



## **RESTORE Act Summary**

### Total Funds:

- Dedicates 80 percent of Clean Water Act Fines, which could be anywhere from \$5 billion to \$21 billion, depending on gross negligence.
- 20 percent will automatically go into the Oil Spill Liability Trust Fund, which is used for cleanup costs.
- Does not include state or criminal penalties, economic losses, natural resource damage or supplemental environmental projects (which could reduce total fine assessed.)

### Funding Breakdown by Percentages Distributed via the Gulf Coast Restoration Trust Fund:

#### *Direct State Share:*

- 35 percent split equally among all five Gulf states and their coastal parishes and counties as outlined in state restoration plans
  - 70 percent shall be provided directly to the State
  - 30 percent shall be provided directly to the parishes (20) in the coastal zone based on:
    - 40 percent based on the weighted average of miles of parish shoreline oiled
    - 40 percent based on the weighted average of the population of the parish (2010)
    - 20 percent based on the weighted average of the land mass of the parish
  - The law also requires Louisiana parishes to adopt a comprehensive land use plan and a separate plan outlining how they will spend the money.

#### *Spill Impact Share:*

- 30 percent distributed to states based on the spill's impact along the coastline
  - 40 percent based on the proportionate number of miles of shoreline oiled as of 4/2011
  - 40 percent based on the inverse proportion of the average distance from point of explosion (nearest to farthest point of shoreline experiencing oiling)
  - 20 percent based on the average population (2010 census)
  - Minimum disbursed to a State each fiscal year is 5 percent of the total amounts available.
  - May not use more than 25 percent for infrastructure projects, except for infrastructure projects that address ecosystem restoration needs or additional investment required to mitigate impacts to the ecosystem or economy

#### *Federal Council Share:*

- 30 percent (plus 50 percent of the interest) to be spent on larger projects approved by a new Gulf Coast Ecosystem Restoration Council.
- 5 percent will be used to set up for Gulf Coast Research, Science and Technology.
  - 2.5 percent (plus 25% of interest) Centers of Excellence Research Grant Program
    - Competitive grants to NGO, consortia, or universities
    - Disciplines allowed:
      - Coastal and deltaic sustainability, restoration and protection
      - Coastal fisheries and wildlife ecosystem research and monitoring
      - Offshore energy development, including research and technology
      - Sustainable and resilient growth, economic and commercial development
  - 2.5 percent (plus 25% of interest) Restoration Science, Observation, Monitoring, and Technology Program

### Federal- State Gulf Coast Ecosystem Restoration Council:

- Gulf Coast Ecosystem Restoration Council consists of:
  - One representative from each of the five coastal states
  - Six federal agencies: Interior, Army, Commerce, Environmental Protection Agency, Agriculture and Homeland Security (USCG.)
- The council will be chaired by one of the federal representatives, selected by a majority vote of the state representatives.
- There will also be a Scientific Advisory Committee and other committees established (members to be determined).
- The council's draft plan is supposed to be published in 180 days (January 2013,) and is required to incorporate the findings of a coastal plan adopted by the President's Gulf Coast Restoration Task Force in 2011.
- The final version of the plan must be published in the federal register within one year (July 2013.)
- Plan will require a three-year priority listing, and a five-year update.

### Eligibly Funding Expenditures:

- State, parish and county projects eligible for funding include:
  - 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 a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
  - Workforce development and job creation
  - Improvements to or on state parks located in coastal areas affected by the spill
  - Infrastructure projects benefitting the economy or ecological resources, including port infrastructure
  - Coastal flood protection and related infrastructure.
  - Planning assistance and administrative costs of compliance (up to 3 percent) with this section
  - Promotion of tourism (including recreational fishing and promotion of Gulf seafood.
- States, parishes and counties will be allowed to give preference to local businesses in awarding contracts for projects.
- Money can be used as the state or local match or cost share for various federal projects.

### State Legislation:

- Act 805 by the Louisiana Legislature dedicates the oil spill fines to the Coastal Protection and Restoration Fund, a constitutionally protected fund, but that bill could be amended and rededicated elsewhere with a simple majority.

For more specific bill information:

HR 4348- "Moving Ahead for Progress in the 21st Century Act" or the "MAP-21" or 2012 Highway Bill  
<http://www.gpo.gov/fdsys/pkg/BILLS-112hr4348enr/pdf/BILLS-112hr4348enr.pdf>

RESTORE begins on page 184.

# RESTORE Act Breakdown: By the Numbers

Clean Water Act Administrative and Civil Penalties:  
 \$5 billion to \$21 billion, based on gross negligence  
 Does not include criminal or state penalties, natural resource damage, etc.

80%  
 Gulf Coast Restoration Trust Fund

20%  
 Oil Spill Liability Trust Fund

35%  
 Equal State Share

30%  
 Federal Restoration Council  
 (plus 50% interest)

30%  
 State Impact Formula

5%  
 Science Program and Centers of Excellence  
 (plus 50% interest)

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70%  
 CPRA

30%<sup>c</sup>  
 Coastal Parishes:  
 20 total  
 40% miles oiled  
 40% Pop  
 20% Land Mass

Comp land use plan required

Rep from 5 coastal states  
 Six federal agencies:  
 Interior, Army, Commerce, Environmental Protection Agency, Agriculture and Homeland Security

Draft Plan: 120 d (1/13)  
 Published Plan: 1y (7/13)

3 year priorities and 5 year update required

Average Distance from point of explosion (nearest to farthest oiled)

40%

Oiled shoreline - miles of 4/11

40%

20% population (2010)

Science, Observation, Monitoring, Technology

50%

Centers for Excellence

50%

