

Building Bridges for Gulf Recovery

Coordinating and Leveraging with Federal Programs

David Roche, roche@eli.org
Staff Attorney, ELI

Primary Findings:

There is an opportunity to *link with* existing federal programs and *leverage* funds to increase the resources available to Gulf restoration.



Challenge and Opportunity

Recovery from the oil spill in itself will be a massive, decades-long undertaking.



The BP oil spill's impacts were compounded by decades of disaster and degradation in the Gulf coast region, from Hurricanes Katrina and Rita to the growing Gulf dead zone caused by upstream pollution.



Prior to the BP oil spill, numerous federal and state programs attempted to address the threats facing the Gulf.



Now additional BP oil spill-specific processes have been initiated to help restore and recover the region.



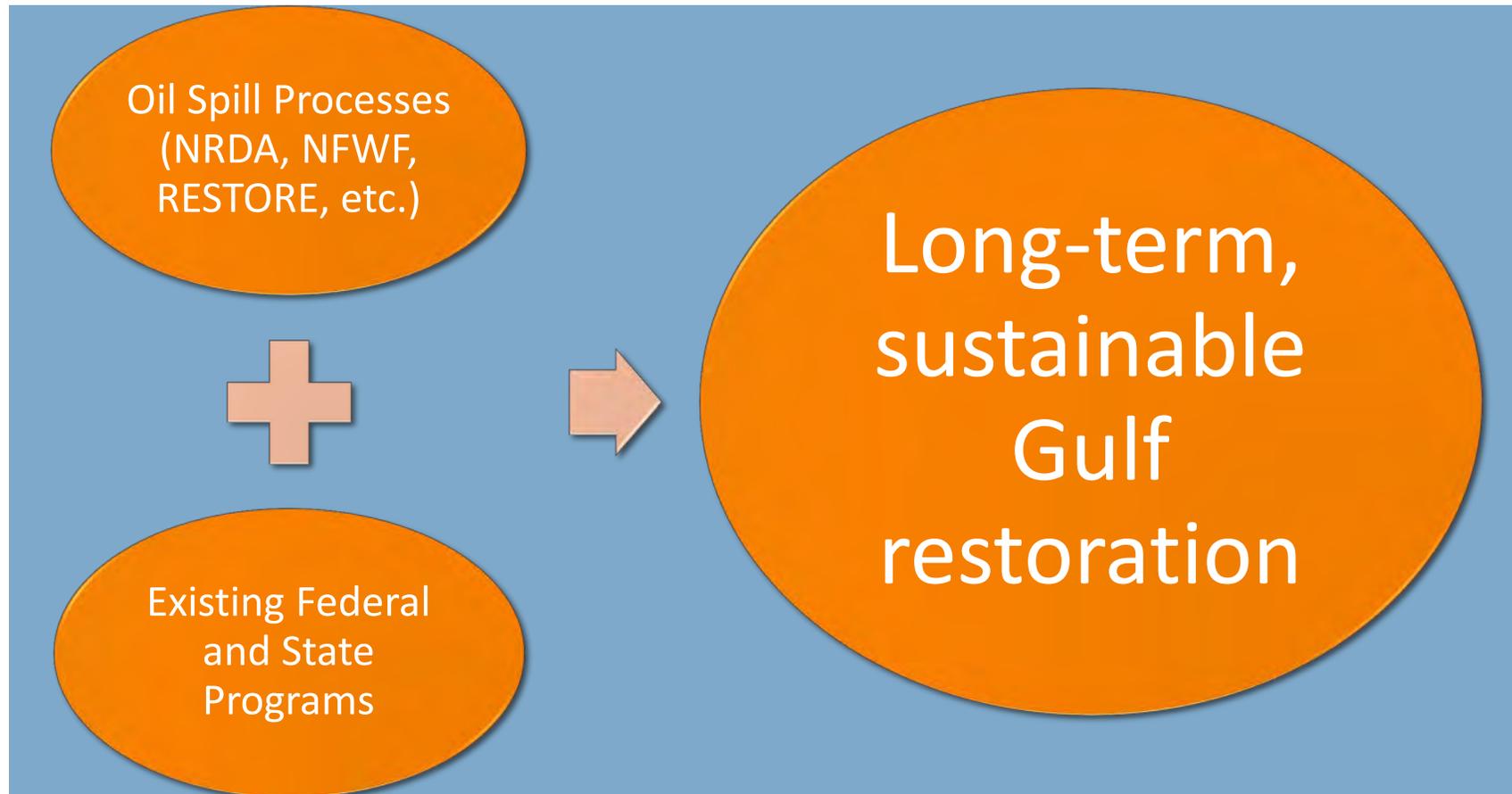
Institutional Challenges



PROBLEM

Myriad funding sources, programs, and projects are ongoing at the local, state, and federal levels, and there is often limited time, capacity and resources to understand how they all fit together.

Institutional Opportunity



Oil Spill Processes
(NRDA, NFWF,
RESTORE, etc.)



Existing Federal
and State
Programs



Long-term,
sustainable
recovery

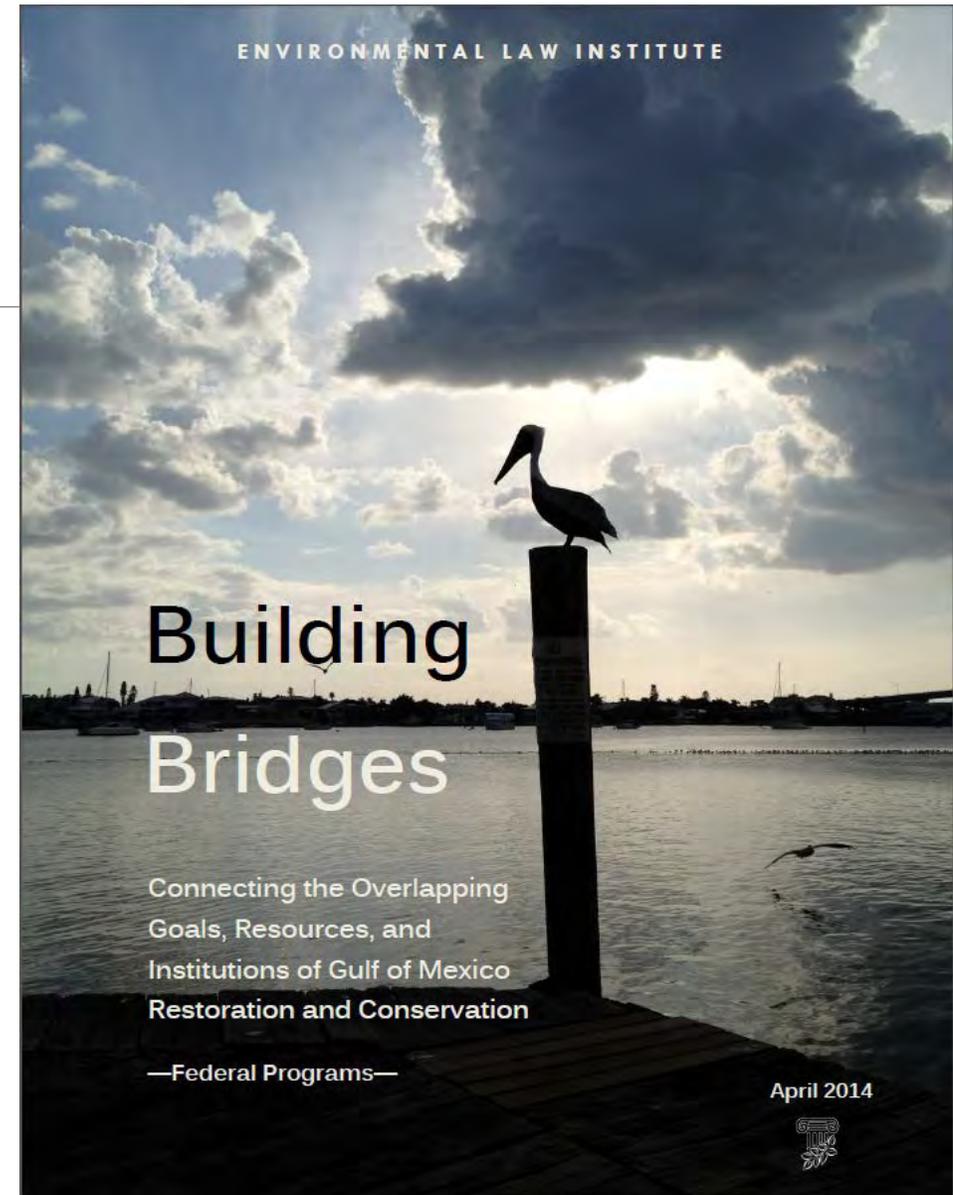


Our Work

Options to coordinate processes and leverage funds at federal level



State and local level report forthcoming



Main Oil Spill Processes

1. **RESTORE**: Clean Water Act fines. \$1 billion already flowing through RESTORE, BP Trial resumes in January 2015.
2. **NRDA**: \$1 billion committed to “early” restoration. Ongoing process to determine full amount.
3. **NFWF**: \$2.5 billion settlement.

BP Oil Disaster: Restoration & Recovery JULY 2014
Early Restoration in the Natural Resource Damage Assessment Process

In April 2011, the *Deepwater Horizon* trustees announced that BP had agreed to enter into a voluntary \$1 billion agreement to start some restoration projects before the full natural resource damage assessment (NRDA) is complete. This fact sheet provides an overview of what a NRDA is, how early restoration fits into that process, and what has happened with early restoration to date.

What is a Natural Resource Damage Assessment (NRDA)?
 A natural resource damage assessment (NRDA) is the process by which the federal government and the trustees of the trust created by the Clean Water Act (CWA) determine the extent of damage to natural resources caused by an oil spill and to plan and implement restoration projects to return those resources to their original condition.

What is Early Restoration?
 One of the challenges in conducting a NRDA is that the assessment can take a long time, especially in a case like *Deepwater Horizon*. Early restoration allows for the start of restoration projects on or shortly after the spill, before the NRDA is complete.

What is the RESTORE Act?
 The Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012—better known as the “RESTORE Act”—was enacted on July 6, 2012. The RESTORE Act creates a Gulf Coast Restoration Trust Fund (RTF), which will receive 80% of any Clean Water Act (CWA) civil and administrative penalties paid by BP and other companies responsible for the *Deepwater Horizon* oil spill. The RTF will support a variety of ecological and economic restoration and recovery projects in the Gulf.

What is the U.S. Settlements At A Glance?
 The U.S. government has reached settlements with several parties involved in the *Deepwater Horizon* oil disaster. This fact sheet provides an overview of the money to be paid under these settlements, including a breakdown of funding amounts, where the money will go, and timelines.

To date, the federal government has entered into settlement agreements with:

- **MOEX**: the federal government reached an agreement with MOEX in February 2012 on certain civil penalties. These penalties, which totaled \$70 million, were split among the federal and state governments. In addition, MOEX agreed to implement \$20 million in supplemental environmental projects.
- **BP**: the federal government reached an agreement with BP in November 2012 to resolve criminal charges against the company for \$4 billion.
- **Transocean**: the federal government reached an agreement with Transocean in January 2013 to resolve criminal charges against the company for \$400 million, and to resolve Clean Water Act civil penalties against the company for \$1 billion.

TOTAL SETTLEMENT MONIES OBLIGATED TO DATE (BY PARTY)

Party	Civil (Millions of \$)	Criminal (Millions of \$)
BP	~3,900	~100
Transocean	~400	~400
MOEX	0	~70

ENVIRONMENTAL LAW INSTITUTE 2000 L ST NW, WASHINGTON, DC 20036 - CONTACT@ELI.ORG WWW.ELI-OCEAN.ORG/IGEF

Existing Federal Programs



1. Prior to the *Deepwater Horizon* disaster, numerous programs addressed the Gulf environment.
2. These existing programs are ongoing, with billions of dollars allocated to projects outside the oil spill processes.
3. In addition, many federal programs require states to “match” with non-federal funds.

How can we link post-oil spill processes with existing federal programs?

NRDA &
NFWF

COORDINATION

- Institutional Overlap
(state resource mgmt.
agencies, federal agencies,
and private entities)
- Project Funding
- Project Development

RESTORE

Coordination plus...

LEVERAGING

RESTORE Act Leveraging

- ❑ Under the RESTORE Act, there is a provision that allows 65% of funds to be used as non-federal matching funds
- ❑ Many federal programs require states to provide matching funds, with states responsible for anywhere from 10% to 75% of project costs.
- ❑ This non-federal match provision means that RESTORE funds can be leveraged to double (or more) available funds



RESTORE Act Leveraging (cont.)

- ❑ In the Building Bridges Report, we identify 43 Federal programs, focusing on environmental grant programs for states and their political subdivisions, along with programs that involve public-private partnerships



- ❑ For each Program, we identified:
 1. Purpose
 2. Types of Projects Funded
 3. Matching Requirements
 4. Eligible Entities
 5. FY 2013 Funding
 6. CFDA Number (for detailed application information)
 7. Funding Cycle
 8. Grant Process
 9. Example Projects
 10. Public Participation Provisions
 11. Other Notes

RESTORE Act Leveraging (cont.)

State Wildlife Grants	
Purpose	“[T]he development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished”
Types of Projects Funded	Landscape-scale conservation planning, climate change adaptation, species and habitat management, acquisition of real property
Matching Requirements	25% for planning activities, 50% for implementation grants
Applicant Type	State agency with primary responsibility for fish and wildlife management; other government agencies, tribes, NGOs, and private individuals may partner with fish and wildlife agency or serve as subgrantees
CFDA Number	15.634
2013 Funding	\$45,720,189 available for non-competitive grants, competitive grants receive \$5.4 million (FY 2014)

For example, in Alabama:

- Gulf State Park Longleaf Pine Restoration project restored 128 acres of storm-damaged mixed timber
- The project was funded through a State Wildlife Grant, a NFWF grant, and matching state funds.

Finding

RESTORE funds could replace or add to matching state funds

Cross-Cutting Coordination



Escribano Point in Florida: *an area of diverse coastal ecosystems, providing habitat for rare shorebirds*

- In 2012, a 1541-acre parcel was identified under the state’s “Florida Forever” program and purchased with \$5 million from the MOEX settlement
- In mid-2013, \$2.5 million was allocated to improving public access and enjoyment of the resources at Escribano Point with NRDA funds
- In November 2013, NFWF dedicated \$1.7 million for ongoing “acquisition, restoration and maintenance of high quality coastal wildlife habitat” in the area

How could RESTORE fit in? It could provide funds to meet the match for the following programs (to assist with further restoration):

- North American Wetlands Conservation Fund: 40% match requirement
- Land and Water Conservation Fund: 50% match requirement
- Estuary Restoration Act: 35% match requirement

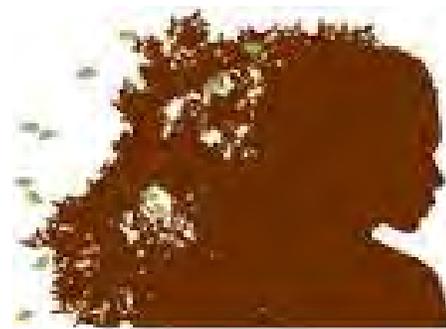
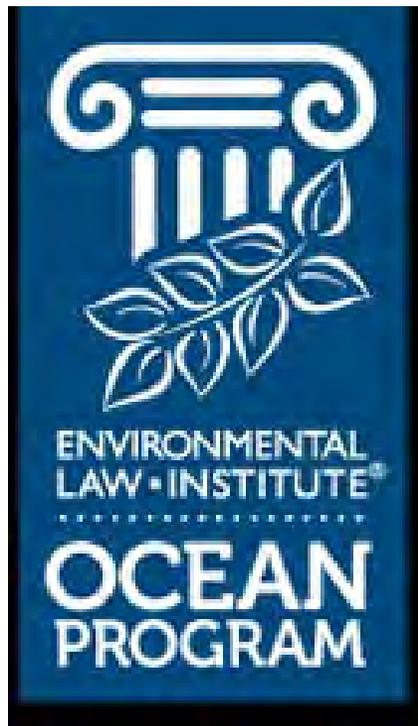
Next Steps

Complete analysis of state programs and planning requirements

Connect with state resource managers and policy-makers

Create practical manual for coordination and leveraging for each state

Conclusion and Thanks!



***Gulf Coast Center
for Law & Policy***

*southern perspective,
national impact, global influence*

Tulane Institute
on Water Resources Law & Policy