

## Guide to the RESTORE Act

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### Sec. 1602: Gulf Coast Restoration Trust Fund

- The 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. (JIV comment: signed by President on 7/6/12)
- The 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.

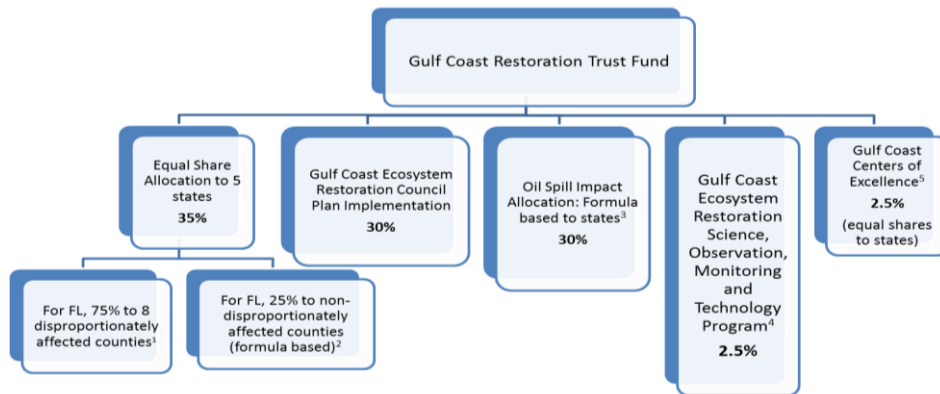


Figure 1: Breakdown of Trust Fund

### <sup>1,2</sup>Sec. 1603: Gulf Coast Natural Resources Restoration and Economic Recovery

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

- 35% of annual amount available from Trust Fund will go to the Gulf Coast States in equal shares for economic and ecological restoration.
- Can be spent on:
  - 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.
- The state entity responsible for spending this:
  - Alabama: The Alabama Gulf Coast Recovery Council (Gov., Mayors etc. Full list in Act).
  - Louisiana: Coastal Protection and Restoration Authority of Louisiana

- Mississippi: Mississippi Dept. of Environmental Quality
- Texas: Office of the Governor or appointee
- Florida: no language in this section, but will abide by Florida Law and go to affected counties as below:
- In the case of a State where the coastal zone includes the entire State (JIV Comment: based on CZMA, therefore I assume this only applies to Florida):
  - 75% of funding provided directly to 8 disproportionately affected counties
  - 25% to nondisproportionately affected counties
- For the nondisproportionately affected counties:
  - The total amounts made available to coastal political subdivisions in the State of Florida shall be distributed:
    - 34% based on weighted average of population of the county
    - 33% based on weighted average of county per capita sales tax collections estimated for fiscal year 2012
    - 33% based on inverse proportion of weighted average distance from DWH to each of nearest and farthest points of shoreline
- Separate language in RESTORE Act for Louisiana for non-disproportionately impacted counties
- Money used on projects selected based on meaningful input by public, including broad-based participation from individuals, businesses, and non-profit organizations, and based on best available science

**PART 2: Council Establishment and Allocation**

- 30% of fiscal year funds from Trust Fund got to the Gulf Coast Ecosystem Restoration Council
- Council membership is defined as (JIV comment: this is more-or-less the make-up of the President’s Gulf Coast Restoration Task Force, led by John Hankinson):
  - Secretary of the Interior or designee at Assistant Secretary level
  - Secretary of the Army or designee at Assistant Secretary level
  - Secretary of Commerce or designee at Assistant Secretary level
  - Administrator of EPA or designee at Assistant Secretary level
  - Secretary of Agriculture or designee at Assistant Secretary level
  - Head of the department in which the Coast Guard is operating or designee at Assistant Secretary level
  - Governor of Alabama or designated representative
  - Governor of Florida or designated representative
  - Governor of Louisiana or designated representative
  - Governor of Mississippi or designated representative
  - Governor of Texas or designated representative
  - Chairperson will be 1 federal member. All Council members (including Governors) appointed by President.

- Funding will be used 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 a Comprehensive Plan to be developed by the Council in close coordination with the President’s Gulf Coast Restoration Task Force (JIV comment: led by John Hankinson). They have 180 days to develop it, and will publish initial plan not later than 1 year after date of Restore Act.
- Council will also identify practicable projects that:
  - have been authorized prior to the date of enactment but not yet commenced that would quickly restore and protect fisheries, ecosystem, natural resources, etc.
  - restore long-term resiliency of natural resources, fisheries etc.
- Council will establish advisory committees, including a scientific advisory committee and a public policy advisory committee.
- The initial Comprehensive Plan and subsequent updates (every 5 years) should consider relevant findings, reports, research under sections 1604 and 1605.
- In addition to above practicable projects, highest priority will be for projects that:
  - Will make greatest contribution to restoring and protecting natural resources etc.
  - Large-scale projects and programs that are projected to substantially contribute to restoration and protection
  - In existing Gulf Coast State comprehensive plans for restoration and protection
  - Restore long-term resiliency of natural resources etc.
- Council will allocate the funds to State or Federal entities on the Council who will then give out grants.
- Grants to nongovernmental entities cannot exceed 10% of total amount provided to Federal or State agency unless the name of the grantee is given to congressional committees at least 30 days prior to grant or cooperative agreement. (For the House: Committee on Science, Space and Technology; Committee on Transportation and Infrastructure; Committee on Appropriations of the House of Representatives; and for the Senate: Committee on Environment and Public Works; Committee on Commerce, Science and Transportation; Committee on Energy and Natural Resources; Committee on Appropriations of the Senate)
- Cannot do any projects outside Gulf Coast region.

**<sup>3</sup>PART 3: Oil Spill Restoration Impact Allocation**

- 30% for oil spill restoration. Each fiscal year it will be at least 5% of total (JIV comment: therefore will be spent in 6 years or less?). 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.
- Funding for projects, programs and activities that will improve the ecosystems or economy of the Gulf Coast region – but each Gulf Coast State has to submit a plan for the expenditure that takes into consideration the Comprehensive Plan (JIV comment: as mentioned above).
- For Florida, the plan for this will be developed by a consortium of local political subdivisions that includes at least one representative from the affected counties. It is different for other states (see section 1603, Part 1).

**PART 4: 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 (JIV comment: see Sec. 1603, Part 2 above)

**<sup>4</sup>Sec. 1604: Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program**

- 2.5% of the Trust Fund will be available for this program
- The program has to be established no later than 180 days after the Act is signed (JIV comment: signed 7/6/12).
- Funding for research, observation and monitoring to support the long-term sustainability of the ecosystem, fish stocks, fish habitat, and recreational, commercial, and charter fishing industry in the Gulf of Mexico (GoM). All marine, estuarine, aquaculture and fish species in State and Federal waters in the Gulf.
- To address the above, the funds will be used for:
  - marine and estuarine research
  - marine and estuarine ecosystem monitoring and ocean observation
  - data collection and stock assessments
  - pilot programs for fishery independent data and reduction of exploitation of spawning aggregations
  - cooperative research
- Funds will be transferred to Gulf States Marine Fisheries Commission to establish a fisheries monitoring and research program in GoM
- Administrator of NOAA and Director of US Fish and Wildlife Service will consult the Regional Gulf of Mexico Fishery Management Council and the Commission to carry out this section
- Research Priorities for integrated, long-term projects that:
  - Build on, or are coordinated with, related research activities; and
  - Address current or anticipated marine ecosystem, fishery or wildlife management information needs
- No duplication with other research or monitoring activities will be allowed

- Will coordinate with other existing science and technology programs in the 5 states and the new Centers of Excellence (see below).
- Funds may not be used:
  - for any existing or planned research led by NOAA unless agreed to in writing by grant recipient
  - to implement existing regulations or initiate new regulations from NOAA
  - to develop or approve new limited access privilege program for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Councils.

**<sup>5</sup>Sec. 1605: Centers of Excellence Research Grants**

- 2.5% of the Trust Fund will be available to establish Centers of Excellence. To be divided equally between the 5 states, therefore Florida will get 0.5%.
- Only for research in the Gulf Coast Region
- The duties of the Gulf Coast State under this section shall be carried out by:
  - Florida: consortium of public and private research institutions within the State that include FDEP and FWC (FIO)
  - 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
- Duties: award competitive grants to nongovernmental entities and consortia in Gulf Coast Region to establish Centers of Excellence
- Centers of Excellence should focus on science, technology, and monitoring in at least 1 of the following:
  - (1) 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
  - (2) Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region
  - (3) Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the GoM
  - (4) Sustainable and resilient growth, economic and commercial development in the Gulf Coast Region
  - (5) Comprehensive observation, monitoring, and mapping of the GoM
- Grant procedure will be determined by the FIO and other entities listed above for each state.
- Priority for grants will be given to those who demonstrate the ability to establish the broadest cross-section of participants with interest and expertise in the focus areas listed above.
- Each of the state entities listed above will provide an annual report to the Gulf Coast Restoration Council that includes information about all grants, including the amount, discipline(s), and recipients. This, in turn, will be submitted to Congress by the Council in their annual report.