

# The RESTORE Gulf Coast Act of 2012

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7/19/12

| Florida Association of Counties





## Clean Water Act – Current Law

- The Clean Water Act grants the federal Environmental Protection Agency authority to impose fines on parties responsible for oil spills.
- These penalties are not required to be returned or spent in the injured jurisdictions.



# RESTORE Act of 2012

- Conference Report (to accompany H.R. 4348)
- Short Title (Section 1601) – Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast State Act of 2012



## Gulf Coast Restoration Trust Fund

- Section 1602
- Establishes Gulf Coast Restoration Trust Fund
- Transfers Eighty (80%) percent
  - Administrative and civil penalties
  - Expenditure for prescribed purposes and eligible activities
  - No time constraints on expenditures
- U. S Treasury (Interior & Commerce) – 180 days
  - Develop policies and procedures
  - Develop oversight (auditing) requirements
  - Develop identification and allocation of funds
    - \*Allocation formulas
      - Florida 75/25
  - Review State & County Compliance
    - State Allocation/County (35%)



# Gulf Coast Natural Resources Restoration and Economic Recovery

- Section 1603 – Amends Section 311 of the Federal Water Pollution Act
- “Coastal Political Subdivision” – any local political subdivision that is immediately below the state, including a county, parish or borough, with a coastline that is contiguous with “any” portion of the U.S. Gulf of Mexico
- Deepwater Horizon Oil Spill – blow and explosion of the mobile offshore drilling unit Deepwater Horizon on April 20, 2010



# Gulf Coast Natural Resources Restoration and Economic Recovery

- Gulf Coast Region –
  - Gulf Coast States (Alabama, Florida, Louisiana, Mississippi and Texas)
  - The coastal zones (defined in Section 304 of the Coastal Zone Management Act of 1972) except that in this section includes land within the coastal zones that is held in trust or use by the federal government, that border the Gulf of Mexico
  - Any adjacent land, water, and watersheds, that are within 25 miles of the coastal zones
  - All federal waters in the Gulf of Mexico



## Organizational Framework – Florida Model Only

- Council (Eleven Members)
  - Comprehensive Plan
  - Thirty (30%) percent
  - Competitive
- Oil Impact Allocation - Consortium (State/Regional)
  - Comprehensive Plan
  - At least one representative of each affected county
  - Thirty (30%) percent
  - Weighted Allocation formula (19-20%)
- State Allocation – County
  - Local Plan
  - Thirty (35%) percent
  - Equal Shares
  - 75/25



## Gulf Coast Ecosystem Restoration Council (30%)

- Members (11)
  - Federal (6 including Chair) – Interior, Army, Commerce, EPA, Agriculture, Coast Guard (Dept)
  - State (5) – Governor (or designee) from each state
  - Advisory Committees
- Develop Comprehensive Plan
  - Proposed (180 days)
    - Shovel ready/large scale
    - Gulf Coast Restoration Task Force
    - Existing Gulf Coast State Comprehensive Plans
    - Coastal Zone Management Plans
  - Initial (360 days)
- Approval of State Plans
  - Oil Impact Allocation (30%)
- Fifty (50%) percent of interest payments



## Oil Spill Restoration Impact Allocation (30%)

- Consortium of counties that include at least one rep of each affected county
- Allocation Formula (roughly 20%)
  - Number of miles of shoreline experienced oiling (40%)
  - Inverse proportion of the average distance (oiled shoreline) from the spill (40%)
  - Average population (20%)
- State/Regional Comprehensive Plan
  - Eligible Uses
    - \*No limitation on administrative costs
  - Cap 25% on Infrastructure (Exception)
  - Council – Approval (within 60 days)



## State Allocation/Counties (35%)

- Equal Shares (20%)
  - Disproportionately Impacted (75%)
    - No Allocation Criteria
  - Nondisproportionately Impacted
    - Weighted average population (34%)
      - Annual vs. Census
    - Weighted average of per capita sales tax (33%)
      - Fiscal year 2012
    - Weighted Average distance from spill (33%)
  - Administrative Costs
    - \*Limitation of 3%
- U.S. Treasury – Reviews for Compliance
- Develop and Submit Multiyear Plan



# Eligible Uses of Funds

- Restoration & Protection of natural resources
- Mitigation of natural resources
- Implementation of a “federally approved” marine, coastal, or conservation management plan
- Workforce development and job creation
- State parks
- Infrastructure projects benefitting the economy or ecological resources (ports)
- Coastal flood protection
- Planning assistance
- Administrative Costs



# Activities to Promote Tourism and Seafood

- Promotion of tourism,
  - including recreational fishing
- Promotion of seafood consumption



## Gulf Coast Ecosystem Restoration and Science, Observation, Monitoring and Technology Program (2.5%)

- Section 1604
- National Oceanic and Atmospheric Administration
  - Marine Research
  - Marine Monitoring
  - Data Collection and Stock Assessments
  - Pilot Programs
  - Cooperative Research
- Interest (25%)



## Centers of Excellence (2.5%)

- Each State equal shares
- Grants
  - Coast Sustainability
  - Coastal Ecosystem Research
  - Offshore Energy Development
  - Comprehensive observation, monitoring and mapping of the Gulf of Mexico
- Interest (25%)