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GULF OF MEXICO UNIVERSITY RESEARCH COLLABORATIVE



# RESTORE ACT Universities' Role

**August 8, 2012**

<http://www.gomurc.org>



## STATE CONSORTIUM DIRECTORS:

- Alabama Marine Environmental Sciences Consortium- Dr. J. Valentine
- Florida Institute of Oceanography- Dr. W. Hogarth
- Louisiana Universities Gulf Research Collaborative- Dr. C. D'Elia
- Mississippi Research Consortium- Dr. D. Wiesenburg
- Texas Research Consortium- Dr. L. McKinney

# Strategy



- **Advocate:** science and education needed for sustained, informed stewardship
- **Coordinate:** multi-institutional initiatives and collaboration with other Gulf entities
- **Grow:** identify, share and engage in opportunities to raise resources for Gulf science and education



[http://www.regions.noaa.gov/gulf\\_mexico/noaa\\_gulf\\_mexico\\_region.html](http://www.regions.noaa.gov/gulf_mexico/noaa_gulf_mexico_region.html)

# Grow-- Objectives/Actions:

## Support relevant legislation

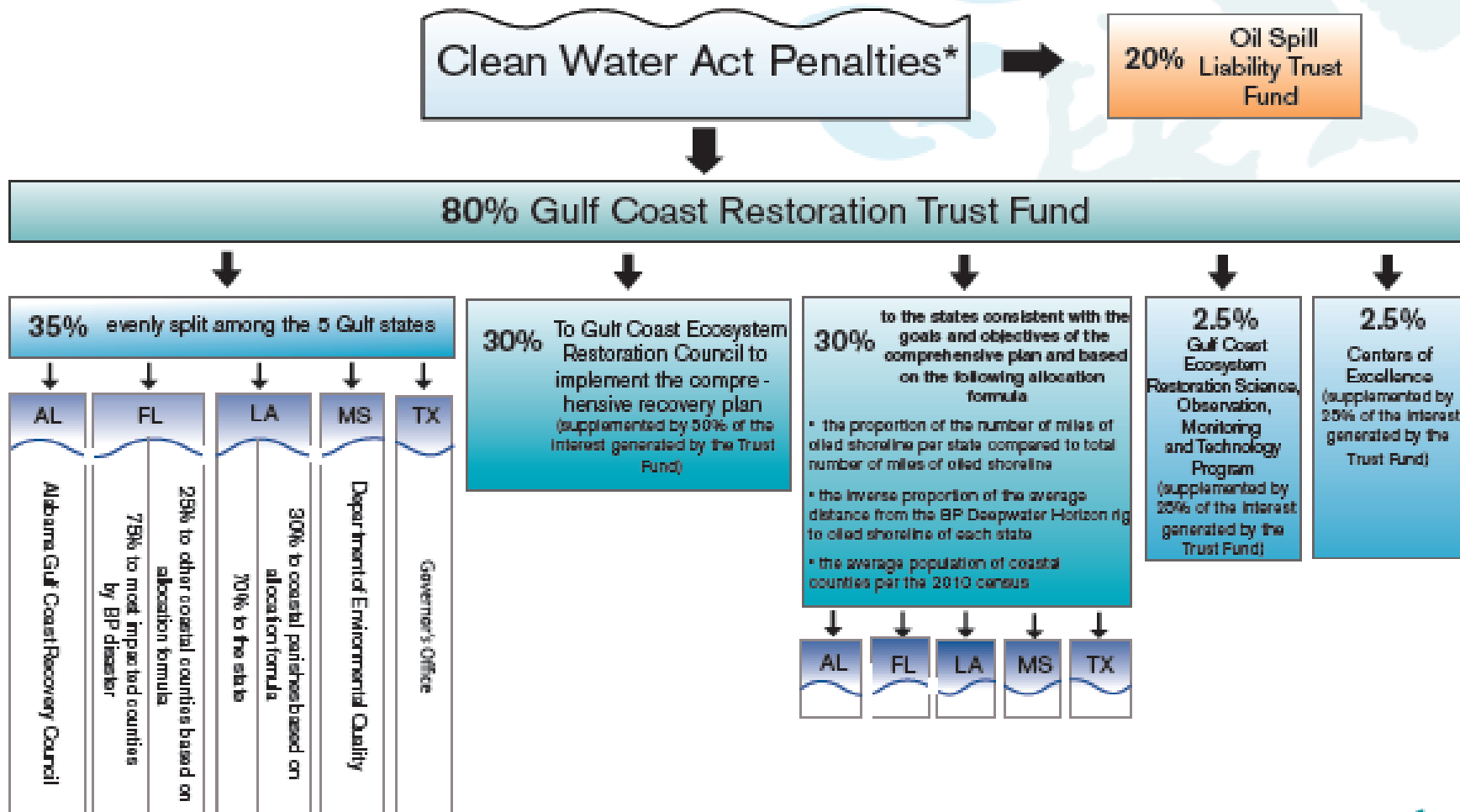


**‘Sec. 1601. ‘Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012’**

- “Moving Ahead for Progress in the 21st Century Act” or the “MAP–21”; HR4348enr, subtitle F, ***Gulf Coast Restoration***
- Signed by President 7/6/12



# Distribution of Clean Water Act penalties to Gulf recovery per the RESTORE Act



\* Clean Water Act penalties are a per barrel penalty of \$1100 for release of pollution into the environment. If 'gross negligence' is determined in release of the pollution, the penalty per barrel increases to \$4300. In the case of the BP Deepwater Horizon incident the following are estimates:

\$1100 X (4.0 million barrels of oil released into the environment) = approx \$5.20 billion

\$4300 X (4.0 million barrels of oil released into the environment) = approx \$21.07 billion [gross negligence]

All amounts are subject to negotiation via a settlement between the government and responsible parties.



## Section 1602. Gulf Coast Restoration Trust Fund



- Gulf Coast Restoration Trust Fund will be established in the Treasury of the US and consists of anything deposited there under this Act or by any other provision of law.
- 80% of all administrative and civil penalties after this Act was signed will go into a Trust Fund
- Trust Fund, including interest earned on advances to Trust Fund and proceeds from investments of Fund can be expended.
- Gulf Coast Region means the coastal zone as defined in the Coastal Zone Management Act (CZMA) of 1972, including land within the coastal zone held in trust by Federal Govt., adjacent land, water and watersheds within 25 miles of coastal zone, and all Federal Waters in the Gulf.

# Sec. 1603: Gulf Coast Natural Resources Restoration and Economic Recovery



## **PART I: State Allocation and Expenditures**

- 35% of annual amount available from Trust Fund to Gulf Coast States in equal shares for economic and ecological restoration:
  - Restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands.
  - Mitigation of damage to fish, wildlife and natural resources.
  - Implementation of federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
  - Workforce development and job creation.
  - Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.

# Sec. 1603: Gulf Coast Natural Resources Restoration and Economic Recovery



## **PART II: Council Establishment and Allocation**

- 30% of fiscal year funds from Trust Fund to Gulf Coast Ecosystem Restoration Council
- Council membership similar to President's Gulf Coast Restoration Task Force
- For restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands and economy; based on best available science.
- Funding based on Comprehensive Plan to be developed by the Council in close coordination with the President's Gulf Coast Restoration Task Force within 180 days; publish initial plan not later than 1 year after date of Restore Act (July 2013)



# Sec. 1603: Gulf Coast Natural Resources Restoration and Economic Recovery



## **PART III: Oil Spill Restoration Impact Allocation**

- 30% for oil spill restoration for projects, programs, and activities that will improve “ecosystems or economy of Gulf Coast region”
- State must submit plan “consistent with the goals and objectives of the Comprehensive Plan”
- Distribution by Council to Gulf Coast State:
  - 40% on proportionate number of miles of shoreline that experienced oiling on or before April 10, 2011 compared to total number of miles of shoreline oiled due to DWH
  - 40% based on inverse proportion of average distance from DWH site at time of explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf State
  - 20% based on average population in 2010 census of coastal counties bordering the GoM.

# Sec. 1603: Gulf Coast Natural Resources Restoration and Economic Recovery



## **PART IV: Authorization of Interest Transfers**

- In any fiscal year, the interest from the Trust Fund and proceeds from the investments made by the Trust Fund in the preceding fiscal year will be divided:
  - 50% equally between section 1604 and 1605 (below)
  - 50% Gulf Coast Ecosystem Restoration Council for Comprehensive Plan

## SEC. 1604. GULF COAST ECOSYSTEM RESTORATION SCIENCE, OBSERVATION, MONITORING, AND TECHNOLOGY PROGRAM



- 180 days after enactment NOAA Administrator consult with the USFWS Director to establish program
- Funding transferred to the Gulf Marine Fish Commission-- 2.5% of Trust + 25% of interest earned = ~\$450M, assuming max. \$21B settlement, 80% or \$16.8B to Trust
- NOAA and DOI consult with Gulf of Mexico FMC and Commission in carrying out the program
- *“Research, observation, and monitoring to support, to the maximum extent practicable, the long-term sustainability of the ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industry in the Gulf of Mexico”*
- NOT for existing NOAA projects, regulations, or catch limits

# 1605. CENTERS OF EXCELLENCE RESEARCH GRANTS



- 2.5% of the Trust Fund will be available to establish Centers of Excellence, divided equally between the 5 states; Florida 0.5% or \$84M based on \$16.8B settlement, + 25% of interest earned )
- Duties of Gulf Coast State carried out by:
  - **Florida: “consortium of public and private research institutions within the State that include FDEP and FWC” (FIO per Sen. Nelson colloquy)**
  - Alabama: The Alabama Gulf Coast Recovery Council (Gov., Mayors etc).
  - Louisiana: Coastal Protection and Restoration Authority of Louisiana
  - Mississippi: Mississippi Dept. of Environmental Quality
  - Texas: Office of the Governor or appointee
- Award competitive grants to non-governmental entities and consortia in Gulf Coast Region

# 1605. CENTERS OF EXCELLENCE RESEARCH GRANTS



- Centers of Excellence should focus on Gulf science, technology, and monitoring in at least 1 of the following:
  - Coastal and deltaic sustainability, restoration and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner in a coastal delta in the Gulf Coast region
  - Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region
  - Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the GoM
  - Sustainable and resilient growth, economic and commercial development in the Gulf Coast Region
  - Comprehensive observation, monitoring, and mapping of the GoM

# Universities Role (GOMURC view)



- Gulf Coast Ecosystem Restoration Council -- science advisory committee PLUS **13<sup>th</sup> seat occupied by university rep.**
- State agencies-- **University consortia engage in development of their State's comprehensive plan.**
- Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program and Fisheries and Ecosystem Endowment– Universities **engage in developing program plan and related education and training activities.**
- Sec. 1605, Centers of Excellence Research Grants—**Use existing university consortia**



# Advocate-- GOMURC Letter to DHOS Trustees



- Gulf needs “*long-term monitoring and observing program funded by BP settlement funds*” to respond, recover, and sustain ecosystem services
- NOAA response– shared vision for:
  - *Understanding current and future state of Gulf ecosystem*
  - *Data collection/analysis to refine restoration objectives*
  - *Identification of info gaps and mechanisms to reduce uncertainty*
  - *Prioritization, design, and implementation of restoration actions and management strategies.*
  - *“Responsive adaptive management framework” devised by Trustees with public input.*

# Other Activities



- NRDA– Injury Assessment Phase, next is Restoration Planning Phase
- Settlement– Judge Barbier
- BP settlement town hall meeting, Thursday, August 9 at 7:00 pm at the Suntan Art Center (3300 Gulf Blvd., St. Pete Beach, FL); organized by lawyers (<http://www.businessesbythebeach.com/>)



# Resources



- GOMURC page with this ppt, Bill pdf, FIO Summary, Nelson colloquy-- <http://www.gomurc.org/restore>
- FL Oil Spill Task Force-- <http://oilspill.fsu.edu>
- NRDA work plans and data--  
<http://www.gulfspillrestoration.noaa.gov/oil-spill/gulf-spill-data/>