

**Gulf Coast Counties Consortium
Emerald Coast Convention Center
Okaloosa Island**

**Agenda
Thursday, July 19, 2012
9:00 a.m. – 12:00 Noon (Central)**

Welcome – Commissioner Dave Parisot, Okaloosa County

Introductions & Opening Comments – Commissioner Bill Williams, Gulf County – President, Florida Association of Counties

Overview of the RESTORE Act – John Wayne Smith, Governmental Consultant, William J. Peebles, P.A.

Discussion – Allocation criteria – Disproportionately Impacted Counties (75%)

Discussion & Guidance – Consortium Model

- State Role – Commitment to Governor Scott
- State Plan vs. Regional Plan (Florida Plan 30%)
 - Commission on Oil Response Coordination (Jan 2013)
- County Plans (Equal Share 35%)
- Council Plan (Federal – Competitive 30%)

Discussion & Guidance - FAC Role (Phase II)

- “Air Traffic Controller”
- Outline of Next Steps & Timeline

Discussion & Guidance - Gulf Coast States Coalition

- Interest & Commitment
- Oil Pollution Act Reform

Other Business

Adjourn

**GCCC & Stakeholders
Emerald Coast Convention Center
Okaloosa Island**

**Agenda
Thursday, July 19, 2012
1:00 p.m. – 5:00 p.m. (Central)**

Welcome – Commissioner Dave Parisot, Okaloosa County

Introductions & Opening Comments – Commissioner Bill Williams, Gulf County – President, Florida Association of Counties

Overview of Gulf Coast Counties Consortium & RESTORE Act – John Wayne Smith, Governmental Consultant, William J. Peebles, P.A.

Presentation – Gulf Restoration Opportunities, Nature Conservancy

Discussion – Organizational Model and Implementation Process

- Entity (Consortium)
 - Creation – What, When & How
 - Staff
 - Preparation & Planning
- Participation and Make Up
- Objectives
- Tasks & Responsibilities
 - Plan
 - Public Input
 - Identification & Prioritization
 - Approval and modifications
 - County Plans
 - State/Regional Plan

Discussion - Next Steps

Adjourn

MEMORANDUM

**TO: Gulf Coast Counties
Chair (or Commissioner Designee), Board of County Commission
County Managers**

FROM: John Wayne Smith, Florida Association of Counties

DATE: August 22, 2011

SUBJECT: Allocation Criteria for County Funds – Federal RESTORE Act of 2011

Pursuant to last Friday’s Conference Call with Senator Nelson’s and Rubio’s offices, FAC will be coordinating the development of an allocation process with the Gulf Coast Counties regarding the Section C dollars in the Senate RESTORE Act of 2011. Presently, the Senate version proposes that thirty-five percent (35%) of the Clean Water Act charges against BP for the Deepwater Horizon oil spill be distributed equally amongst the five states (Florida, Alabama, Mississippi, Louisiana and Texas). In addition, the Senate proposal would allocate 75% of the funds earmarked for Florida directly to the eight (8) disproportionately impacted counties.

During the conference call it was the consensus of the participants that the Gulf Coast Counties should work towards a consensus approach for the allocation of these dollars. The participants also agreed to work towards criteria that would measure the impacts of the following themes: environmental impacts, human health impacts, and economic impacts.

Below is a list of potential concepts that may be considered as criteria for an allocation formula. Please share your comments indicating 1 (Low) and 10 (High).

- | | |
|---|----------------------|
| 1. A minimal (lump sum) amount for each county | 1 2 3 4 5 6 7 8 9 10 |
| 2. Amount (number) of oiled shoreline by miles | 1 2 3 4 5 6 7 8 9 10 |
| 3. Distance (inverse relationship) miles from the spill | 1 2 3 4 5 6 7 8 9 10 |
| 4. Population by County | 1 2 3 4 5 6 7 8 9 10 |
| 5. County Sales Tax Collections | 1 2 3 4 5 6 7 8 9 10 |
| 6. County Tourist Development Tax Collections | 1 2 3 4 5 6 7 8 9 10 |
| 7. County Sales Tax Collections (Per Capita) | 1 2 3 4 5 6 7 8 9 10 |
| 8. Other _____ | 1 2 3 4 5 6 7 8 9 10 |
| 9. Other _____ | 1 2 3 4 5 6 7 8 9 10 |
| 10. Other _____ | 1 2 3 4 5 6 7 8 9 10 |

FAC will be scheduling a conference call for follow up discussions on these and other concepts on Thursday, September 8 at 10:00 a.m. Eastern (9:00 a.m. Central). In the meantime, I will be calling each county individually to review and discuss these potential concepts. If you have any questions or need additional information please contact me at jsmith@fl-counties.com or (850) 570-7242.

BP Deepwater Horizon
Phase II

General Notes

- Develop Strategy for the Implementation of federal RESTORE Act
 - Fines have not been imposed and there is no specific time frame
 - Develop Consortium Model – Coordinating entity
 - Stakeholder Participation
 - Public Input
- Continue to assist counties in the development and promotion of priority projects for the Natural Resource Damage Assessment (NRDA) process
 - BP has committed \$1 billion (\$100 million for Florida) for early restoration projects
 - The final assessment has not been enacted and there is no specific time frame
- Continue to monitor and promote state economic claim
 - Advocate for distribution of local option dollars and revenue sharing funds to counties
- Monitor and develop strategy for Commission on Oil Response Coordination
 - Commission created in 2011 by SB 2156
 - Appointment letters have been distributed to the eight panhandle counties
 - Engineering firm has been selected to staff and prepare report
- Develop Strategy for Oil Pollution Act Reform
 - Proposal Outline
 - Draft Language
 - Brief Gulf Coast Caucus and Staff
 - Identify Sponsors

Timeline

July

- Gulf Coast Counties Organized for Phase II (Emerald Coast Conference Center – Thursday, July 19th)
 - Summary of RESTORE Act (Final Version)
 - Strategy for State Restoration Plan (30%)
 - Commitment to Governor's Office (State Coordination)
 - ALL 23 Counties (Consortium)
 - Competitive Funds (Additional 30%)
 - Coordinated with Local Projects (35%)
 - Coordinated with NRDA (Governor & DEP)
 - Update and Review NRDA Schedule
 - Briefing on Commission on Oil Response Coordination
 - Meeting?
 - Briefing on State Economic Claim
- Develop Consortium Model
 - Meeting with DEP
 - Meeting with DEO
 - Meeting with Governor's Office
- NRDA Status Report – Mimi Drew, Florida Trustee
- State Economic Claim – Russell Kent, AG's Office & Amy Baker, EDR

August

- Gulf Coast Counties Consortium
 - August Meeting? – Board Retreat (Panama City)
 - Provide Options for Consortium Model
 - Begin developing sample local process(es) for project selection
 - Conference Call – Status Reports
- Commission on Oil Response Coordination
 - Meeting?
- County NRDA Projects
 - Review Priority Lists
 - Update Information
- U.S. Treasury
 - Identify Contacts
- RESTORE Council
 - Identify Contacts

September

- Gulf Coast Counties Consortium Meeting
 - FAC Policy Conference
- Commission on Oil Response Coordination
 - Meeting?
- County NRDA Projects

- Review Updates with Mimi Drew, Florida Trustee

October

- Gulf Coast Counties Consortium Conference Call
- Commission on Oil Response Coordination
 - REPORT?
- County NRDA Projects
- State Economic Claims Update

November

- Consortium Meeting – Legislative Conference

December

- Consortium Conference Call

January

- Commission on Oil Response Coordination – Final Report
- U. S. Treasury – Deadline for Policies and Procedures
- RESTORE Council – Proposed Report

Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act of 2012) (Source: MAP-21 Conference Report, Subtitle F—Gulf Coast Restoration, Sec. 1601 thru Sec. 1608)

Author: Dave Parisot, Okaloosa County Commissioner, Dist. 2

Contacts: Email dparisot@co.okaloosa.fl.us; Office (850) 651-7105; Mobile (850) 855-1042

1. Action: Establish procedures to deposit in and expend from the Trust Fund (80% of the total fines). (OPR: U.S. Sec'ys. Of Treasury, Interior, & Commerce) (E.G., if fine is \$20B, then \$16B goes to Trust Fund)

a. Requirements:

(1) Procedures to assess State and County (FL) procedures

(2) Auditing requirements

(3) Procedures for administrative expense of Trust Fund management

2. Adds new sections (28) thru (35) to subsection (a) of 33 U.S.C. 1321. :

a. Para (29) defines 'coastal political subdivision' (p. 188) "Any political jurisdiction that is immediately below the State level of government, including a county, with a coastline that is contiguous with any portion of the U.S. Gulf of Mexico."

b. Para (30) defines 'Comprehensive Plan'

c. Para. (31) defines 'Council' as the Gulf Coast Ecosystem Restoration Council (see new subsection (t)(2)(C) [p. 194]

d. Para. (32) defines 'Deepwater Horizon oil spill'

e. Para. (33) defines 'Gulf Coast region' (p.188)

f. Para. (34) defines 'Gulf Coast State' as AL, FL, LA, MS, AND TX

g. Para. (35) defines 'Trust Fund' (p.189)

3. Amends subsection (s) of 33 U.S.C. 1321 (Federal Water Pollution Control Act):

(s) Oil Spill Liability Trust Fund : The Oil Spill Liability Trust Fund established under section [9509](#) of title [26](#) shall be available to carry out subsections (b), (c), (d), (j), and (l) of this section as those subsections apply to discharges, and substantial threats of discharges, of

oil. Any amounts received by the United States under this section shall be deposited in the Oil Spill Liability Trust Fund “except as provided in subsection (t).”

4. Adds a new subsection (t) to 33 U.S.C 1321: GULF COAST RESTORATION AND RECOVERY. (This is the “meat” of the Act):

a. 35% of funds to the 5 Gulf States in equal shares for ecological and economic restoration (Pot #1), i.e., 7% each to AL, FL, LA, MS, & TX [E.G., if fine is \$20B, then \$5.6B (35% of \$16B) is divided 5 ways; each State share would be \$1.12B]

b. Allowed activities:

(I) Restoration/protection of natural resources, ecosystems, fisheries, marine & wildlife habitats, beaches, & coastal wetlands

(II) Mitigation of damage to fish, wildlife, & natural resources

(III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring

(IV) Workforce development and job creation

(V) Improvements to or on State parks located in coastal areas affected by Oil Spill

(VI) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure

(VII) Coastal flood protection and related infrastructure

(VIII) Planning assistance

(IX) Administrative costs of complying with this subsection (max. of 3%)

(X) Activities to promote tourism and seafood in the Gulf Coast region, limited to:

(a). Promotion of tourism in the Gulf Coast Region, including recreational fishing

(b). Promotion of seafood harvested from the Gulf Coast Region

NOTE: Activities funded under this subsection may not be included in any claim for compensation paid out by the Oil Spill Liability Trust Fund after the date of enactment of this subsection.

c. Pot #1 Distribution (Florida):

(1) 75% directly to the 8 disproportionately affected counties (Escambia to Wakulla); (if total fine is \$20B, 75% of \$1.12B = \$840M)

(2) 25% directly to the nondisproportionally impacted counties: 34% based on population; 33% based on the county per capita sales tax collections estimated for FY2012; 33% based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline. (If total fine is \$20B, 25% of \$1.12B = \$280M, then 34% = \$95.2M; 33% = \$92.4M)

d. Conditions:

(1) Agree to Sec'y of Treasury requirements (includes audit)

(2) Certify to Sec'y of Treasury projects/programs:

(a) Meets criteria of 4b above

(b) Was selected based on meaningful input from public (including individuals, businesses, and NPOs)

(c) For natural resource protection or restoration projects, based on the best available science.

(3) Certify the projects/programs/contract award are consistent with standard procurement rules and audit requirements

(4) Develop and submit a multi-year implementation plan for the use of funds

e. Funds allocated to a coastal political subdivision (in FL, a county) shall remain in the Trust Fund until plans submitted and approved

5. 60% disbursed to the Gulf Coast Ecosystem Restoration Council to implement the comprehensive recovery plan (Pot #2 and Pot #3) [NOTE: Per Florida SB 2156, Sec. 499, 75% of FL's share to the 8-counties (see below)]

a. Pot #2: 30% of total (50% of the 60%) (if total fine is \$20B, 30% = \$4.8B)

(1). Membership: Sec'ys of Interior, Army, Commerce, Agriculture; EPA Administrator; Coast Guard; Governors of AL, FL, LA, MS, & TX (needs majority of State members to have a quorum)

(2). Public Transparency—actions proposed by Council made available to public via electronic means prior to any vote

(3). Projects: Projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast

(4). Comprehensive Plan: Within 180 days of enactment, shall publish a proposed plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats of the Gulf Coast region

(5). Disbursement: (To the 5 Gulf States: AL, FL, LA, MS, & TX)

(a) 40% based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill (If total fine is \$20B, 40% = \$1.92B)

(b) 40% based on the inverse proportion of the average distance from the mobile offshore drilling unit Deepwater Horizon at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State

(c) 20% based on the average population in the 2010 census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State (If total fine is \$20B, 20% = \$960M)

(d) Minimum Allocation: Not less than 5% of the total to each State (If total fine is \$20B, 5% = \$240M)

(6). Plan Development: In Florida, a consortia of local political subdivisions (counties) that includes at a minimum 1 representative of each affected county.

b. Pot #3: (30% of total (50% of the 60%) (If total fine is \$20B, 30% = \$4.8B)

(1). To the states and the federal government to carry out the comprehensive restoration plan

6. Remaining 5% ("Pot #4) of total fine monies: (If total fine is \$20B, 5% = \$800M)

a. To Gulf Coast Ecosystem Restoration Science, Observation, Monitoring and Technology Program

(1) 50% to the Gulf Coast States in equal shares, exclusively for grants IAW Sec 1605 (c) of RESTORE Act to establish centers of excellence to conduct research only on the Gulf Coast Region (If total fine is \$20B, 2.5% = \$400M)

(2) 50% to carry out the program of the Gulf Coast Restoration Trust Fund (If total fine is \$20B, 2.5% = \$400M)

7. Interest generated by the Gulf Trust Fund (“Pot #5”)

a. 50% to be divided equally between Gulf Coast Ecosystem Restoration Science, Observation, Monitoring and Technology program authorized in Section 1604 of RESTORE Act and the centers of excellence research grants authorized in Section 1605 of RESTORE Act

b. 50% to 6a (above)

8. Florida SB 2156, Section 499: (Factor in funds expenditures of Pots 2, 3, and 4)

a. Disproportionally Affected County: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, Wakulla

b. 75% of funds to a. above to be used for:

(1) Scientific research on impact of oil spill on fisheries and coastal wildlife and vegetation along county’s shoreline and development of strategies to implement measures suggested from such research

(2) Environmental restoration of coastal areas damaged by the oil spill

(3) Economic incentives

(4) Initiatives to expand and diversify the county’s economies

c. 25% to be used for items in b.(1)–b.(4) above but areas other than the 8–counties

d. FDEP to be lead agency to expend funds for environmental restoration

e. FDEO to be lead agency to expend funds for economic incentives and diversification efforts

f. Expenditures of funding via SB 2156 will also have to comply with criteria in RESTORE Act

RECOMMENDATIONS for Okaloosa County to Implement RESTORE Act of 2012:

1. Establish a Steering Committee:

a. Membership:

(1). County Commission and key Directors, e.g., Public Works, Growth Management, Tourist Development

(2). Municipalities

(3). Economic Development Council

(4). Business leaders

(5). Environmentalists

(6). Others

b. County Ordinance??

c. Meet in Sunshine; open to public.

d. Recommend formal minutes, just like BCC meetings.

2. Designate a “funds receiving/disbursement” agency, e.g., Clerk of Courts (small commission commensurate with workload)

3. Major task: Getting a good understanding of what’s allowed and prohibited by both Federal and State criteria for funds expenditures from the various “Pots” of funding, and integrate RESTORE plans with NRDA programs to maximize available funding from both programs.

4. Detailed planning

a. Selection of projects/programs.

b. Categorize projects/programs as to category (e.g., environmental; economic; infrastructure; workforce creation/job development; mitigation; tourism; seafood promotion; coastal flood protection; et.al.) to meet funding “rules”. Example: A stormwater project to build outfalls to clean up/protect Choctaw Bay could fall under

various categories, i.e., environmental, infrastructure, job creation, mitigation, and/or coastal flood protection.

c. Cost estimation/allocation.

5. Write and submit plans to appropriate Federal and State agencies.

a. If can agree on some initial projects/programs, get those in writing and submitted ASAP to aid economic recovery and growth; don't wait on "complete planning" for the total funding.

b. Planning will get more defined after we know the fine amount.

6. Recommend BCC set a RESTORE Workshop (Suggested Dates: Aug 13 (Mon), Aug 14 (Tue), or Aug 15 (Wed) Note: Final Budget Workshop is Aug. 9.

MEMORANDUM

TO: County Commissioners & County Administrators

FROM: John Wayne Smith, Director of Legislative Affairs

DATE: November 29, 2011

RE: Proposed Changes to H.R. 3096 & S. 1300 – The RESTORE Gulf Coast Act of 2011

H.R. 3096 may be heard in the full House Transportation and Infrastructure Committee on Wednesday, December 7th. Rep. John Mica (FL – 7th) is the Chairman. Rep. Steve Southerland (FL-2nd) and Rep. Corrine Brown (FL- 3rd) are also on the Committee. The following amendments have been drafted for your review and endorsement.

H.R. 3096, The Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economy of the Gulf Coast Act of 2011 proposes that thirty-five (35%) percent of the Clean Water Act penalties charged to BP be distributed equally to the five impacted states from Florida to Texas. In the case of Florida, these funds are to be allocated to counties: seventy-five (75%) percent to the eight disproportionately impacted and twenty-five (25%) percent to the remaining counties adjacent to the Gulf of Mexico. In addition, a separate pot of 30% has been designated to be controlled by a consortium of local governments.

Based on the last discussions of the Workgroup, FAC has developed two concepts to be added to H.R. 3096 as amendments to provide a county allocation formula and a process for promoting community and business participation regarding the use of funds in each county. Please note that the amendment for the Local Restore Councils has been changed to prohibit the use of Restore Act funds for personnel expenses.

Please let me know if you have any questions or need additional information.

Summary for Proposed “County” RESTORE Councils

DRAFT

Updated September 12, 2011

1. The Senate RESTORE Act of 2011 proposed that 80% of the CWA fine monies from the Deepwater Horizon are slated to go to the Gulf Coast states. This 80% will be registered as the “Gulf Restore Monies.”
2. Per the Senate proposal, 35% of the Gulf Restore Monies are allocated equally to the five states. This means the State of Florida shall receive approximately 7% of the Gulf Restore monies. In the Florida model, the funds are required to be split as follows: 75% to the eight counties with direct petroleum impact and 25% to the remaining Florida Gulf counties.
3. This proposal provides a framework for public input, project review, selection and prioritization of these funds. Counties are familiar with the Tourist Development Council (TDC) model. Therefore, it is proposed that a hybrid (Local RESTORE Councils) of that system be established in each county to perform these functions. The ultimate final authority will vest with each county commission. It is the intent of the RESTORE Council in each county to hear and evaluate proposals from the community, as well as State agencies. The public at large and the NGOs (non-governmental organizations) will also have the ability to make applications for these dollars, similarly to the TDC process.
4. The county RESTORE Council will be made up of nine board members who will oversee proposals for spending within the three categories that are provided; environmental, economic and human health. The LRC will hear the requests for proposals and make recommendations via majority vote and submit those to the proper county commissions for their ultimate approval.
5. The Councils shall consist of two county commissioners, two municipal officials and five appointed positions with experience and expertise in the following areas: environment, coastal management, economic development, tourism, fishing and health and human services.
6. The Council shall prepare and submit a plan to the Board of County Commissioners. The BOCC shall adopt and approve final plans.
7. The RESTORE Act funds shall not be expended for personnel and salaries.

DRAFT Amendment

Updated 9/12/11

Local RESTORE Council

The governing board of each county which receives funds from this SECTION? may appoint an advisory council to be known as the “(name of county) RESTORE Council.” The council shall be established by ordinance or resolution. It shall be composed of nine members who shall be appointed by the governing board of the county. Two members of the council shall be elected members of the governing board of the county. The chair of the governing board of the county and any other member of the governing board as designated by the chair shall serve on the council. Two members of the council shall be elected municipal officials representing the municipality with the greatest population in the county or having the greatest impact from the oil spill. Five members of the council shall be persons meeting one or more of the following criteria, including but not limited to:

- Experience and expertise in the environment;
- Experience and expertise in the management and restoration of coastal resources;
- Experience and expertise in business development or local tourism economy;
- Experience and expertise in fishing industry; and
- Experience and expertise in health and human services.

The RESTORE Council shall prepare and submit its recommendations for the use of federal RESTORE dollars to the governing body of the county not later than six months from its first meeting. The plan shall include the approximate cost or expense allocation for each specific project or special use. The plan shall be reviewed every two years from the date of enactment. The governing body of the county shall adopt final plan for the implementation and expenditure of federal RESTORE dollars by ordinance. Funds received pursuant to this act shall not be expended for salaries or personnel costs related to the RESTORE Councils.

Summary of Proposed Allocation Criteria and Formula

The Workgroup reached agreement through a consensus process using a two step process. First, the Workgroup identified and agreed upon broad concepts that should be included as criteria for measurement and second determining a prioritization of the agreed upon measurements.

Criteria Concepts

- It was the majority opinion of the Workgroup that an allocation should provide a minimum level of funding to each disproportionately impacted county.
- The Workgroup identified the following concepts for measurement:
 - Environmental impact
 - Economic impact
 - Human Use impact
 - Environmental (Volume) impact.

Allocation Concepts

- The Workgroup agreed that ten (10%) percent would be distributed equally amongst the disproportionately impacted counties.
- The Workgroup agreed to used the following statistical data and weighted average to measure agreed upon criteria concepts:
 - Environmental impact – County Oiled Shoreline miles at thirty (30%) percent
 - Economic impact – County Per Capita Sales Tax Collection at thirty (30%) percent
 - Human Use impact – County Population at twenty (20%) percent
 - Environmental or Volume impact – County distance from spill at twenty (20%) percent.

Draft Amendment

Updated 11/30/11

Florida's Coastal Political Subdivisions Allocation

(III) Of the 75% of funding provided to the 8 counties that were disproportionately impacted by the Deepwater Horizon Oil Spill within the State of Florida 10 percent of the total funds shall be distributed equally to the 8 counties.

(IV) 90 percent of the total funds according to the following weighted formula:

(aa) 30 percent based on the weighted average of the county shoreline oiled.

(bb) 30 percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2011-2012.

(cc) 20 percent based on the weighted average of the population of the county.

(dd) 20 percent based on inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline.

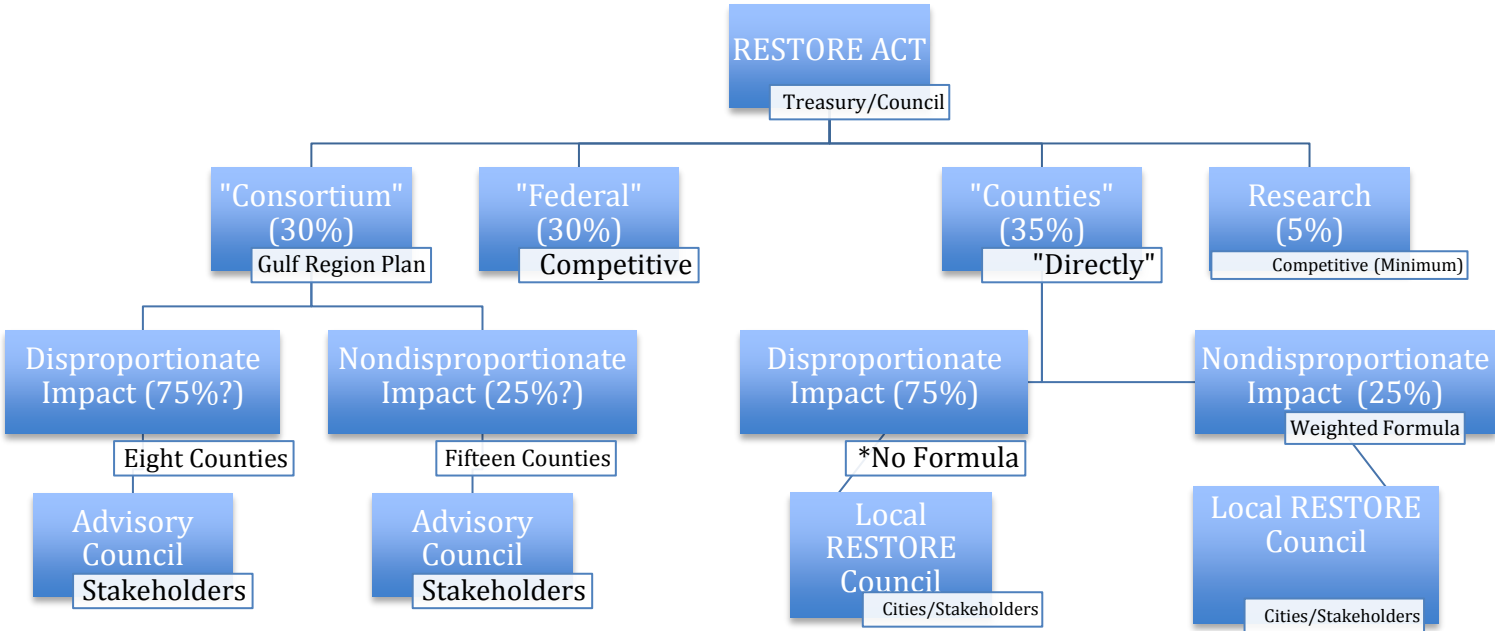
(V) Of the 25 percent provided to nondisproportionately impacted counties within the State of Florida according to the following weighted formula:

(aa) 34 percent based on weighted average of the population of the county.

(bb) 33 percent based on weighted average of the county per capita sales tax collections estimated for fiscal year 2011-2012.

(cc) 33 percent based on inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline.

Florida Model Draft



The RESTORE Gulf Coast Act of 2012

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%)