expected costs are included in the approved project or non-project activity budget.
 - (2) Indirect costs. All Trustees reserve the ability to recover indirect costs, which are unique to each Trustee. Costs that are included as part of the indirect calculation cannot be applied to a restoration project as a direct cost (i.e., supplies, utilities, etc.). Each Trustee may recover its indirect costs in accordance with its most current approved agency indirect cost policy.

7.1.6 Cost Documentation

- (a) Each Trustee receiving and expending funds under the Restoration Agreement will annually summarize within the Restoration Portal expenditures by Trustee, TIG, and Restoration Type. Additionally, Trustees will maintain documentation for these costs within their own systems for the purpose of financial auditing. Unless otherwise required by law or terms of a written agreement, the Trustees will track and report expended costs, or outlays, and not obligated costs, or encumbrances. The Trustee definitions of these terms are as follows:
- (1) Expended costs (outlays). The term “expended costs” shall be defined as the actual outlay of funds (i.e., payments) through the issuance of checks or warrants, the disbursement of cash, or the electronic transfer of funds.
 - (2) Obligated costs (encumbrances). The term “obligated costs” shall be defined as a commitment to acquire goods or services. An obligated cost is a commitment to pay and should not be considered an expended cost until the goods or services have been received and the invoice paid.

7.1.7 Cost Documentation Content

- (a) Each Trustee will maintain cost documentation supporting its expenditures. Documentation can be electronic or hardcopy and organized at the discretion of each Trustee.

(b) Below is an overview of the types of documentation typically maintained:

- (1) Labor. Labor costs are those associated with Trustee employee compensation for approved activities. Each Trustee will maintain documentation to support labor expenses based on established procedures by the individual Trustee.
- (2) Travel. Travel costs include expenses incurred while on official travel for approved activities. Each Trustee will maintain documentation to support travel expenses based on established procedures by the individual Trustee.
- (3) Contracts. Each Trustee will maintain documentation to support contract expenses consistent with applicable statutes and regulations, including, but not limited to, the following: a copy of the contract or purchase order and all modifications, a copy of paid invoice(s) (copy should indicate the period of performance, amount paid, and approval of invoice for payment), and documentation of work performed.
- (4) Supplies and equipment. If these expenditures are made outside of the contracting process, the expense should be supported by invoices/receipts.
- (5) Grants and cooperative agreements. Each Trustee will maintain documentation to support grant and cooperative agreement expenses consistent with applicable statutes and regulations, such as a copy of the grant or cooperative agreement and all modifications, as well as proof of payment to grant recipient or cooperator.
- (6) Indirect costs. Each Trustee will maintain documentation to support its indirect costs.

7.1.8 Equipment

Each Trustee defines equipment per its agency policy. Trustees will follow their agency policy regarding equipment inventory; repair, maintenance, and safeguarding; surplus; and disposal. Equipment shall be used for the DWH project for which it was acquired. At the completion of the DWH project for which the equipment was acquired, the equipment shall belong to the acquiring agency and may continue to be used in accordance with the acquiring agency's policies. If agency policy or other funding agreement allow, the acquiring agency may, within its discretion, transfer equipment per agency policy or those agreements.

7.1.9 Reporting

According to Section 11 of these SOPs, implementing Trustees will submit financial tracking data for the funds each has received. From this data, the LAT will produce an annual financial report (see Section 12), which will include total expenditures for project or non-project-specific activity, interest earned and expensed, and transfers, as applicable. Additionally, the reports will include all funds received and expended by the Trustees on a summary level, including project and administrative withdrawals, interest earned, and balances of each Restoration Type for each Restoration Area. The LAT will make these reports publicly available on the Trustee Council website and Administrative Record.

7.2 Financial Audits

- (a) To ensure public trust and accountability regarding the use of funds provided under the Restoration Agreement, financial audits will be conducted no less than once every three years for the duration of implementation, with the first audit occurring in 2017. Each Trustee is responsible for procuring such audits and must abide by the scope of work and procedures contained below.
- (b) All financial audits shall be conducted in accordance with the most recent Government Auditing Standards available during that fiscal year. In general, the scope of the financial audits will be to evaluate the Statement of Receipts and Expenditures and source documentation for completeness, accuracy, and compliance with applicable guidelines and regulations.
- (c) The Trustee Council has developed a standard scope of work and report format that outlines the minimum amount of information that needs to be provided (Appendix D). The final audit report for each Trustee receiving funds under the Restoration Agreement will be made available to the TIG and Trustee Council no later than 60 days after receipt of the final report, and it will also be submitted to the Administrative Record. In addition, the entity conducting the audits shall be independent of the Trustee Council and Trustee agencies. All independent financial audits will be completed in compliance with the financial procedures outlined herein and with all applicable and respective state and federal statutes, regulations, and policies.

7.2.1 Readiness

Each Trustee is responsible for ensuring that source documentation is organized and available for review, internal controls are documented, and individuals knowledgeable about the expenditures are reasonably available to answer questions.

7.2.2 Contractors

Contractors who receive funding for services are not automatically subject to the independent financial audits. This does not, however, preclude the Trustee(s) who oversees an applicable contract from determining that an independent financial audit of the contractor is required in addition to an agency or TIG review of expenditure documentation and work produced by that contractor.

8.0 CONSULTATION OPPORTUNITIES AMONG TRUSTEES

8.1 General Trustee Consultation

In order to promote a cooperative and collaborative approach to Gulf restoration as the Trustees operate pursuant to a distributed governance structure that gives TIGs the majority of decision-making responsibilities, communication will be encouraged and afforded between Trustees above and beyond TIG membership. The following provisions set forth minimum expectations for such communications and are intended to be additive and complementary to decision-making and conflict resolution processes described in other SOPs.

8.1.1 At the Trustee Council Level

Trustees will consider opportunities for consultation with one another before noticing public meetings and before re-examining the restoration program (approximately every five years). These opportunities may range from advance written notice of an event or proposed action to teleconferences or webinars between the Trustees or their technical staff, as appropriate.

8.1.2 Across TIGs

All TIGs should consider opportunities for consultation with Trustees that are not members of their TIG before noticing public meetings and initiating restoration plans.

8.1.3 Open Ocean TIG

The Open Ocean TIG will inform relevant state Trustee(s) at the earliest opportunity after initial project identification of a project that could potentially affect a state Trustee's jurisdiction, whether or not the project is within the state's geographic boundaries. Upon request of any such state Trustee(s), the Open Ocean TIG will coordinate with those state Trustee(s) regarding the proposed restoration activities.

8.2 Regulatory Consultation

Procedures for streamlining compliance with other laws, including regulatory and permitting provisions, are outlined in Section 9 of these SOPs. Trustees will continually look for additional opportunities to streamline such processes in order to expedite restoration implementation.

9.0 RESTORATION PLANNING AND IMPLEMENTATION

9.1 Final Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement

In February 2016, the Trustees finalized a Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement (PDARP/PEIS) describing restoration work and terms specified by the Restoration Agreement and in accordance with the OPA of 1990, 33 USC 2701 *et seq.*, NRDA regulations, 15 CFR § 990, and the National Environmental Policy Act (NEPA) of 1969. All subsequent restoration plans will be consistent with the PDARP/PEIS, including Alternative A as selected in the Record of Decision (ROD), signed March 22, 2016. As such, all references to restoration planning and implementation within these SOPs refer to that conducted under the Restoration Agreement and PDARP/PEIS, unless otherwise specified.

9.2 Completion of Early Restoration

- (a) On April 20, 2011, the Trustees and BPXP entered into a Framework Agreement (Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill) whereby BPXP agreed to provide up to \$1 billion toward Early Restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the DWH spill.
- (b) Under the Framework Agreement, the parties (the Trustees, the U.S. Department of Justice, and BPXP) negotiated project-specific agreements (Stipulations) to fund early restoration projects.
- (c) With entry of the Consent Decree on April 4, 2016, the Framework Agreement was terminated and replaced by the Consent Decree. In addition, the Stipulations are void as between the Trustees and BPXP, provided however that the Trustees shall use the amounts paid or committed by BPXP under each Project Stipulation for the project(s) and in the manner specified in each such Project Stipulation and the corresponding early restoration plan adopted by the Trustees. Approved Early Restoration projects that have not yet been completed will be carried out in accordance with the Consent Decree. These restoration projects are now part of the general portfolio of Trustee-approved

restoration projects and are subject to these SOPs. Unless the relevant TIG decides otherwise, early restoration funds held by an implementing trustee will continue to be held by the implementing trustee until project completion. Decisions concerning any project changes, the selection and implementation of any replacement project(s), and the use of any unexpended Early Restoration project funds will also be made in accordance with these SOPs (see Section 9.5, Restoration Implementation) by the appropriate TIG for that project. As described in the Restoration Agreement and Section 6 above, previously undisbursed Early Restoration funding will be distributed to the Restoration Areas.

9.3 Other DWH Program Coordination

The Trustee Council and TIGs share responsibility to coordinate with other DWH restoration programs. The Trustee Council may consider the restoration actions of these other programs and facilitate the TIGs in activities such as identifying synergies, reducing potential redundancies, leveraging opportunities, and considering cumulative effects when proposing and selecting projects. The Trustee Council will coordinate as appropriate with other restoration and science programs on topics related to MAM, such as filling critical information gaps and developing consistent data standards and monitoring products (see Section 10.1.5). As detailed in subsequent sections of these SOPs, the Trustee Council and TIGs will make project monitoring data and project information publicly available for projects that are selected for implementation, facilitating coordination with the public, the scientific community, and other restoration programs.

9.4 Restoration Planning

- (a) TIGs will follow a process of:
 - (1) Initial planning to identify, develop, and evaluate project ideas, including consideration of strategic frameworks, if available.
 - (2) Proposing projects, inclusive of alternatives, in draft restoration plans.
 - (3) Engaging the public for comment on draft restoration plans.
 - (4) Developing final restoration plans.
 - (5) Selecting projects for implementation.
- (b) The restoration planning processes described below will be incorporated into project planning procedures a TIG may develop. Specific restoration planning requirements may be adjusted depending on the complexity of projects under consideration.

9.4.1 Initial Restoration Planning Steps

9.4.1.1 Strategic Frameworks

The Region-wide TIG will lead development of strategic frameworks for living coastal and marine resource Restoration Types (Marine Mammals, Birds, Sea Turtles, and Oysters) with allocations across multiple Restoration Areas. These will provide broad context for project selection and implementation, and as they are available, will be considered by TIGs when developing and selecting projects. Other strategic frameworks may be developed at the discretion of the TIGs.

9.4.1.2 Initial Project Identification

- (a) TIGs will meet to consider the Restoration Type(s), restoration approach(es), regional locations, goals and objectives, and other issues to shape the initial purpose and need for each restoration plan and will consider relevant strategic frameworks as available.
- (b) TIGs may pursue a phased approach to planning (e.g., identifying projects for engineering and design in one restoration plan, and then evaluating that proposed project for implementation in more detail in a subsequent restoration plan) as described further in 9.4.1.5(c) and Appendix C, if available.

9.4.1.3 Public Involvement in Project Identification

As described in PDARP/PEIS Section 7.3.1, as each TIG conducts initial project identification, the TIG will provide opportunity for public input of project ideas. TIGs will notify the public of this opportunity via notice on the Trustee Council website. TIGs may also seek input on project ideas via public meetings, additional project submission databases, or other portals or venues.

9.4.1.4 Initial Project Screening

The TIGs and individual Trustees within the TIG will develop project ideas and will consider relevant project ideas submitted by the public. The TIGs will screen initial project ideas to hone in on potential projects and alternatives that will continue to be developed for consideration. Screening will adhere to project selection criteria consistent with OPA regulations (15 CFR § 990.54), the PDARP/PEIS, and any additional evaluation criteria established by a TIG and identified in a restoration plan or public notice.

9.4.1.5 Preliminary Project Development

- (a) The Implementing Trustees will, once potential projects and alternatives have been initially screened, develop project details for continued TIG evaluation. As needed, these details include:

- (1) Goals and objectives.
 - (2) Timeframes.
 - (3) Details of benefits to injured resources.
 - (4) Potential environmental impacts and their magnitude.
 - (5) Implementation methodologies.
 - (6) Project monitoring (Section 10).
 - (7) Environmental compliance and permitting requirements (Section 9.5).
 - (8) Other information consistent with TIG project identification responsibilities.
- (b) The TIGs will ensure that initial cost/budget estimates for each project include, where applicable:
- (1) Engineering and design.
 - (2) Compliance and permitting.
 - (3) Monitoring.
 - (4) Land rights.
 - (5) Construction.
 - (6) Oversight.
 - (7) Long-term maintenance and stewardship.
 - (8) Contingency.

The TIGs will refine project information as needed and agree when projects are sufficiently shaped, including consideration of alternatives, to be considered for potential further development in a draft restoration plan (see Section 9.4.2).

- (c) TIGs may propose to phase restoration projects across multiple restoration plans. For example, a TIG may propose funding a planning phase (e.g., initial engineering, design, and compliance) in one plan for a conceptual project. This would allow the TIG to develop information needed to fully consider a subsequent implementation phase of that project in a future restoration plan. For planning phases, the Implementing

Trustee(s) will develop project information as described in subparagraph (a), to the extent that information is available without further planning funds. TIGs will ensure that initial cost/budget estimates for planning phases will lead to sufficient project information to develop a more detailed reasonable range of alternatives analysis in a subsequent restoration plan.

9.4.1.6 Notify the Public at Initiation of Restoration Plans

The Council website will be updated to notify the public when a TIG is initiating a restoration plan. For example, the notification could describe, to the extent known, the Restoration Types and approaches (or projects, if applicable) to be considered, the context for the restoration plan in relation to other Gulf restoration programs, and the intended years of funding to be included in the restoration planning for each Restoration Type. Where a restoration plan will rely on or incorporate portions of a regional restoration plan, the TIG may use this step as an opportunity to notify the public of projects to be considered from regional restoration plans.

9.4.2 Develop Draft Restoration Plan Content and NEPA Analyses

- (a) Drafting the documents. TIGs will prepare draft restoration plans to analyze proposed projects or groups of projects, as well as a reasonable range of alternatives to those projects. The TIGs will discuss the appropriate level of NEPA documentation and the lead agency will ensure appropriate NEPA compliance. NEPA will be integrated into restoration plans tiered from the PDARP/PEIS (unless a TIG determines that a restoration plan and NEPA analysis need to be developed separately; see Section 9.4.2.2 d). In addition to being consistent with OPA and NEPA requirements, draft restoration plans and their integrated NEPA analyses will include the following:
- (1) Name of restoration plans. TIGs will develop consistent naming conventions for restoration plans to assist in tracking and public transparency on all actions conducted by the Trustees over time.
 - (2) Roles. The plan will identify the proposed Implementing Trustee(s) for each proposed project, as well as the federal agency responsible for NEPA analysis (lead agency) and references to that agency's NEPA regulations.
 - (3) Cooperating agency information. All members of a TIG will serve as cooperating agencies for the purposes of NEPA (40 CFR 1501.6) and will be acknowledged as such in each restoration plan developed. The lead agency will also identify any additional non-Trustee cooperating agencies. Requests for the participation of Non-Trustee cooperating agencies in the NEPA process will be made at the earliest possible time to facilitate cooperators' participation.

9.4.2.1 Restoration Plan Content

Content of draft restoration plans is outlined in Section 7.3 of the PDARP/PEIS. Restoration plans will:

- (a) Describe how projects address injury, fit within the programmatic goals, Restoration Type goals (PDARP Record of Decision Section 8.2), and consider the planning and implementation considerations for Restoration Types and approaches as identified in Section 5.5 and Appendix 5.D.
- (b) Consider context by including background information on restoration plans previously prepared by the TIG or other Gulf restoration programs, including selected projects and their implementation status, as well as summaries of the funds obligated to date by Restoration Type(s) (including any funds expended for restoration plan development and Early Restoration).
- (c) Describe scoping (when applicable) and screening by identifying the rationale and process that led to the particular Restoration Types, approaches, and purpose and need for each restoration plan.
- (d) Compare a reasonable range of alternatives, including consideration of the OPA NRDA regulations' evaluation standards. Restoration objectives will be identified in the plan as they relate to the injuries determined in the Final PDARP/PEIS (PDARP/PEIS 5.10). Preferred alternatives will include a draft monitoring plan with specific performance criteria.

Integrated NEPA analysis

- (1) Plans will generally be integrated with an analysis of each proposed project and its alternatives under NEPA.
- (2) Analyses will build on the programmatic environmental impacts as described in the PDARP and will be incorporated by reference (PDARP Section 6.17). These SOPs or TIG SOPs may build and expand upon that content as need arises.

Separate NEPA analysis

- (1) A TIG may determine a restoration plan and NEPA analysis need to be developed separately (versus integrated).
- (2) That rationale will be provided in NOAs and the draft restoration plan, including any specific procedures the TIG will implement as a result of the separate analyses.

Actions analyzed adequately in the PDARP/PEIS

- (1) Some actions (e.g., engineering and design phase of a project) are analyzed in the Final PDARP/PEIS and may not require a tiered, project-specific NEPA analysis.
- (2) This should be clearly stated in draft restoration plans, and the appropriate section of the Final PDARP/PEIS should be incorporated by reference.

Public engagement

TIG members must concur (via resolution) that a draft restoration plan/NEPA analysis is ready for public release. Each TIG provides an opportunity for public review and comment on the drafts and describes in any individual SOP its TIG-specific methods of involving the public in planning and preparing the drafts. The TIGs will ensure the following:

- (1) Draft restoration plans will be released and the public comment period will be noticed through the *Federal Register*; the comment period may also be noticed by other means or public venues as deemed appropriate by the TIG (see Section 9.4.7).
- (2) Per OPA, restoration plans integrated with an Environmental Assessment will be available for a minimum 30-day public comment period.
- (3) Per OPA and NEPA, restoration plans integrated with an Environmental Impact Statement (EIS) will undergo formal scoping at an earlier step, beginning with publication of a Notice of Intent in the *Federal Register*; they will also be made available at the draft stage for a minimum 45-day public comment period.
- (4) TIGs will ensure that the public is notified of any meetings sufficiently ahead of time via the Trustee Council website and by other means required or recommended to reach affected stakeholders.

Restoration plan and NEPA analysis

Following the consideration of public comments, the TIGs will revise restoration plans and corresponding NEPA analyses as appropriate, and will prepare final restoration plans/NEPA analyses. Final restoration plans and corresponding NEPA analyses will be made available to the public upon resolution of the TIG and as described in Section 9.4.6 below. Final documents will address the following:

- (1) Identify preferred alternative(s).
- (2) Public comment summaries and agency responses.

- (3) Consideration of public comments and revision of final restoration plans as necessary.
- (4) Best practices and mitigation applicable to the implementation of each selected project.
- (5) Outstanding environmental compliance needs or other contingencies that must be resolved prior to project implementation identified and explained.
- (6) Inclusion of draft monitoring plans with final restoration plans, as detailed in Section 10.6.3, but may be updated as necessary.

Decision documents

The appropriate NEPA decision document (FONSI or ROD) will also serve as the OPA decision document.

FONSI

- (1) Concurrent with or following finalization of a restoration plan integrated with an Environmental Assessment, the federal action agency will prepare, where appropriate, a FONSI to be reviewed and approved by the TIG and signed by all federal agency members of that TIG.
- (2) The FONSI shall include appropriate content to meet all federal agency NEPA requirements, and must consider and describe any remaining environmental compliance requirements that must be concluded before implementation.
- (3) TIG resolutions adopting a plan or projects within a plan and withdrawing funds from the TIG sub-account will be signed only after a FONSI is issued. The project(s) may then proceed (contingent upon completion of all compliance and other requirements specified in the FONSI).

ROD

- (1) For final restoration plans that integrate an EIS, the lead agency will file the final plan and EIS with EPA. EPA will then publish a notice of availability (NOA) in the *Federal Register*. The lead agency may also file its own NOA.
- (2) NEPA requires a 30 day “cooling off” period after EPA’s NOA of the Final is published in the *Federal Register* (40 CFR 1506.10), after which the ROD may be issued.
- (3) During the “cooling off” period, the lead agency will prepare the ROD. The ROD will state the selected alternative(s) and basis for selection, identify the alternatives

considered, and mitigation commitments, meeting all requirements of a ROD under OPA and NEPA (40 CFR 1505.2).

- (4) The ROD will be signed by all TIG member agencies, and issuance of the ROD will be noticed in the *Federal Register*.
- (5) The projects may then proceed (contingent upon completion of all compliance and other requirements specified in the ROD).

9.4.3 Other Restoration Planning Considerations

9.4.3.1 Joint Restoration Plans

TIGs may choose to develop joint restoration plans with other TIGs. Public engagement and review will involve geographies appropriate for all participating TIGs. Before proposing a joint draft restoration plan, the participating TIGs will agree on the decision processes and ensure these are clear to the public, either via notifications or in the draft restoration plan.

9.4.3.2 Frequency of Restoration Plans

Each TIG will determine the frequency of restoration plans and may specify the frequency in its specific procedures, or it may choose a flexible planning schedule that brings forward proposed projects individually or in groups.

9.4.3.3 Programmatic Restoration Plans

In addition to or as a component of project-specific restoration plans, TIGs may choose to prepare subsequent programmatic restoration plans and corresponding tiered programmatic NEPA analyses, where appropriate. In addition to considering additional programmatic approaches, the Trustees will continue to consider available efficiencies with respect to compliance with relevant federal environmental statutes.

9.4.3.4 Re-examine Restoration Program

The restoration program is considered to be the whole of the implementation to be conducted per the Restoration Agreement. The Trustee Council will re-examine the restoration program to inform restoration planning at appropriate intervals, generally at least every 5 years or if a change in conditions warrants re-examination. Re-examination will track the status of the restoration program and determine whether any updates are needed based on newly emerged science and/or observed progress toward meeting ecosystem goals across TIGs and Restoration Types, as further described in Section 10.4.2.4.

9.4.4 Availability and Accessibility of Draft and Final Documents

Lead agencies will provide notice of availability of draft and final restoration plans and NEPA analyses in the *Federal Register*. Draft and Final EISs require filing with EPA. The draft and final documents will be made available via the Trustee Council website at the time of notice and opening of the public comment period. In addition, TIGs may use additional tools to make restoration plans available, as recommended by or required by state or other public notice practices. TIGs will facilitate appropriate accessibility at public meetings and make materials available for public review.

9.4.5 Environmental Compliance in Restoration Plans

In addition to OPA and NEPA, TIGs will identify required compliance with additional, applicable federal statutes (see Section 9.4.6) and state and local laws and regulations and integrate compliance into project analysis, design, and selection to streamline the process, where feasible. A Biological Evaluation (BE) form has been developed to help provide guidance and documentation for several Federal statutes (see Appendix G for BE form). TIGs may designate different federal action agencies or lead agencies for different statutes, when appropriate (e.g., NOAA/DOI for the Endangered Species Act, DOI for the Migratory Bird Treaty Act, etc.)

The Implementing Trustee(s) will be responsible for the development of necessary information to comply with all applicable authorities. The lead federal action agency will be responsible for the submission of documents to initiate consultations, when appropriate.

9.4.6 Federal Environmental Compliance

Implementing Trustee(s), TIGs, and federal action agencies/lead agencies will pursue early coordination and technical assistance from the regulatory agencies to identify issues early in the project planning process. Compliance responsibilities and procedures described below, where applicable are intended to provide details by statute, but are not a comprehensive or exhaustive list. See Environmental Compliance Appendix (G) for more details on how to prepare submittals for the federal statutes outlined below. All environmental compliance activities will be coordinated with the appropriate TIG.

9.4.6.1 Programmatic Endangered Species Act (ESA) Compliance

Implementing Trustee(s) will ensure ESA compliance documents are prepared as described in the framework programmatic biological opinions issued by the National Marine Fisheries Service (NMFS) on February 10, 2016, and U.S. Fish and Wildlife Service (USFWS) on March 18, 2016. The federal action agency will initiate consultation by submitting the required information to the appropriate NMFS and/or USFWS office.

9.4.6.2 Coastal Zone Management Act Federal Consistency

The lead federal agency, in coordination with the Implementing Trustee(s), will complete federal consistency determinations, as described in the program-level federal consistency determinations that each Gulf state concurred with as part of the PDARP/PEIS.

9.4.6.3 Essential Fish Habitat Compliance

The Implementing Trustee(s) are responsible for the preparation of the essential fish habitat (EFH) assessment. The federal action agency will initiate EFH consultation by submitting the EFH assessment to the appropriate NMFS office.

9.4.6.4 Marine Mammal Protection Act Compliance

The Implementing Trustee(s) will be responsible for obtaining Marine Mammal Protection Act permits, if necessary, by submitting a permit application to the appropriate NMFS and/or USFWS office.

9.4.6.5 National Historic Preservation Act Section 106 Compliance

The Implementing Trustee(s) will coordinate with the lead federal action agency to determine if a restoration activity could affect historic properties. If so, the Implementing Trustee(s) will be responsible for providing required information and the lead federal action agency will request consultation with the appropriate State Historic Preservation Officer(s) and Tribal Historic Preservation Officer(s).

9.4.6.6 Coastal Barrier Resources Act Compliance

The Implementing Trustee(s) will be responsible for providing the necessary information to the DOI representative on the TIG. The DOI representative on the TIG will initiate coordination with the appropriate USFWS office by submitting a Coastal Barrier Resources Act consistency determination

9.4.6.7 Migratory Bird Treaty Act Compliance

The Implementing Trustee(s) will be responsible for providing the necessary information to the DOI representative on the TIG. The DOI representative on the TIG will initiate coordination by submitting the required information to the appropriate USFWS office.

9.4.6.8 Bald and Golden Eagle Protection Act Compliance

The Implementing Trustee(s) will be responsible for providing the necessary information to the DOI representative on the TIG. The DOI representative on the TIG will initiate coordination by submitting the required information to the appropriate USFWS office.

9.4.6.9 Clean Air Act Compliance

Implementing Trustee(s) will work with appropriate persons to ensure applicable permits are obtained from the authorized regulatory agency, as appropriate.

9.4.6.10 Clean Water Act Section 404 and Rivers and Harbors Act Section 10 and Section 14 (Commonly Referred to as "Section 408") Compliance

Implementing Trustee(s) will work with appropriate persons to apply for applicable permits and authorizations by submitting a permit application to the appropriate U.S. Army Corps of Engineers (Corps) office. Implementing Trustee(s) are encouraged to begin coordinating with the appropriate Corps office before submitting a permit application to help facilitate discussion of the factors that the Corps considers in its decision-making process, including measures to avoid and minimize potential impacts, as well as available efficiencies in the permitting process.

9.4.7 Tracking and Reporting for Environmental Compliance

The Implementing Trustee(s) will ensure that the status of environmental compliance (e.g. completed vs. in progress) is tracked through the Restoration Portal (see Section 11). They will track the status for each statute, ensure the status is up to date in the Restoration Portal, and inform the public via the regulatory compliance table on the Trustee Council website. Implementing Trustees will keep a record of compliance documents (e.g., ESA biological opinions, Corps permits, etc.) and ensure that they are submitted for inclusion to the Administrative Record and uploaded within 30 days of receipt to the Restoration Portal.

9.4.8 Compliance with Conditions

The Implementing Trustee(s), in coordination with the federal action agency or federal lead agency, is responsible for implementing conditions required in consultations, permits or other applicable compliance documents, including providing any required follow up reports to regulatory agency in the timeframe specified. The Implementing Trustee(s) will upload reports to the Restoration Portal.

9.4.9 Project Changes

If changes are made to any selected project, those changes may require a re-evaluation of determinations made in existing environmental compliance documents (see Section 9.5.2 of these SOPs). The Implementing Trustee(s) are responsible for submitting revised final compliance documents for inclusion to the Administrative Record and uploading to the Restoration Portal.

9.5 Restoration Implementation

- (a) TIGs will identify one or more Implementing Trustees for each selected restoration project. Implementing Trustee(s) may be designated for a project's entirety, or for one or more of a project's various implementation phases. The Implementing Trustee(s) are the primary entities responsible for implementation tasks, such as conducting or contracting to complete implementation phases, conducting project-specific MAM, and maintaining projects in the long term.
- (b) The TIGs track whether projects are implemented consistently with final restoration plans and applicable MOUs, SOPs and other agreements. They also coordinate with both the Implementing Trustee(s) and the Trustee Council. The Trustee Council coordinates with each TIG to track and report the aggregated implementation status of the restoration program to the public and ensures that implementation is consistent with the commitments described in restoration plans.

9.5.1 Implementation Stages

9.5.1.1 Cooperative Project Implementation

When there are multiple Implementing Trustees, the roles of each agency should be clearly defined within the project resolution, management plan, MOU, or other agreement prior to disbursement of any project implementation funds. Project management plans and/or project-specific agreements should identify the responsibilities of each Implementing Trustee, and may also include items such as Trustee coordination, detailed project budgets and schedules that will be used to disburse funds to the appropriate Implementing Trustee(s), implementation approaches, project phasing (if applicable), risk assessment, and contingency planning. These plans and/or agreements will be reviewed by the TIG and agreed on prior to the release of project funds. TIGs may also request project management plans for projects with a single Implementing Trustee, at their discretion, given the complexities or risks of a given project. Throughout a project the Implementing Trustee(s) should coordinate with the appropriate TIG.

9.5.1.2 Engineering and Design

Engineering and design is the responsibility of the Implementing Trustee(s). Engineering and design may be completed by the Implementing Trustee(s), when appropriate, or through the use of contractors under the direction of the Implementing Trustee(s). On request, the Implementing Trustee(s) will furnish engineering and design materials to the TIG.

9.5.1.3 Construction

Construction is the responsibility of the Implementing Trustee(s) and will comply with applicable rules and regulations regarding construction within the state where the project is

located, and any consultations or regulatory permits. When construction is complete, the Implementing Trustee(s) will notify the TIG that the project is moving into the monitoring phase, report on the outcomes of construction, and provide as-built materials, as requested by the TIG.

9.5.1.4 Performance Monitoring

The Implementing Trustee(s) will conduct project-specific performance monitoring (including data collection, analysis, and synthesis) and perform associated project-specific adaptive management/corrective actions using project-specific funds, as available, and in accordance with final project-specific MAM plans. All performance monitoring will be conducted in accordance with standards described in Section 10; however, the Implementing Trustee(s) may conduct additional monitoring on a project-by-project basis. Monitoring data will be used by the Implementing Trustee(s) to track whether projects are trending toward the established performance criteria or whether corrective actions are required to redirect the project's performance trajectory. The Implementing Trustee(s), in coordination with the TIG, will evaluate corrective actions to determine whether these actions require additional environmental review, including modifications to regulatory permits and consultations, or if the modifications result in a material change to the project as selected in final restoration plans. If the corrective actions require additional or modified environmental reviews, the TIG will determine whether public notification is required.

Although project-specific monitoring will be conducted by Implementing Trustees and funded as part of that project's budget, TIGs will review draft monitoring plans to ensure that they are consistent with the Trustee Council SOPs, as described further in Section 10.4.1.1 and Section 10.6.3. TIGs will establish interim performance milestones in coordination with the Implementing Trustee(s) and will review corrective actions proposed by the Implementing Trustee(s).

9.5.1.5 Long-Term Operations, Maintenance, and Management

The Implementing Trustee(s) will ensure that long-term operations, maintenance, or management likely to be required for each project are identified, and appropriate budgets and agreements are established, to support the restoration goals of the restoration plan. If not already identified in the restoration plan, the Implementing Trustee(s) will identify the party responsible for project-specific long-term activities and will seek TIG approval if a party other than the Implementing Trustee is identified to fulfill these responsibilities at any point during project implementation.

9.5.1.6 Project Completion/Closeout

A project is complete after all activities and expenditures have been accomplished for that project per the final restoration plan, including long-term maintenance, operations, monitoring, and completion of any related reports. The Implementing Trustee(s) will notify the TIG when a project is finished and will complete project reporting as described in Sections 11 and 12. This notification will include a closeout report for each approved project/activity that documents, at a minimum, 1) the final funding balances and any transfers described in Section 7, and 2) a description of the project as built, including estimated benefits to natural resources.

9.5.2 Project Changes

Implementing Trustee(s) will notify the TIG of material project changes during design or construction before taking further action on a project. Notifications will include a brief discussion of the change, impact, and proposed path forward. The Trustees will conduct a project review to determine several factors. First, the TIG will determine whether any change to the project is consistent with the environmental review in the respective restoration plan/NEPA analysis, or where there are substantial changes that are relevant to environmental concerns. Second, the TIG will assess whether there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA analysis [40 CFR § 1502.9 (c)]. Third, the TIG will evaluate whether project changes affect their selection under OPA. In some circumstances, additional restoration planning and/or environmental review, including opportunity for public comment, may be necessary. To the greatest extent practicable, the TIG will approve any proposed path forward before the Implementing Trustee(s) proceeds. TIGs will identify whether and when modifications to a final restoration plan are required based on project changes identified during environmental consultation, final design, or implementation; determine what additional restoration planning or environmental evaluation may be required; and identify if a project may need to be terminated. Material revisions to the restoration plan will be completed by the Implementing Trustee(s), approved by the TIG, and made available for public review as specified within each future restoration plan, or as required by NEPA. Public notice will be provided on the Trustee Council website.

9.5.3 Project Termination

If the Implementing Trustee(s) and TIG determine that the project can no longer be implemented, a project may be terminated. The disposition of remaining funds will then be determined by the TIG (e.g., apply the funds to another approved project; return funds to the TIG sub-account) in accordance with Section 3.5 of Appendix 2 of the Restoration Agreement (attached). TIGs will follow the procedures set forth in Section 9.4 to select another project in the event of project termination. The Implementing Trustee(s) will complete project reporting,

including final financial reporting, as provided in Section 11, and document the reasons for project termination within the Restoration Portal.

10.0 MONITORING AND ADAPTIVE MANAGEMENT

As described in Chapter 5, Appendix E of the PDARP/PEIS, the Trustee Council has committed to a MAM framework to support restoration activities by infusing best available science into project planning and design, identifying and reducing key uncertainties, tracking and evaluating progress toward restoration goals, determining the need for corrective actions, and supporting compliance monitoring. The Trustees' fifth goal, **Provide for Monitoring, Adaptive Management, and Administrative Oversight to Support Restoration Implementation**, provides the necessary funding to each Restoration Area to support administrative functions as well as overall decision-making within the Trustees' adaptive management framework. The DWH settlement allocates MAM funding to each of the five state TIGs and the Open Ocean and Region-wide TIGs. These allocations are intended to support the monitoring and adaptive management of restoration actions undertaken by the TIGs, as determined by each individual TIG, including any activities that each TIG determines to be needed to evaluate cumulative restoration progress within restoration types and/or restoration areas, and inform future restoration decision-making.

In addition to these TIG MAM allocations, the DWH settlement allocates funds to the Adaptive Management and Unknown Conditions TIG, which can be accessed no earlier than January 1, 2026. The Adaptive Management and Unknown Conditions TIG is intended to support adaptive management of the restoration program, as needed, by addressing any conditions that were unknown to the Trustees at the time of settlement. Information gained through TIG MAM activities outlined in the PDARP and this SOP could inform the Trustee Council's decisions on the timing and purpose of establishing the Adaptive Management and Unknown Conditions TIG.

These MAM SOPs are intended to broadly describe the roles and activities needed to fulfill the Adaptive Management framework described in the PDARP/PEIS. These activities include monitoring for project performance as well as supporting the broader MAM framework for evaluating progress toward restoration goals across TIGs and Restoration Types. These MAM SOPs should be considered preliminary pending review and revision, if needed, by the Cross-TIG MAM work group and approval by the Trustee Council (see Section 10.3.1 below).

10.1 Cross-TIG MAM Work Group

10.1.1 Purpose

To meet monitoring and adaptive management obligations, the Trustee Council will establish a Cross-TIG MAM work group. This group will serve as a forum for the TIGs to collectively address MAM topics relevant to multiple TIGs. The group may also support the TIGs and Implementing Trustees, upon request, in meeting their MAM responsibilities. The Cross-TIG MAM Working Group has no independent authority to act except when directed by the Trustee Council. The Cross-TIG MAM Working Group may provide assistance to the TIG or to an Implementing Trustee when requested. The Cross-TIG MAM work group will provide recommendations to the Trustee Council regarding MAM responsibilities, procedures and guidelines, and it will operate on a consensus basis.

10.1.2 Membership

This work group will be composed of one primary and one alternate staff member with technical expertise from each of the nine Trustee Council members able to reflect the perspectives and needs of each of the TIGs. The Cross-TIG MAM work group will identify an external coordination lead contact and an alternate from within its membership. A science coordinator may also be designated to support the work group, and topic-specific work groups that pull in additional experts may be formed as needed.

10.2 Monitoring and Adaptive Management Procedures and Guidelines Manual

Further details on these procedures and guidelines outlined in these SOPs will be developed by the Cross-TIG MAM work group and compiled within a Monitoring and Adaptive Management Procedures and Guidelines Manual (MAM Manual) following the finalization of these SOPs and formation of the Cross-TIG work group. Until the MAM Manual is complete, the monitoring products developed for Early Restoration (see Appendix 5.E of the final PDARP/PEIS) will serve as interim monitoring reference materials for the TIGs and Implementing Trustees. The MAM Manual will incorporate MAM procedures and guidelines, building on the monitoring frameworks and conceptual monitoring plans developed by the Trustees for Early Restoration. The MAM Manual will expand upon these efforts to meet the needs of the Restoration Types and approaches laid out in the PDARP/PEIS. It should include, but will not be limited to, specific monitoring and data management standards, reporting and tracking procedures, and guidance for addressing key information gaps. It will also outline guidelines for evaluating restoration progress and performing adaptive management for Restoration Types and Areas to meet the programmatic goals described in the PDARP/PEIS. These procedures, outlined in these SOPs and the associated MAM Manual, will be updated as necessary by the Trustee Council throughout

the period of restoration implementation. In addition, the TIGs have the option of developing TIG SOPs for MAM activities in their Restoration Areas, compatible with these SOPs and the MAM Manual. Once drafted and agreed upon by the Cross-TIG MAM work group, the draft MAM Manual will be submitted to the Trustee Council for approval.

10.3 Trustee MAM Responsibilities

Given the complexity and large degree of restoration and monitoring activity, there are multiple tiers of MAM that could be occurring in time, perhaps simultaneously. In order to effectively and efficiently implement the MAM framework, specific responsibilities for different parties are explained below. Further details on sequencing and processes will be described in the MAM Manual. These responsibilities apply to project-specific monitoring and other non-project-specific MAM activities, as they are appropriate and required to achieve the Restoration Goals laid out in the PDARP/PEIS.

10.3.1 Trustee Council Responsibilities for MAM

The Trustee Council will encourage and facilitate consistency in monitoring and data procedures to evaluate and report on progress toward meeting the ecosystem goals that are the stated basis for the Restoration Agreement and are foundational to the PDARP/PEIS.

10.3.1.1 TC MAM Responsibilities

- (a) The Trustee Council will provide direction to the Cross-TIG MAM work group to help fulfill many of their MAM responsibilities. TC MAM responsibilities include:
 - (1) Maintain and update the MAM procedures and guidelines as part of these Trustee Council SOPs and the MAM Manual; the Cross-TIG MAM work group will review the preliminary MAM provisions included in these SOP and recommend revisions, as needed, to the Trustee Council for future versions of these SOP. Support the TIGs in developing MAM SOPs compatible with these SOPs and the MAM Manual, as needed.
 - (2) Facilitate coordination and compatibility of MAM procedures across TIGs. Promotes efficiency and collaboration in addressing MAM priorities.
 - (3) Coordinate with TIGs and other science and monitoring programs in the Gulf of Mexico where appropriate, such as to develop compatible monitoring standards, procedures and guidelines, and identify and/or fill critical information gaps (see Sections 10.3.4 and 10.3.5).

- (4) Develop mechanisms to engage with the broader scientific community (see Sections 10.3.4 and 10.3.5).
- (5) Aggregate and synthesize monitoring data and information to evaluate collective progress toward meeting Restoration Type goals (see Section 10.4.2.2).
- (6) Identify emerging unknown conditions that could influence restoration outcomes to inform the Trustee Council's decisions on the timing and purpose of establishing the Adaptive Management and Unknown Conditions TIG (see Sections 10.4.2.3 and 10.5.3).
- (7) Provide input on the functionality of the Restoration Portal for monitoring information and data, including but not limited to development of interactive reporting and analysis tools (see Section 10.6.5–6).
- (8) Perform programmatic reviews to evaluate the Trustees' collective progress toward meeting the restoration goals described in the Final PDARP/PEIS and provide feedback to TIGs for consideration in future restoration decision-making (see Section 10.6.7).
- (9) Report on progress toward programmatic and Restoration Type goals (see Section 10.7.3–4).

10.3.2 TIG Responsibilities for MAM

- (a) The TIGs are responsible for addressing MAM objectives that pertain to their restoration activities and for communicating information to the Trustee Council or Cross-TIG MAM work group. Each TIG will address the following MAM responsibilities, as appropriate to their restoration activities:
 - (1) Review and approve project MAM plans for compatibility with the SOPs and MAM Manual, for compliance with regulatory requirements, and to determine the MAM plans readiness for inclusion in restoration plans.
 - (2) Identify MAM priorities for the TIG's Restoration Area and communicate priorities to the Cross-TIG MAM work group.
 - (3) Ensure project monitoring data, monitoring reports, and other monitoring information are compatible with the MAM Manual guidelines and are submitted to the Restoration Portal.

- (4) Provide aggregated and quality-controlled MAM data, information, and evaluations to the Trustee Council and Implementing Trustee(s).
- (5) Provide the Trustee Council an annual status update of project monitoring information and data.

10.3.3 Implementing Trustee Responsibilities for MAM

- (a) Implementing Trustees will write MAM plans and conduct both project-specific monitoring and other non-project-specific MAM activities as agreed to by the TIG, compatible with the procedures described herein (see Sections 9.3 and 9.5) and in the MAM Manual. Implementing Trustee MAM responsibilities include the following, as appropriate to their restoration activities:
 - (1) Develop MAM plans for all selected projects, compatible with these SOPs and the associated MAM Manual, if available, and implement MAM plans.
 - (2) Identify and propose activities to the TIGs to address Restoration Type and TIG MAM priorities, if established.
 - (3) Conduct MAM activities, including project-specific monitoring and other non-project-specific MAM activities to support future planning and reporting, as appropriate.
 - (4) Evaluate restoration project progress toward restoration objectives using project-specific performance criteria and identify the need for and propose corrective actions to the TIGs.
 - (5) Enter MAM data and project information into the Restoration Portal in accordance with project specific MAM Plans.

10.3.4 Internal Coordination on MAM

- (a) MAM activities will be coordinated both internally within the Trustee Council governance structure and externally with other Gulf of Mexico restoration and science programs and the broader scientific community, where appropriate. Internal coordination is a shared responsibility of the Trustee Council and the TIGs, as demonstrated in Figure 1 below.

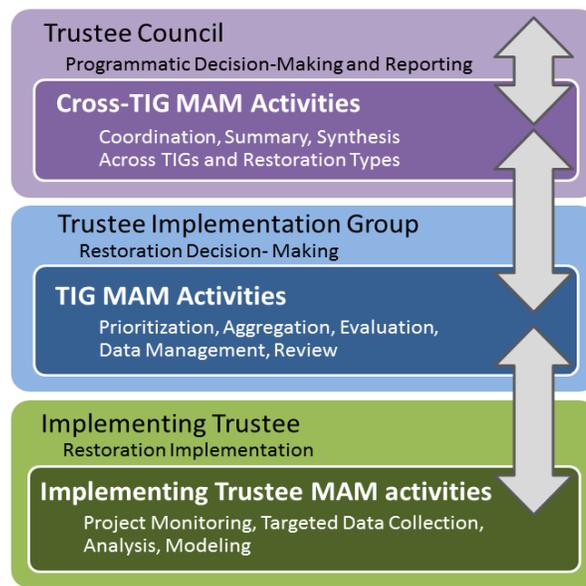


Figure 1. Generation and flow of MAM data and information (represented by gray arrows) among MAM activities that occur within the elements of the governance structure. MAM data and information (including monitoring data, reports, syntheses, and more) are generated through MAM activities (including data collection, analysis, synthesis, modeling, etc.), as noted in the dark shaded boxes.

(b) Figure 1 represents the generation and transfer of MAM data and information among Trustees. Gray arrows indicate MAM data and information transfer among MAM activities conducted within each element of the governance structure, as well as transfer of MAM data and information to and from the Trustee Council. The bullets below describe examples of the coordination activities represented by the gray arrows, from top to bottom.

- MAM Coordination between Cross TIG MAM work group and Trustee Council:
 - The Trustee Council directs the activities of the Cross TIG MAM work group.
 - Cross TIG MAM work group supports TIG MAM activities, upon request, provides data, programmatic evaluations and summaries, and makes recommendations to the Trustee Council on MAM activities.
 - The Cross-TIG MAM work group provides summarized MAM data and information case-wide to the Trustee Council for its public reporting
- MAM Coordination between TIGs and Cross TIG MAM work group:

- TIGs track project data and provide quality assurance and quality control on project monitoring data in the Restoration Portal and communicate the TIG MAM priorities and important information to the Cross-TIG work group.
- The Cross-TIG MAM work group provides the results of Restoration Type programmatic evaluations to the TIGs.
- The Cross-TIG MAM work group also promotes efficiency and collaboration in addressing MAM priorities.
- MAM Coordination between Implementing Trustees and TIGs:
 - Implementing Trustees collect and input MAM data into the Restoration Portal, and identify the need for and propose corrective actions on projects to the TIGs.
 - TIGs provide feedback, including recommended corrective actions, to Implementing Trustees in order to inform current and future restoration planning and implementation activities.

10.3.5 External Coordination on MAM

- (a) As directed by the Trustee Council, the Cross-TIG MAM work group will work to identify opportunities to leverage resources with other restoration and science programs and collaborate on related MAM activities. It will also develop mechanisms to engage with the broader scientific community on MAM topics, as directed by the Trustee Council. These mechanisms will be further described in the MAM Manual. Each TIG may also coordinate with other Gulf programs and the scientific community on MAM topics, as applicable to their Restoration Area.
- (b) The external coordination responsibilities may include the following:
 - (1) Coordinate with other applicable restoration programs on MAM issues, including working to identify and potentially fill critical information gaps that impact restoration decision-making and developing compatible monitoring standards, as appropriate.
 - (2) Communicate critical MAM priorities and identified critical information gaps to applicable science programs.
 - (3) Participate in broader Gulf of Mexico monitoring coordination forums.

10.4 Adaptive Management

At the direction of the Trustee Council, the Cross-TIG MAM work group will support implementation of the adaptive management framework (as described in Chapter 5, Appendix E, of the PDARP/PEIS) across the Trustee Council governance structure.

10.4.1 MAM Activities During Restoration Planning

10.4.1.1 Planning for Project MAM

- (a) The Cross-TIG MAM work group may, as requested by the TIGs, support the TIGs and Implementing Trustees in applying the best available science to restoration project planning and design, including impact analyses (see Section 9.4.1.5). The Cross-TIG MAM work group may help inform the planning and design of new projects by aggregating project monitoring results, summarizing relevant scientific information, and providing these summaries to the TIGs. At the request of the TIGs, the Cross-TIG MAM work group will provide support to Implementing Trustees in developing project MAM plans as part of restoration plans in accordance with the MAM Manual (see Sections 9.5.1.4 and 10.6.3).
- (b) Where uncertainties may exist related to the implementation of a particular restoration technique, the Cross-TIG MAM work group may also support the TIGs and Implementing Trustees in developing additional project monitoring activities and adaptive management approaches to mitigate the uncertainties during project implementation. The costs required to implement the project monitoring plan should be included in the project budget. In addition, any adaptive management should be considered in the budget development process.

10.4.1.2 Identification of MAM Priorities

- (a) TIG MAM priorities. Each of the TIGs will identify priorities for the use of their designated MAM funds, including activities to identify and possibly address critical science and monitoring gaps relevant to its restoration priorities. The Cross-TIG MAM work group can support the TIGs, at their request, in developing these MAM priorities.
- (b) Restoration Type MAM priorities. At the request of the TC, MAM priorities may also be developed by TIGs to identify and possibly address critical information gaps for individual Restoration Types.
- (c) The Cross-TIG MAM work group will identify potential overlap in MAM priorities between the TIGs and Restoration Types and encourage and support coordination of

similar data collection efforts across geographic boundaries. The details of this process will be included in the MAM Manual.

- (d) Identification of MAM priorities for TIGs and Restoration Types will, where appropriate, include identification of opportunities to:
 - (1) Build upon existing/planned monitoring or research programs to the extent that data provided by those programs would meet the Trustees' needs.
 - (2) Coordinate on monitoring efforts for any targeted geographic features (e.g., estuaries, bays) that cross TIG boundaries.
 - (3) Coordinate with other Gulf of Mexico restoration programs on planning for MAM activities, to the extent possible, to identify opportunities for leveraging and collaboration.
 - (4) Engage with subject matter experts on specific Restoration Types or Restoration Areas, as appropriate.
- (e) The initially identified MAM priorities will be periodically re-examined by the TIGs as appropriate, based on programmatic evaluations of progress toward meeting restoration goals, as well as any changes in information (see Sections 10.4.2.2 and 10.4.2.4). These MAM priorities may also be revised by the TIGs, as needed, in response to unanticipated events, such as large-scale disturbances (e.g. hurricanes, oil spills, etc.).

10.4.2 Evaluation and Feedback

10.4.2.1 Project Monitoring, Evaluation, and Corrective Actions

The Implementing Trustee will conduct project monitoring in accordance with the final project MAM plan (see Section 9.5.1.4 and 10.6.3). As set forth in the project MAM plan, the Implementing Trustee(s) will review the specified data to track whether projects are trending toward the established performance criteria or whether corrective actions are needed to meet project objectives. The Implementing Trustee will propose potential corrective actions to the TIG and will also determine whether any modifications to the project MAM plan are required as a result of the corrective action. The Implementing Trustee will submit a revised project MAM plan to the TIG, if needed.

10.4.2.2 Evaluation of Progress Toward Restoration Goals

- (a) The Cross-TIG MAM work group will establish mechanisms to aggregate and synthesize monitoring data and other information collected across all TIGs for each Restoration Type at appropriate intervals to evaluate collective progress toward meeting

Restoration Type goals and objectives. The Cross-TIG MAM working group may also support the TIGs, at their request, in aggregating and synthesizing monitoring data and other information collected within a TIG to assess progress within its Restoration Area. Procedures for evaluation of progress toward restoration goals will be described in the MAM Manual. This process may include:

- (1) Ensuring monitoring data, reports, scientific support data, and other products uploaded to the Restoration Portal are compatible with the MAM Manual (see Section 10.7.1).
 - (2) Aggregating and synthesizing restoration monitoring data and the results of any targeted scientific study or analysis relevant to each Restoration Type or Restoration Area.
 - (3) Assessing the relative success of restoration approaches on a programmatic level.
 - (4) Reviewing relevant outside science and monitoring information (including data collected by other monitoring programs, as well as updates to relevant species recovery or management plans prepared under other statutes).
 - (5) Identifying any environmental changes that may influence restoration within an individual TIG or the recovery of a particular resource.
 - (6) Engaging with subject area experts, as needed, to help evaluate progress toward restoration goals.
- (b) Based on this review of current information, the Cross-TIG MAM work group will communicate the results of Restoration Type evaluations and any recommended changes in Restoration Type MAM priorities to the TIGs to inform their future restoration planning. The Cross-TIG MAM work group will also share the results of Restoration Type evaluations with the Trustee Council and support the Trustee Council, at its request, in reporting to the public on progress toward meeting the restoration goals in the Final PDARP/PEIS. The TIGs will review previously identified TIG MAM priorities and make revisions, as needed, to reflect any changes in information gaps, prioritization of information needs, and/or changes to the prioritization and sequencing of restoration approaches.

10.4.2.3 Identification and Investigation of Unknown Conditions

The Cross-TIG MAM work group will establish a process to evaluate all monitoring results across TIGs and Restoration Types along with other relevant scientific information (e.g., scientific

literature, monitoring data from other programs) to identify any trends and/or unanticipated results that may signal the existence of emerging unknown conditions. Procedures for reviewing existing information to identify emerging unknown conditions will be described in the MAM Manual. In the event that emerging unknown conditions are discovered, the Cross-TIG MAM work group may make recommendations to the Trustee Council on the prioritization of MAM activities to better document and characterize those conditions to inform future Trustee Council decisions related to the timing and purpose of establishing the Adaptive Management and Unknown Conditions TIG.

10.4.2.4 Programmatic Review and Feedback

- (a) The Cross-TIG MAM work group will synthesize monitoring information and overall restoration results across TIGs and Restoration Types at appropriate intervals to evaluate and report to the Trustee Council on the Trustees' collective progress toward meeting the ecosystem goals described in the PDARP/PEIS. This programmatic review will support the re-examination of the Restoration Program as described in Section 9.4.5.4 and Programmatic MAM Reporting as described in Section 10.7.4. Procedures for programmatic review will be developed by the Cross-TIG MAM work group and will be included in the MAM Manual. The Cross-TIG MAM work group may also, at the approval of the Trustee Council, utilize subject matter experts in support of the programmatic review. In performing programmatic review, the Cross-TIG MAM work group will:
 - (1) Consider the results of evaluations of restoration progress for individual Restoration Types and Restoration Areas (See Section 10.4.2.2).
 - (2) Consider the outcomes of restoration conducted to date, including restoration activities funded through the Final PDARP/PEIS and restoration work funded through other restoration programs in the Gulf of Mexico, to identify potential synergies and/or interactions among restoration efforts.
 - (3) Consider any evidence of changing environmental conditions or previously unknown conditions that could influence future restoration outcomes (See Section 10.4.2.3).
 - (4) Communicate the results of the programmatic evaluation to the Trustee Council and TIGs and provide recommendations for adjustments to restoration implementation, if needed.
 - (5) Assist the Trustee Council in reporting to the public on the progress of NRDA restoration, when requested, as further described in Section 10.7.4.

10.5 MAM Funding

Funding for MAM activities will be in accordance with the financial management procedures provided in Section 6 and Section 7.

10.5.1 MAM Funds

- (a) The “Monitoring and Adaptive Management” component of the Monitoring, Adaptive Management, Administrative Oversight Restoration Goal and Type (as allocated in Table 1 of the Restoration Agreement) is intended to fund activities in accordance with TIG MAM priorities and programmatic activities such as addressing critical information gaps and evaluating progress toward meeting ecosystem goals (e.g., monitoring activities that address more than one restoration project), including activities across TIGs and Restoration Types.
- (b) Activities that may be funded within this allocation include, but are not limited to, the following:
 - (1) Resolving critical information gaps/uncertainties for restoration planning; inform restoration decision-making.
 - (2) Supplementing Restoration Type monitoring activities, where needed.
 - (3) Performing cross-resource science and monitoring activities.
 - (4) Evaluating regional restoration outcomes (beyond individual project footprints) within the TIG’s Restoration Area.
 - (5) Performing programmatic or operational MAM activities, such as data aggregation summary and synthesis; report development; and data management activities.
 - (6) Responsively re-examining TIG and/or Cross-TIG MAM priorities following a disturbance (e.g. hurricane, oil spill, etc.).
 - (7) Performing monitoring to inform the design and implementation of future restoration projects, including better characterizing ecological function.
 - (8) Conducting Cross-TIG MAM work group operation and coordination activities.
- (c) Activities of the Cross-TIG MAM work group will be directed by the Trustee Council and funded by the MAM allocation of the Region-wide TIG. The Region-wide TIG will approve funding for the MAM work group activities.

10.5.2 Restoration Type Funding

- (a) Support for project-specific performance monitoring and associated project-specific corrective actions will be funded from the project-specific Restoration Type in accordance with final project MAM plans.
- (b) MAM-related activities that may be supported under Restoration Type funds include, but are not limited to:
 - (1) Project-specific monitoring, evaluation, and data management.
 - (2) Implementation of project-specific corrective actions.
 - (3) Data collection in support of planning restoration projects.
 - (4) Collection of prioritized data to address Restoration Type MAM priorities (described further in Section 9.4.1.1).

10.5.3 Adaptive Management and Unknown Conditions Restoration Funds

- (a) Adaptive Management and Unknown Conditions Restoration activities will be funded from the “Adaptive Management NRD Payment for Unknown Conditions” component of the Monitoring, Adaptive Management, Administrative Oversight Restoration Goal and Type, as allocated in Appendix 2, Table 1, of the Consent Decree.
- (b) The Adaptive Management and Unknown Conditions Restoration funding is set aside to address (1) injuries and/or losses to Natural Resources resulting from the Deepwater Horizon Incident that are unknown to the Trustees as of July 2, 2015, or (2) to adapt, enhance, supplement, or replace restoration projects or approaches initially selected by Trustees. Under the Consent Decree, the Trustees may begin seeking payment from BXPX for Unknown Conditions and Adaptive Management no earlier than January 1, 2026. Decisions on utilizing funds under the Adaptive Management and Unknown Conditions Restoration TIG will be informed by monitoring data gathered across TIGs and by reviewing any available scientific and/or supporting information that documents unforeseen conditions or adaptive management needs. Specific procedures and criteria will be developed in the future to guide Trustees’ decisions on the use of the Adaptive Management and Unknown Conditions Restoration funds, and they are expected to be part of a future SOP update. Adaptive Management and Unknown Conditions Restoration funds would not be accessed until such time that those procedures and criteria are approved by the Trustee Council.

10.6 Monitoring and Data Management

All of the processes below particularly apply to project-specific monitoring. Although many of the elements also apply to other non-project-specific MAM activities, the Cross-TIG MAM work group will need to develop further guidance on the specific processes for these types of non-project-specific MAM activities. This guidance will be included in the MAM Manual.

10.6.1 Definition of Monitoring Data and Information

- (a) Monitoring data include, but are not limited to, any datasets or model results collected, compiled, or utilized as part of DWH NRDA restoration. Monitoring data may be generated during any phase or component of restoration (including, but not limited to, planning, compliance, engineering and design, construction, as-built, baseline, post-implementation, and others), or as part of any project-specific monitoring or non-project specific data collection (i.e., to address TIG, Restoration Type, or cross-resource MAM priorities). Some MAM data may be protected from public disclosure under other regulatory authorities (personally identifiable information, Magnuson–Stevens Fishery Conservation and Management Act (MSFCMA), etc.), policies, or security measures (see Section 11.4 for further information).
- (b) Monitoring information includes any descriptive activities, plans, documents, and reports generated outside of the Restoration Portal monitoring that support evaluations of progress toward restoration goals and potential needs for corrective actions.

10.6.2 Monitoring and Data Standards

- (a) Monitoring and data standards will be established by the Cross-TIG MAM work group to increase consistency and allow for future analysis across TIGs and Restoration Types. Coordination with other restoration and science programs, as applicable, may be conducted prior to the development of these standards. Data collection protocols may be developed in coordination with existing monitoring programs and other Gulf of Mexico restoration programs, to the extent possible, to enhance compatibility with other existing datasets. A more in-depth list and description of monitoring and data standards will be included in the MAM Manual.
- (b) Monitoring standards will include, but are not limited to, parameters/metrics, performance criteria, and data collection protocols (further described in the Restoration Portal Manual and MAM Manual).
- (c) Data standards will include, but are not limited to, Federal Geographic Data Committee/International Organization for Standardization (FGDC/ISO) standard metadata, acceptable units, measurement precision (number of digits), a QA/QC

process, a data dictionary, and a readme file (further described in the Restoration Portal Manual and MAM Manual).

10.6.3 MAM Plan Development

- (a) The Cross-TIG MAM work group will build on conceptual monitoring plans and frameworks developed during early restoration (See PDARP Appendix 5.E) and establish a set of guidelines for standard project MAM plans for inclusion in the MAM Manual. These MAM plans will include measurable objectives with associated performance standards to track progress toward restoration goals, methodologies and parameters for data collection, identification of key uncertainties, and potential corrective actions. If adjustments from the recommended monitoring standards described in the MAM Manual are needed, these adjustments should be described in the project-specific MAM plan and agreed to by the TIG. When applicable, Trustees should include tracking of compliance with appropriate regulations and adaptive management protocols. During the development of a MAM plan, Trustees should consider relevant existing information sources (e.g., fisheries observer programs, marine mammal and sea turtle stranding networks, regional monitoring networks, etc.) that could be leveraged to evaluate project performance.
- (b) All MAM plans will include a description of how the monitoring data will be managed (i.e., QA/QC procedures, metadata, data sharing, and storage). If project monitoring data will be provided by an outside data platform, the process for the data submission to the Restoration Portal should be specified within the data management section of the monitoring plan. If MAM data are protected from public disclosure under other regulatory authorities (personally identifiable information, Magnuson–Stevens Fishery Conservation and Management Act (MSFCMA), etc.), policies, or security measures, these reasons should also be explained, and any such limitations will be identified in the MAM plan (see Section 11.4 for further information).
- (c) Implementing Trustees will be responsible for ensuring that monitoring and data management is carried out in accordance with the MAM plan developed for each specific restoration project. If changes arise during implementation that will alter the planned monitoring activities, the project-specific MAM plan should be updated by the Implementing Trustee to reflect these changes, be approved by the TIG, and re-uploaded to the Restoration Portal.

10.6.4 MAM Data Review and Clearance

Detailed guidance on verification and validation steps and data review will be built on the monitoring data QA/QC, clearance, and release steps developed during Early Restoration and

included in the MAM Manual. Generally, before data is added to the Restoration Portal, the data should go through the appropriate QA/QC process in accordance with the data management section of the monitoring plan. Implementing Trustees will verify and validate MAM data and information. The submitting Trustee will give the other TIG members time to review the data before making such information publicly available. Before submitting the monitoring data and information package, co-Implementing Trustees shall confirm with one another that the package is approved for submission. No data release can occur if it is contrary to federal or state laws.

10.6.5 MAM Data Storage and Accessibility

The Restoration Portal is the central repository for all MAM data and information (including plans, reports, and other associated documents) and will allow for publication of restoration data for public access. The Restoration Portal offers a centralized storage option for each Trustee that will meet data storage and accessibility (internal and public) requirements; however, Trustees may also maintain records on other platforms. More detailed procedures, workflows, and schedules for restoration data management can be found in the Restoration Portal Manual. Trustees will provide DWH NRDA MAM data and information to the Restoration Portal as soon as possible and no more than 1 year from when data are collected. If it will not be possible to add data within that time frame, an estimated time frame of when to expect data after it has been collected should be provided in the data management component of the MAM plan. If data originate from another source database, an explanation of where the data originated from, as well as a description of the original source data's long-term management and archiving, should be provided. Specifics should be described in the data management component of the MAM plan.

10.6.6 MAM Data Sharing

- (a) The Trustees will ensure that data sharing follows standards and protocols set forth in the Open Data Policy, which can be found at <https://www.whitehouse.gov/the-press-office/2013/05/09/executive-order-making-open-and-machine-readable-new-default-government->
- (b) MAM data and information may be added to the Restoration Portal and determined ready to be made publicly available via the Trustee Council website throughout the calendar year. At a minimum, the Trustees will update the monitoring activities at a frequency specified by the Trustee Council for public reporting (see Section 12.0, Reporting).

10.6.7 MAM Data Analysis and Synthesis

- (a) Guidance on necessary data analysis and synthesis will be developed by the Cross-TIG MAM work group for inclusion in the MAM Manual. Data from outside sources may be incorporated into analysis, but the outside sources should contain adequate metadata and meet minimum QA/QC standards. External scientific support may be used to conduct analysis and synthesis.
- (b) TIGs will share MAM data aggregation and analysis responsibilities with each other, especially when Restoration Types overlap with geographic areas, to help assess the combined effects of restoration projects and to improve the efficiency and overall effectiveness of restoration evaluation.

10.7 MAM Reporting and Tracking

The Trustees will report and track progress toward achieving restoration goals and objectives.

10.7.1 Project Monitoring Reporting and Tracking

- (a) Implementing Trustees will report on general monitoring activities as part of the project reporting described in Section 12.0, Reporting.
- (b) Implementing Trustees will upload final MAM documents, including a final monitoring plan and interim and final MAM reports, to the Restoration Portal to be shared with the Trustee Council and the Cross-TIG MAM work group. The documents will then be made publicly available.
- (c) Interim MAM reports will be produced by the Implementing Trustee and provided to the TIG at the frequency defined in the final monitoring plan. Report templates (including guidance on report frequency) developed during Early Restoration will be updated by the Cross-TIG MAM work group and included in the MAM Manual. Interim monitoring reports should contain summary statistics for MAM data, an overview of progress toward project restoration objectives, and a determination of the need for corrective actions. Reports should adequately describe the method to obtain results so they can be replicated.
- (d) A final MAM report will be provided before a project is considered complete. Final monitoring reports should contain a final analysis of project monitoring data, a report on the final project outcomes, and considerations for planning future projects.

10.7.2 TIG MAM Reporting and Tracking

As part of the Trustee Council meetings that will occur at least once a year, the TIG will provide an annual update on the status of MAM activities, including a summary of monitoring results by Restoration Type and/or geographic focus areas. TIGs may also provide similar updates during the TIG-specific annual meetings. TIGs will coordinate with Implementing Trustees to aggregate monitoring data by Restoration Type for reporting to the Trustee Council on a yearly basis (the Trustees may utilize the Restoration Portal to make automated reports). Further analysis, beyond aggregating data, may be done less frequently. Further guidance for monitoring data aggregation, analysis, and reporting will be included in the MAM Manual.

10.7.3 Restoration Type MAM Reporting and Tracking

MAM information and data compiled and entered into the Restoration Portal by Implementing Trustees and TIGs for each Restoration Type across TIGs will be synthesized to document progress toward meeting Restoration Type goals. The synthesis will be the responsibility of the Cross-TIG MAM work group. The Cross-TIG MAM work group will determine the mechanism by which this synthesis occurs and describe it in the MAM Manual.

10.7.4 Programmatic MAM Reporting and Tracking

The Cross-TIG MAM work group, at the direction and approval of the Trustee Council, will provide programmatic summarization of MAM analysis and collective progress toward meeting the programmatic and Restoration Type goals. Trustees will communicate a programmatic update to the public approximately every 5 years, including data and analyses. This review could include any evidence to support the identification of the potential unknown conditions. Mechanisms for communication to the public will be described in more detail in the MAM Manual.

11.0 DATA MANAGEMENT

- (a) Multiple data systems are utilized to manage data generated by the Trustees throughout the duration of this NRDA. These systems are independent but complementary tools that help the Trustee Council meet its responsibilities. The Trustee Council utilizes these data management systems, coupled with a common public Web interface, to collect and present information on restoration implementation. The primary data management systems for restoration implementation include the following:
 - (1) Administrative Record. The Administrative Record managed by DOI stores decisional documents by the Trustee Council and TIGs, as described in Section 3.3.

- (2) Trustee Council website project submission portlet. The project submission portlet within the Trustee Council website provides a database for collecting project ideas from the public across all Restoration Areas. This is further described in Section 11.1 below.
- (3) DIVER. The DIVER system contains both assessment data and restoration implementation information; the latter is contained within the Restoration Portal. This system is housed, managed, and overseen by NOAA on behalf of the Trustee Council and as designated by the LAT. This system is further described in Section 11.2.

11.1 Restoration Project Submission

The Trustees are able to receive project submissions from the public for consideration when developing restoration plans (pursuant to Section 9.4.1.3) through both Trustee-specific websites and the Trustee Council website. Any individual, organization, or entity may submit project ideas through any or all of the applicable project submission websites. The procedures below are only applicable to the Trustee Council website because it is inclusive of all TIGs. Each TIG may specify its preferred location for receiving public project ideas as part of its respective restoration planning.

11.1.1 Data Entry

The Trustee Council website provides a variety of project idea submission methods, including online and downloadable PDF forms. Submission forms are designed to capture detailed project information, including description, location, restoration activities, habitats benefitted, cost, partners, and submitter contact information. Online and alternative submission forms may be found on the Trustee Council website (<http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas/suggest-a-restoration-project/>).

11.1.2 Data Review and Access

Project submissions are reviewed by the website administrator according to the posting guidelines. Projects that meet the posting guidelines will be published to the website, where they can be accessed by Trustees and the public. To further support internal review and evaluation, project submission reports and any supplemental project documents provided by the submitters will be made available to the Trustees. Online access to project submissions can be found on the Trustee Council website (<http://www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas/view-submitted-projects>).

11.2 Restoration Implementation and Project Data Management

- (a) The Trustee Council manages restoration implementation and project information through the centralized Restoration Portal platform. Data and information managed in the Restoration Portal are accessible to the public through the Trustee Council website.
- (b) The Restoration Portal provides data entry and reporting tools for the Trustee Council to manage, review, and publish restoration data and related information. The Restoration Portal collects project-level information and aggregates information at the individual Trustee, TIG, and Trustee Council levels.
- (c) Detailed procedures, workflows, and schedules for restoration data management can be found in the Restoration Portal Manual. This manual provides detailed guidance regarding data entry, business rules, coordination among Trustees on multi-Trustee efforts, and schedules that further define the general procedures provided in these SOPs.

11.2.1 Project and Non-Project-Specific Progress Tracking

11.2.1.1 Record Creation

A record will be created for each TIG-approved project and non-project-specific initiatives (i.e., planning, administration and oversight, unknown conditions, and MAM activities that are not part of a specific project and considered project costs). Records will be established upon TIG funding approval for the respective activity. Records may be established before final TIG approval for the purpose of generating project codes and initiating compliance procedures discussed in Section 9.4. Each project record will contain information related to project description, progress, finances, environmental compliance, and monitoring, and each non-project-specific record will contain financial information and a general description and status of that respective activity.

11.2.1.2 Record Updates

The Trustees will update their records at least annually, as specified in Section 11.2.5 TIGs may choose to update their records more frequently and make the information publicly available via the Trustee Council website, using procedures agreed upon by the TIG.

11.2.1.3 Project Updates

Trustees will update project records throughout the planning, execution, and post-execution stages. These updates will include, but may not be limited to, the following: contracting actions, financial expenditures (see Section 11.3.B below), environmental compliance, planning and construction milestones and outcomes, and long-term activities, including monitoring and

operations, management, and maintenance, as applicable. Project updates will focus on those activities and expenditures occurring during the reporting period discussed below.

11.2.1.4 Non-Project-Specific Updates

Trustees will update non-project-specific records to include a general description of activities and expenditures during the reporting period.

11.2.2 Financial Tracking

The Implementing Trustees will track and report their respective Trustee financial information that will also be aggregated by the LAT at the TIG and Trustee Council level. Financial information includes deposits, transfers, and withdrawals from the DOI Restoration Fund, budgets authorized within restoration plans and subsequent TIG resolutions, expenditures, interest earned, and any Trustee fund transfers. Financial reports will summarize withdrawals and expenditures by Trustee, Restoration Type, and TIG for both project and non-project specific activities for the duration of the funded activity. The following specifically addresses the data management aspects of financial data tracking (see Section 6 for procedures related to the DOI Restoration Fund and Section 7 for financial management and accounting procedures).

11.2.2.1 Initial Financial Data Entry

- (a) Upon withdrawal of funds by a Trustee, the LAT will submit financial information to the Restoration Portal to initiate financial tracking for the applicable project or non-project records.
- (b) The record(s) will be updated with:
 - (1) The total authorized budget.
 - (2) Implementing Trustee(s) and the funds each has received.
 - (3) The amount of funds by TIG(s) and Restoration Type(s).
 - (4) The resolution document number.
 - (5) Any Trustee-earned interest that may be applied to the project or activity.

11.2.2.2 Updating Financial Records

The Implementing Trustee's authorized financial representative will update financial records for expenditures and fund transfers to other Trustees or projects. At a minimum, Implementing Trustees' authorized financial representatives will report actual expenses for each of their

respective records annually, as specified in Section 7.0. These expenses will be reported for the reporting period and will be reported by Trustee agency, TIG, and Restoration Type.

11.2.2.3 Tracking Interest Earned

The LAT will submit the amount of DOI Restoration Fund interest earned by TIG to the Restoration Portal annually. Similarly, each Trustee will annually report interest earned in its respective agency account by TIG to the Restoration Portal.

11.2.3 Compliance Tracking

The Trustee Council will track and report project environmental compliance information in a timely manner within the Restoration Portal. This includes consultations, progress, and outcomes, as discussed above in Sections 9.4.7 and 9.4.8. Trustees will also provide updates on compliance milestones as part of the project reports to the Trustee Council and public discussed in Section 12.0.

11.2.4 MAM Tracking

- (a) The Trustee Council will be responsible for tracking, analyzing, and reporting restoration monitoring information and data, as described in Section 10. Monitoring activities, including metrics, data collection frequency, and performance criteria, is tracked in the Restoration Portal (specifics are discussed in the Restoration Portal Manual). Monitoring data, per provisions specified in Section 10 of these SOPs, will be provided to the public through the Trustee Council website. Resolutions may be required at the discretion of the TIGs for data releases to the public.
- (b) The Trustee Council, through the Cross-TIG MAM work group, will provide a standard information management approach for Trustee submission and reporting of monitoring activities (see Section 10). The Restoration Portal serves as the central repository for all MAM data and information (including plans, reports, project photos, and other associated documents) and will allow for publication of restoration data for public access. Monitoring data will be accessible to all Trustees.

11.2.5 Restoration Data Submission and Review

- (a) Implementing Trustees will be responsible for entering the data on their restoration projects and activities into the Restoration Portal. At a minimum, project information will be entered into the Restoration Portal once a year to support annual reporting. During the annual reporting period, each Trustee will submit its project information to the Restoration Portal no later than 75 days after the close of the calendar year. This does not include monitoring data, which will be submitted pursuant to the guidelines

discussed in Section 10.5. The LAT will coordinate with the Restoration Portal administrators to generate the project-level and aggregated reports for Trustee review. Each Trustee will have 20 days to review the reports, coordinate with its TIG members, and provide edits to the Restoration Portal administrators prior to public posting on the Trustee Council website by April 20 of each year.

- (b) Trustees are encouraged to enter project progress and monitoring data more frequently than once a year, as available, and to post to the Trustee Council website to support public transparency. Each TIG will agree upon a process for notifying the other TIG Trustees before a Trustee posts new or modified project information. Due to the financial data being aggregated at the Trustee Council level, comprehensive financial information will be published only once a year, as prescribed above.

11.3 Assessment Data Management

- (a) The majority of the environmental data collected to support the NRDA may be found in DIVER and the Environmental Response Management Application (ERMA) Deepwater Gulf Response mapping tool, which may be accessed on the Trustee Council website.
- (b) The DIVER data warehouse and query tool is a publicly accessible application that houses environmental data collected to support the NRDA. The DIVER application integrates data from many sources, including Trustee and historical data. The DIVER Explorer query tool can be used to filter, map, and download data and results.
- (c) ERMA Deepwater Gulf Response is a publicly accessible online mapping tool that displays spatial data layers and analysis from the DWH Response and Natural Resource Damage Assessment and Restoration effort.
- (d) The Administrative Record refers directly to both DIVER and ERMA for data and analysis supporting Chapter 4 of the PDARP/PEIS.
- (e) If assessment is continued, environmental data collection will follow standards and procedures established during the assessment phase.

11.4 Public Data Sharing

- (a) The Trustee Council will make data and informational products available to the public. The information published to the public domain will be approved by the Trustees prior to publishing. Available information includes, but is not limited to, project descriptions and activities, finances, and monitoring data, subject to any limitations applicable to disclosing certain monitoring data identified above in Section 10.4.3.

- (1) Information about how to access data will be provided to the public through the Trustee Council's website at <http://www.gulfspillrestoration.noaa.gov>.
- (2) The DIVER application will provide a portal for public access to filter, map, and download Trustee-approved restoration project information and environmental data.
- (3) Data collected through Trustee restoration activities may also be sent to the federal open data repository, Data.gov, and other sites as determined by the Trustee Council.
- (4) The Trustees will endeavor to use industry standards for metadata (such as FGDC/ISO metadata standards), particularly with environmental and spatial data, to facilitate data sharing.
- (5) The Trustees will ensure that data sharing follows standards and protocols set forth in the Open Data Policy, which can be found at <https://www.whitehouse.gov/the-press-office/2013/05/09/executive-order-making-open-and-machine-readable-new-default-government->.

12.0 REPORTING

- (a) The Trustee Council will provide reports to the public that contain updates on restoration activities and expenditures, as well as reports resulting from programmatic reviews (see Section 9.4.5.4). Annual reports will include expenditures, the status of restoration activities conducted to date, and progress made since the last reporting period. These reports will be posted on the Trustee Council website and will include both detailed and aggregated information across TIGs. Additionally, the Restoration Portal has the capacity to generate a variety of internal data summaries and reports to inform the Trustees on restoration progress or other specific queries.
- (b) The Trustee Council will provide the reports described below to the public each year. These reports will be generated by the LAT through the Restoration Portal in a consistent format based on the data submitted by the Implementing Trustees for those activities. The Trustee Council LAT will facilitate report generation in collaboration with the Restoration Portal administrator.
- (c) The Trustee Council will provide the reports described below to the public around April 20 of each year.

12.1 Annual Project and Non-Project Progress Reports

Project reports will include: a summary of progress; available monitoring and as-built data, POCs, and financial status; including an accounting of both that year's expenditures and a cumulative financial balance. Non-project reports will include a summary of progress and financial status for that activity.

12.2 Annual Financial Report

- (a) This report will provide a summary of expenditures, receipts, and balances per TIG and per Restoration Type as a means to track progress relative to the allocation table contained in Appendix 2 of the Restoration Agreement.
- (b) Financial summaries for each Trustee, TIG, and the full Trustee Council may be furnished by the Restoration Portal administrator as needed.
- (c) Additionally, the Restoration Portal may generate various internal reports and data queries to assist the Trustees, including interim monitoring data and progress reports, TIG and Restoration Type progress summaries, and other ad hoc reports requested by the Trustees.

13.0 PUBLIC AFFAIRS AND OUTREACH

13.1 Public Affairs

13.1.1 Media Contacts

Each federal agency and state will have at least one designated media contact. These media contacts will be posted on the Trustee Council website.

13.1.2 Media Inquiries

- (a) A media inquiry regarding a TIG's activities will be handled by the media contact(s) designated by the TIG. The TIG-designated media contact(s) will provide the media inquiry to all TIG members; the response will be coordinated and approved by all TIG Trustees.
- (b) A media inquiry regarding Trustee Council matters will be handled by the Trustee Council's designated media contact(s). The inquiry will be provided to all Trustee Council members. The proposed response will be provided to the members for review and approval.

13.1.3 Press Releases

- (a) All Trustee Council press releases must be approved by all Trustee Council members prior to distribution.
- (b) All TIG press releases must be approved by all TIG members prior to distribution.

13.2 Public Information Materials

- (a) The Trustee Council may develop any number of public information materials to inform and educate the public about its activities. For consistency, the Trustee Council may create templates and guidance for developing informational materials to be used by the Trustee Council and TIGs.
- (b) Trustee Council members or their designated media contact(s) will work collaboratively to determine content for templates or public information materials. Unless released in response to a public information request, any public information materials developed by the Trustee Council shall be approved by the Trustee Council before they are released to the public.
- (c) TIGs may also develop public information materials and templates and guidance for the development of informational materials. TIG members or their representatives shall work collaboratively to determine content for these materials. Unless released in response to a public information request, the materials shall be approved by the TIG members before they are release to the public.

13.3 Event Calendar

The Trustee Council will maintain a public meeting and event calendar on its website. The calendar will list both TIG and Trustee Council events and meetings.

13.4 Website Postings

- (a) The Trustee Council will maintain its public website (currently <http://www.gulfspillrestoration.noaa.gov/>), which contains information on restoration activities.
- (b) The Trustee Council website will provide public access to restoration information in one central location, including regular updates from the Trustee Council, the TIGs, and individual Trustee agencies.
- (c) Trustee Council web pages—including the home page and pages that describe restoration, planning, damage assessment, data and monitoring, media, and the Trustee

Council—will be maintained and updated by the Trustee Council website administrator. All changes to the Trustee Council web pages must be reviewed and approved by all Trustees before being posted.

- (d) The Trustee Council website will contain web pages for each of the five state TIGs and the Open Ocean and Region-wide TIGs. All changes to the TIG web pages must be reviewed and approved by all TIG members for the respective TIG before being posted by the Trustee Council website administrator.
- (e) The Trustee website will also contain updates from the Trustee Council and the TIGs in the form of stories posted to the home page or individual TIG pages. All Trustee Council-level stories will be reviewed and approved by all Trustees before being posted. All TIG-level stories will be drafted by the TIG members, in coordination with the PA contact, and approved by all the TIG members before being posted to the TIG web page.
- (f) Information that will be posted on the Trustee Council’s website – including the TIG pages—will include, but not be limited to, draft and final restoration plans; project monitoring information; informational fact sheets; project details, status reports, and other activity tracking information; restoration progress updates and reports; notices and information regarding upcoming outreach/public participation activities; Trustee contact information; links to individual Trustee websites; and link(s) to the Administrative Record(s).

13.5 Public Engagement

13.5.1 Trustee Council Public Meetings

The Trustee Council may hold public meetings related to Trustee Council or restoration activities. At least once a year, the Trustee Council will conduct a public meeting during which each TIG will provide an update on the status of its restoration planning, implementation, and monitoring/adaptive management, and where there will be opportunity for public input. When the Trustee Council determines that one or more public meetings are needed to facilitate public engagement, it shall identify the timeframe during which public meetings will be held, considering various factors, including but not limited to, the availability of Trustee representatives for attendance at the meetings and the availability of venues that are determined to be suitable by the Trustee Council.

13.5.2 TIG Public Meetings

TIGs may host public meetings related to public engagement, restoration plan review, or project scoping, and they may develop additional forums for general information exchange and dialogue. TIGs will hold at least one public meeting per year, unless a TIG planning cycle calls for

more frequent meetings, to discuss the status of its restoration planning, upcoming restoration planning (including the Restoration Type[s] that TIG will focus on for a specified timeframe), and where there will be an opportunity for public input. These TIG meetings for public input may be coordinated with other restoration meetings. When a TIG determines that one or more public meetings are needed to facilitate plan development and review or other public engagement, the TIG shall identify the timeframe during which public meetings will be held, considering various factors, including but not limited to, the length of any public comment period that may be required by law, availability of TIG Trustee representatives for attendance at the meetings, and the availability of venues that are determined to be suitable by the TIG.

13.5.3 Notice of Trustee Council and TIG Public Meetings

Notices of public meetings will be made available to the public in a form deemed appropriate by the Trustee Council and the TIGs, respectively. These notices may be in forms that include, but are not limited to, advertisements, legal notices, and web postings. Notices of meetings shall be developed and approved by each body, respectively.

14.0 APPENDICES

The following appendices are referenced in the SOPs. As noted with an * below, at the time of adoption of these SOPs certain of these appendices have not been created and/or approved by the Trustee Council. Such appendices will be effective upon review and approval of the Trustee Council.

- A) Consent Decree Among Defendant BP Exploration & Production Inc. (“BPXP”), the United States of America, and the States of Alabama, Florida, Louisiana, Mississippi, and Texas
- B) Trustee Council Memorandum of Understanding
- C) Trustee Implementation Group (TIG) SOPs*
- D) Financial Appendices*
 - 1) Audit Statement of Work
 - 2) Trustee account detail
 - 3) Financial forms/appendices
- E) Restoration Portal Manual*
- F) Monitoring and Adaptive Management (MAM) Manual*
- G) Environmental Compliance Manual*
- H) Administrative Record Submission Business Rules*
- I) Restoration Implementation Administrative Record Guidance*
- J) Administrative Functions Funding Table

K) Restoration Agreement Among the United States and the Gulf States Relating to Natural Resource Restoration
