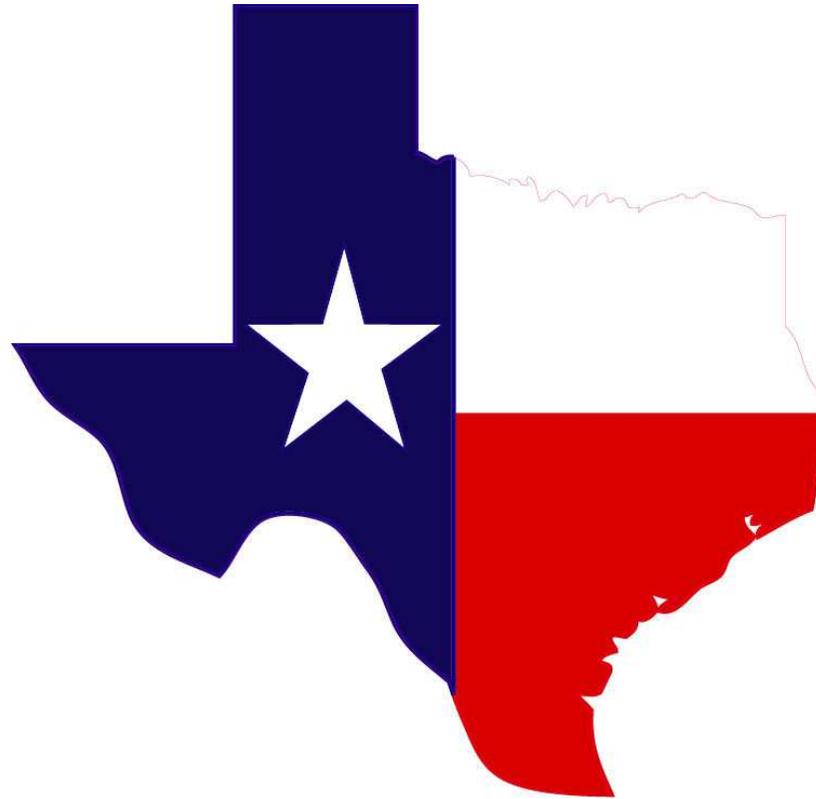


Implementing Gulf Restoration & Recovery in the Lone Star State

TSSWCB Meeting – December 12, 2013



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NWF's Texas Policy Specialist for Gulf Restoration



3 Main Ongoing Processes

1. Natural Resource Damage Assessment (NRDA) and Early Restoration
2. Gulf Environmental Benefit Fund (NFWF)
3. RESTORE Act

Texas website: www.restorethetexascoast.org

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Natural Resource Damage Assessment (NRDA)

- **Goal**
Restore natural resources to the condition they would have been in had the spill not occurred
- **Parties involved**
Process is overseen by federal, state, and tribal natural resource trustees acting for the public and paid for by the responsible parties
- **Damages covered**
Replacing or restoring natural resources, compensation for loss of use, and the reasonable costs of assessment
- **3 Phases**
Phase I → Preassessment – Assess jurisdiction & injuries
Phase II → Injury assessment & restoration planning – Evaluate injuries caused, estimate compensation owed, & develop a restoration plan
Phase III → Restoration implementation – Undertake the projects as outlined in the restoration plan

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NRDA Trustees

	Lead Trustee Agency	Additional Trustee Agencies
Dept. of Interior	USFWS	NPS, BLM
Dept. of Commerce	NOAA	
Dept. of Defense		
EPA		
Dept. of Agriculture		
Louisiana	Coastal Protection & Restoration Authority	Oil spill coordinator's office, DEQ, Dept. of Wildlife & Fisheries, Dept. of Natural Resources
Mississippi	Dept. of Enviro. Quality	
Alabama	Dept. of Conservation & Natural Resources	Geological Survey of AL
Florida	Dept. of Enviro. Protection	Fish & Wildlife Conservation Commission
Texas	TPWD	GLO, TCEQ

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Early Restoration (Early NRDA)

- \$1B put aside by BP for early restoration.
- Framework Agreement signed by NRDA Trustees & BP in April 2011.
- Texas is slated \$100M & to date has proposed \$18M worth of early restoration projects, which all address “lost use.”
- 3 upcoming public comment meetings in TX:
(meeting details available on TPWD’s website)
 - January 21st, Port Arthur
 - January 22nd, Galveston
 - January 23rd, Corpus Christi

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Early Restoration (early NRDA) in TX

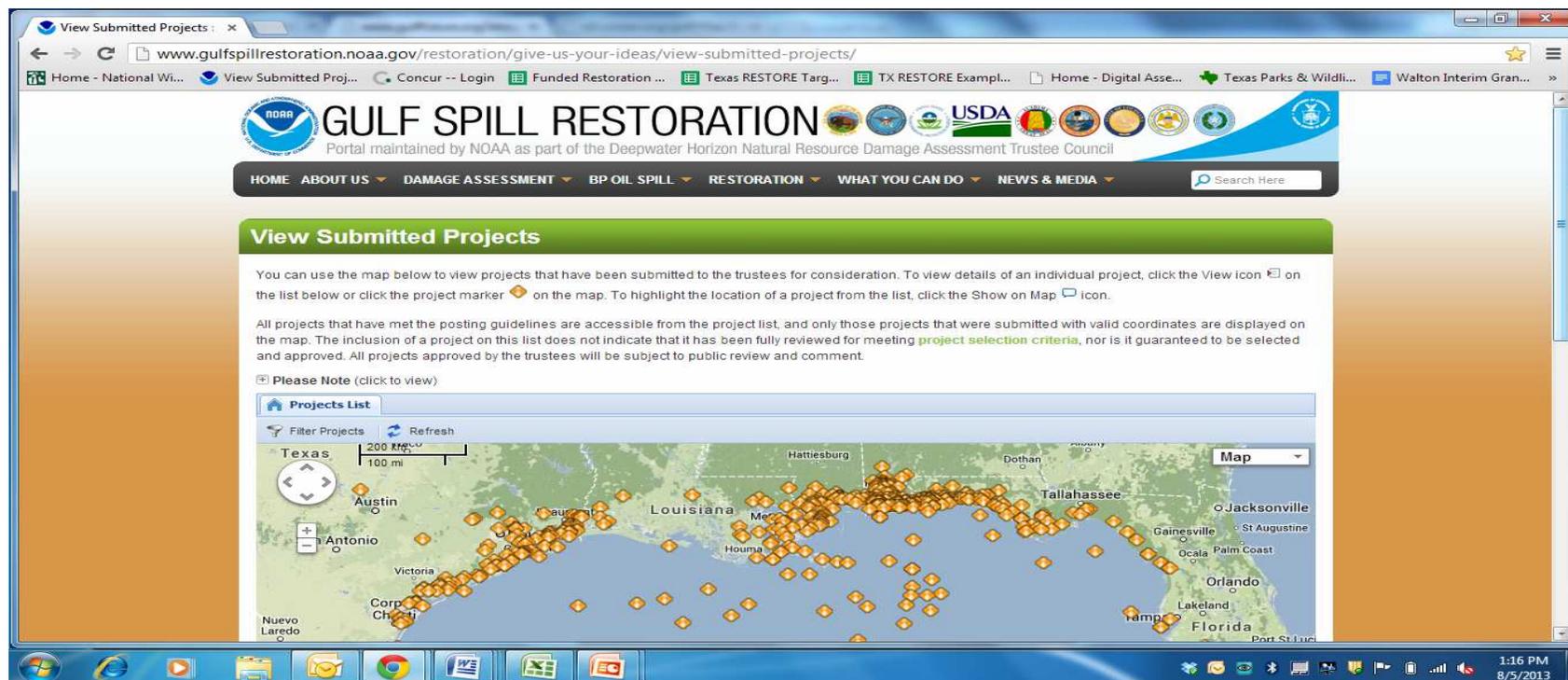
- **Galveston Island State Park Beach Re-development (Galveston County).** The project would construct multi-use campsites, tent campsites, an equestrian trail head, beach access via dune walk-over boardwalks and other recreational enhancements on the Gulf side of Galveston Island State Park. The purpose is to restore the loss of recreational opportunities by enhancing access to the Gulf. Estimated cost: \$10.7 million.
- **Sea Rim State Park Amenities (Jefferson County).** The project would construct facilities to provide enhanced recreation within Sea Rim State Park, including a fish cleaning station, restroom facility, and two wildlife viewing blinds, in order to enhance fishing experiences, wildlife observation, and educational interpretive opportunities. Estimated cost: \$210,000.
- **Texas Artificial Reef off the Mid or Upper Coast (Jefferson or Nueces County).** This project would place artificial reef structures offshore if the necessary large-scale materials are available. Or, it would enhance existing, permitted nearshore reef sites using constructed, stable and clean materials. Artificial reefs are used by fishermen and scuba divers as recreational areas because of the aquatic community that develops in reef habitat. Estimated cost: \$1.8 million.
- **Brazoria Near shore Artificial Reef Artificial Reef Enhancement (Brazoria County).** This project would enhance a nearshore reef site off Freeport. Estimated cost: \$2 million.
- **Matagorda Nearshore Artificial Reef (Matagorda County).** This project would include construction of a new near shore artificial reef off of Matagorda. Estimated cost: \$3.5 million.

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How to submit a project for NRDA



NOAA Portal: www.gulfspillrestoration.noaa.gov

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Gulf Environmental Benefit Fund (NFWF)

- NFWF will receive a total of \$2.544B (from BP and Transocean criminal settlements) over the next 5 years. The purpose of the Gulf Fund as set forth in the plea agreements is to **“remedy harm and eliminate or reduce the risk of future harm to Gulf Coast natural resources.”** Funds may only be used to conduct or support projects that remedy harm to natural resources where there has been injury to, or destruction of, loss of, or loss of use of those resources resulting from the oil spill.
- NFWF will work with the states to identify projects to be supported by the Fund.
- In Texas:
 - NFWF will consult with TPWD, TCEQ, and GLO. TPWD is the lead.
 - TX will receive \$203M over the next 5 years.
 - Specific interest in Texas waters.
 - May call for projects that:
 - Advance priorities in natural resource management plans
 - Are cost-effective and maximize environmental benefits
 - Are science-based
 - Produce measurable and meaningful conservation outcomes
 - Should be able to learn more and submit via www.restorethetexascoast.org for round 2 and remaining rounds. Site not functioning as of 12-11-2013.

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NFWF Gulf Environmental Benefit Fund

Payment Schedule

	Payment (in millions of dollars)	Louisiana	Alabama	Florida	Mississippi	Texas
Apr. 2013	\$158.00	\$79.00	\$22.12	\$22.12	\$22.12	\$12.64
Feb. 2014	353.00	176.50	49.42	49.42	49.42	28.24
Feb. 2015	339.00	169.50	47.46	47.46	47.46	27.12
Feb. 2016	300.00	150.00	42.00	42.00	42.00	24.00
Feb. 2017	500.00	250.00	70.00	70.00	70.00	40.00
Feb. 2018	894.00	474.00	125.16	125.16	125.16	71.52
Totals	\$2,544.00	\$1,272.00	\$356.16	\$356.16	\$356.16	\$203.52

BP = \$2,394M

Transocean = \$150M

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NFWF Announces \$8.8M for Round 1 Projects in TX

- Sea Rim State Park Coastal Dune Restoration
- Galveston Island State Park Marsh Restoration and Protection
- West Galveston Bay Conservation Corridor Habitat Preservation
- Oyster Reef Restoration in East Bay
- Gulf Coast Migratory Waterfowl Habitat Enhancement

Project details available at

<http://www.nfwf.org/gulf/Pages/GEBF-Texas.aspx>

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RESTORE Act

- The **R**esources and **E**cosystem **S**ustainability **T**ourist **O**pportunities, and **R**evived **E**conomies of the Gulf Coast States Act of 2012— the “RESTORE Act”—was enacted on July 6, 2012.
- The RESTORE Act creates a Gulf Coast Restoration Trust Fund, which will receive 80% of any Clean Water Act civil and administrative penalties paid by BP and other companies responsible for the Deepwater Horizon oil spill. The RESTORE Act will support a variety of ecological and economic restoration and recovery projects in the “Gulf Coast Region” as defined by the Act.
- Meant to go above and beyond the damage from the spill to attempt to correct decades of degradation in the Gulf and on its coast from oil and gas production.

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Clean Water Act Penalties

20% Oil Spill Liability Trust Fund

80% Gulf Coast Restoration Trust Fund

35% Evenly Spilt Among the five Gulf States

AL Gulf Coast Recovery Council	FL 25% to the other coastal countries based on allocation formulas 75% to most impacted counties by oil spill	LA 30% to coastal parishes based on allocated formula 70% to the state	MS Department of Environmental Quality	TX Governors Office
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30% To Gulf Coast Ecosystem Restoration Council to implement the comprehensive recovery plan
(plus 50% of interest generated by the trust fund)

"Pot 2"

30% to the states consistent with the goals and objectives of the comprehensive plan and based on the following allocation formula:
--the proportion of the number of miles of oiled shoreline per state
-- the inverse proportion of the average distance from the BP Deepwater Horizon rig to oiled shoreline of each state
-- the average population of coastal counties per the 2010 census

* Minimum of 5% to each Gulf State

"Pot 3"

2.5% Gulf Coast Ecosystem Restoration Science, Observation, Monitoring & Technology Program
(plus 25% of the interest generated by the trust fund)

"Pot 4"

2.5% Centers of Excellence
(plus 25% of the interest generated by the trust fund)

"Pot 5"

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"Pot 1"



Examples of RESTORE-Eligible Activities

- Restore, improve, and protect water resources
- Restoration and protection of natural resources
- Implementation of a federally approved marine or coastal management plan
- Workforce development and job creation
- Improving state parks affected by DWH spill
- Planning assistance
- Promotion of tourism and Gulf seafood

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RESTORE Pot 1 (35%)

Equal Share State Allocations

- 7% to Texas – Governor’s Office – TCEQ Commissioner Toby Baker is designee.
- State must develop a multi-year implementation plan & must certify projects selected with public input.
- Plan must carry out 1 or more of the eligible activities & meet conditions.
- No Council approval requirements.
- No timelines specified.
- Treasury Regulations should provide auditing & monitoring regulations & other procedures to evaluate whether funded projects are compliant with the Act.
- Pot 1 funds can satisfy non-federal cost share requirements.



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RESTORE Pot 2 (30%)

Gulf Coast Ecosystem Restoration Council

- 11 federal and state members – Secretaries of the Interior, Army, Commerce (Chair), Agriculture, Homeland Security, Administrator of EPA, & Governors (designees) of all 5 Gulf states.
 - TX = TCEQ Commissioner Toby Baker
- Council creates comprehensive plan and selects projects to fund.
- Council voted to finalize their Initial Comprehensive Plan in August – Plan adopted 5 goals with focus on first 4:
 - Restore & Conserve Habitat
 - Restore Water Quality
 - Replenish & Protect Living Coastal & Marine Resources
 - Enhance Community Resilience
 - Restore & Revitalize the Gulf Economy
- Council members must “sponsor” a project/program in order to submit for the Council’s consideration.
- Implications for TX? Freshwater mentioned throughout Plan.
- Council’s website: www.restorethegulf.gov

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RESTORE Pot 3 (30%)

Impact-based State Allocations

- Minimum of 5% to TX (maybe slightly more depending upon formula outcome) – Governor’s Office – TCEQ Commissioner Toby Baker.
- State must develop funding plans that list the projects that will receive grants.
- State plan must comply with Council’s Comprehensive Plan and meet 1 or more of the eligible activities (from Pot 1).
- State plan must be approved by the Council. However, this can be satisfied by certification of 1 State member of the Council and the affirmative vote of the Chair (Commerce).
- Not more than 25% of the funds may be made available for infrastructure projects, unless the plan certifies that the State’s ecosystem restoration needs are addressed by the plan & additional infrastructure investment is necessary to mitigate the impacts of Deepwater Horizon.
- No timelines specified.
- Pot 3 funds can satisfy non-federal cost share requirements.

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Texas RESTORE Act *Advisory* Board (TxRAB)

Toby Baker – TCEQ

Brian Lloyd – PUC

Larry Laine – GLO

Milton Rister – Railroad Commission

Carter Smith – TPWD

Carlos Swonke - TxDOT

Bryan Daniel – TX Dept. of Ag.

Curtis Seaton - TWDB

**Randy Townsend – TX Workforce
Comm.**

Cary Dupuy - Comptroller

**Jonathan Taylor – Office of Econ. Dev.
& Tourism**

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Implementing the RESTORE Act in Texas

Anticipated Timeline/Next Steps

- TCEQ hires contractor to develop draft framework for Pots 1 & 3 state plans, TxRAB meets to discuss.
- Early 2014: Draft plan out on www.restorethetexascoast.org & out for 30-day public comment period.
- TxRAB participates in coastal outreach meetings/public listening sessions (focus on project ideas).
- Draft projects inserted in framework & entire draft plan out for another 30-day public comment period.
- “Final” plan serves as living document subject to periodic updates.

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RESTORE Pot 4 (“Cup 1”) (2.5%)

Restoration Science Program

- Competitive grant program administered by NOAA .
- Program will carry out research, observation, and monitoring to support, to the maximum extent practicable, the long-term sustainability of the ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.
- Science Plan Framework draft is online and NOAA taking comments. 5 Goals:
 - Support healthy, diverse & resilient coastal habitats
 - Support healthy, diverse & sustainable living coastal & marine resources
 - Support sustainably managed fisheries
 - Support healthy, sustainable, well-managed offshore environments
 - Support healthy, sustainable & resilient coastal communities able to adapt to a changing environment
- Draft Framework mentions studying the interconnectedness of freshwater on coastal habitats, erosion rates & habitat loss as an *example action* for the first goal.
- Website: <http://restoreactscienceprogram.noaa.gov/>

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RESTORE Pot 5 (“Cup 2”) (2.5%)

Centers of Excellence

Each Center shall focus on science, technology, and monitoring in at least one of the following Gulf-focused disciplines:

1. Coastal/deltaic sustainability, restoration, and protection;
2. Coastal fisheries and wildlife ecosystem research and monitoring;
3. Offshore energy development, including research and technology to improve sustainable and safe development;
4. Sustainable and resilient growth, and economic and commercial development; and
5. Comprehensive observation, monitoring, and mapping

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Thank you!

Feel free to contact me:

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