



The State of Things: Challenges Facing Gulf Restoration Moving Forward

Kelly Samek

8th National Summit on Coastal and Estuarine Restoration

December 12, 2016



Vive la différence

Stakeholders value intuitive, transparent, and efficient processes, but different legal processes and authorities exist

- **Oil Pollution Act of 1990** (P.L. 101-380; 33 USC §§2701-2762)
- **Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act** of 2012 (P.L. 112-141; 33 USC §1321(t))
- BP & Transocean Criminal Plea Agreements
- Consent Decree Among BP, US, and the States

Trustee Implementation Groups (TIGs)

Texas

*Trustees for Texas
Federal Trustees*

Louisiana

*Trustees for Louisiana
Federal Trustees*

Mississippi

*Trustees for Mississippi
Federal Trustees*

Alabama

*Trustees for Alabama
Federal Trustees*

Florida

*Trustees for Florida
Federal Trustees*

Regionwide

All Trustees

Open Ocean

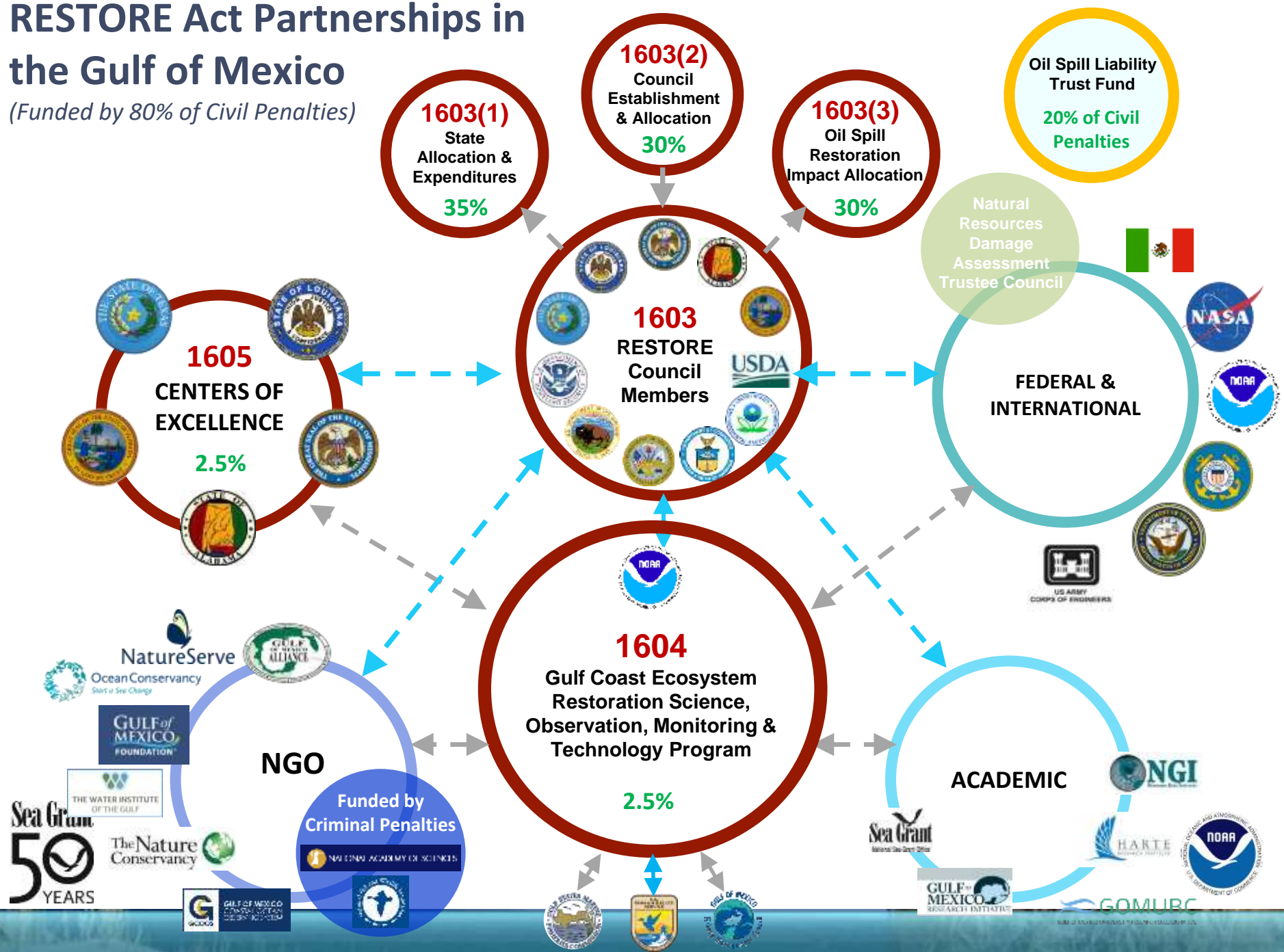
Federal Trustees

**Unknown Conditions
and Adaptive
Management**

All Trustees

RESTORE Act Partnerships in the Gulf of Mexico

(Funded by 80% of Civil Penalties)



Aspirations: Talking the Talk



Coordinating, Collaborating, and Connecting Gulf Restoration Activities

As discussed in the section regarding effective FPL development, the Council recognizes that coordination and collaboration among members and our restoration partners is critical to the success of Gulf restoration. The Council hereby reaffirms its commitment to such coordination and collaboration. The Council also recognizes that it has an important opportunity to help facilitate dialogue among Gulf restoration partners by identifying potential gaps that limit our collective ability to achieve large-scale restoration and by serving as the connector between funding sources.

To achieve this commitment, the Council will focus on the following four areas:



Partnerships and Leveraging: The Council will seek to foster and leverage public, private, and intergovernmental partnerships to maximize the impact of projects and to create innovative efficiencies to streamline implementation while building regional capacity for long-term, integrated resource management and stewardship.

Coordination/Collaboration with other ongoing Restoration Efforts: The Council will seek to ensure full and effective coordination with other ongoing and planned Gulf restoration efforts to maximize ecological and socio-economic benefits, and avoid duplication. The Council can, for example, advance comprehensive restoration by identifying and addressing critical ecosystem needs with the goal of achieving comprehensive ecosystem benefits.

"Upstream" Collaboration: The Council members will collaborate in the development of proposals for potential funding under the Council-Selected Restoration Component. Consistent with the RESTORE Act provision encouraging integrated project implementation and funding, Council members may develop joint or multi-member project or program proposals to generate more effective use of each member's strengths and expertise.

"Downstream" Collaboration: The Council will continue to host collaborative regional meetings during FPL project/program implementation and monitoring phases. This will help to maximize ecosystem restoration results and efficiencies and to share knowledge and lessons learned to inform future FPL implementation, monitoring, and adaptive management efforts.

Aspirations: Talking the Talk

1.5.6 Coordination with Other *Deepwater Horizon* Restoration Planning Efforts

Coordination between the NRDA restoration and other *Deepwater Horizon* restoration programs will promote successful implementation of this Final PDARP and optimize ecosystem recovery within the Gulf of Mexico. The Trustee Council may consider the restoration actions of these other programs to identify synergies and reduce potential redundancies when selecting projects under this PDARP. These programs will produce significant monitoring data to inform restoration decisions and improve adaptive management. Data sharing between programs is encouraged, and the Trustee Council will make information for projects selected under this PDARP available to the public, as well as to the scientific community and other restoration programs.

Other *Deepwater Horizon* restoration planning efforts are planned or underway as a result of:

- **Clean Water Act penalties (RESTORE Act).** The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act of 2012 dedicates 80 percent of any civil and administrative penalties paid under the Clean Water Act to the Gulf Coast Restoration Trust Fund for ecosystem restoration, economic recovery, and tourism promotion in the Gulf Coast region.
- **Criminal plea agreement payments.** In 2012 to 2013, BP and Transocean each entered into criminal plea agreements with the United States Justice Department. Substantial funding under those plea agreements is being directed to:
 - The **Gulf Environmental Benefit Fund**, administered by the National Fish and Wildlife Foundation, to restore and protect Gulf Coast natural resources.
 - The **North American Wetlands Conservation Fund**, administered by the U.S. Fish and Wildlife Service, for “wetlands restoration and conservation projects” located in the Gulf or projects that would “benefit migratory bird species and other wildlife and habitat” affected by the oil spill.
 - The **National Academy of Sciences**, to enhance the safety of offshore drilling to protect human health and the environment.

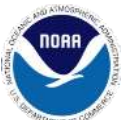
1.5

Summary of This Final
PDARP/PEIS

Reality: Walking the Walk



Photos: Amy Raker, FWC



Aspirations: Talking the Talk



Commitment to Engagement, Inclusion, and Transparency

It is the Council's intent to seek broad participation and input from the diverse stakeholders who live, work, and play in the Gulf Coast region in both the continued development of this Plan and the ultimate selection and funding of ecosystem restoration activities. The Council will continue to provide opportunities to facilitate the formation of strategic partnerships and collaboration on innovative ecosystem restoration projects, programs, and approaches. The Council intends to continue offering public engagement opportunities that reflect the richness and diversity of Gulf Coast communities to ensure ongoing public participation in the Council's restoration efforts.

In developing the Initial FPL, the Council honored this commitment by holding numerous public meetings across the Gulf and making all proposals, environmental compliance documentation, and related materials available on its website. The Council has also established a virtual library on its website in which a wide range of Council documents are available to the public; the public can also sign up for email updates on the Council website (www.RestoreTheGulf.gov). The Council is building on its commitment to the stakeholders of the Gulf Coast by developing a Tribal policy to ensure effective coordination and consultation with federally-recognized Tribes.

Maintain and Enhance Public Engagement and Transparency

The Council fully appreciates the importance of strong, productive, and predictable public engagement and maintaining transparency throughout its operations and decision-making. The Council is committed to setting and maintaining the highest standard for public engagement and transparency. To that end, the Council reaffirms its commitment to the following:

- Project evaluation and selection will be conducted in the most open manner feasible.
- The Council will support engagement with all stakeholders, including under-represented communities and federally-recognized Tribes.
- The Council will refine its processes for considering public input on draft FPLs before finalizing changes to the final FPL.
- The Council will continue to explore the use of webinars and other creative tools to increase transparency and opportunities for public participation.

Aspirations: Talking the Talk



“Trustees fulfill [their] responsibilities by developing restoration plans, **providing the public with meaningful opportunity to review and comment on proposed plans** (including the information that supports that purpose), implementing and monitoring restoration projects, managing natural resource damage funds, documenting trustee decisions through a public Administrative Record (including those that involve the use of recovered damages), and **providing for public involvement and transparency** in keeping with the public responsibilities with which they have each been entrusted under OPA.”

Reality: Walking the Walk

www.gulfspillrestoration.noaa.gov

restorethegulf.gov

nfwf.org/gulf

www.restore.ms

www.restorethetexascoast.org

www.alabamacoastalrestoration.org

deepwaterhorizonflorida.com

www.la-dwh.com



Keep In Touch

For RESTORE Council emails:

https://www.restorethegulf.gov/apps/eblast/Email_Signup.aspx

For NRDA Trustee Council emails:

<http://www.gulfspillrestoration.noaa.gov/media>