



ENVIRONMENTAL
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OCEAN
PROGRAM

GULF COAST RECOVERY & RESTORATION: **10-YEAR REVIEW**

April 2020

BP Oil Disaster:
Restoration & Recovery

Gulf Restoration Funding Processes

Oil from the *Deepwater Horizon* oil spill approaches
the coast of Mobile, Alabama, May 6, 2010

Status of Gulf Restoration Funding Processes

ON APRIL 20, 2010, THE BP OIL SPILL DEVASTATED THE GULF REGION.

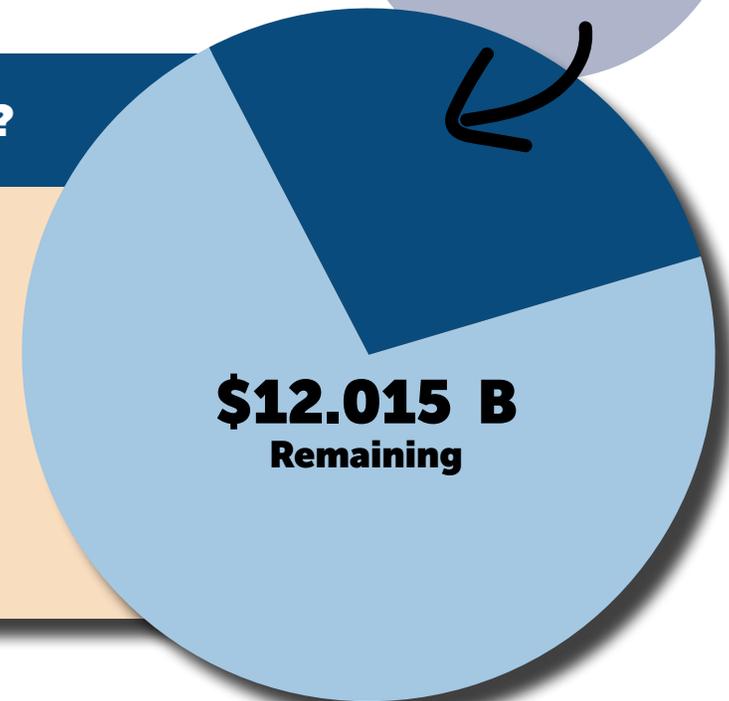
Under criminal plea agreements and a 2016 civil settlement among BP, the U.S. government, and the five Gulf states, around **\$16.67 billion** was slated to go to the region to restore it. This money flows through **three main processes: the Natural Resource Damage Assessment (NRDA), the RESTORE Act, and the National Fish and Wildlife Foundation (NFWF).**

\$4.658 B
Spent or
Designated
for Projects,
Programs,
and Planning

HOW MUCH HAS BEEN SPENT ON RESTORATION SO FAR?

As of March 1, 2020, around \$4.658 billion of this money already has been spent on, or designated for, specific restoration projects, programs, and planning.

That means approximately \$12.015 billion remains to be spent.



The following pages provide more information on how the funds are being divided, and how much is left to be spent and where. To learn more about the main restoration processes, visit our website at www.eliocan.org/gulf. For information about major public participation opportunities for the three main restoration processes, please visit www.eli-ocean.org/gulf/the-bulletin-board

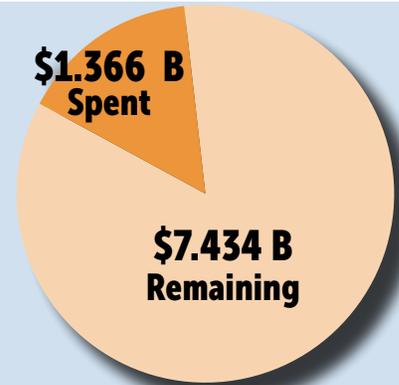
\$16.67 Billion

Natural Resource Damage Assessment (NRDA)

\$8.8 Billion

A natural resource damage assessment is a process focused on restoring natural resources injured by an oil spill. Money can be used for natural resource projects and "loss of use" projects (e.g., to compensate for recreational opportunities that were lost because of the spill).

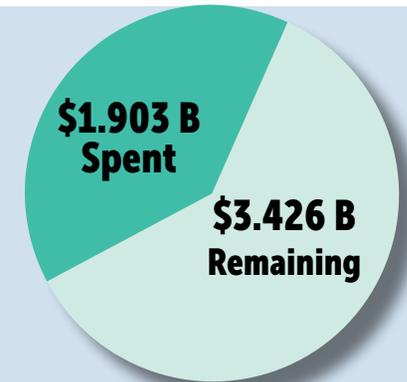
*The \$8.8 B total includes up to \$700 M that may be used for presently unknown injuries and adaptive management.



The RESTORE Act

\$5.33 Billion

The RESTORE Act is a law that sends settlement money to the Gulf for restoration and recovery. Money can be used for environmental and economic restoration projects, as well as research activities.



National Fish and Wildlife Foundation (NFWF)

\$2.54 Billion

The National Fish and Wildlife Foundation is a nonprofit organization that is tasked with distributing some of the settlement monies. Money can be used for barrier islands and river diversions (LA) and natural resource projects.

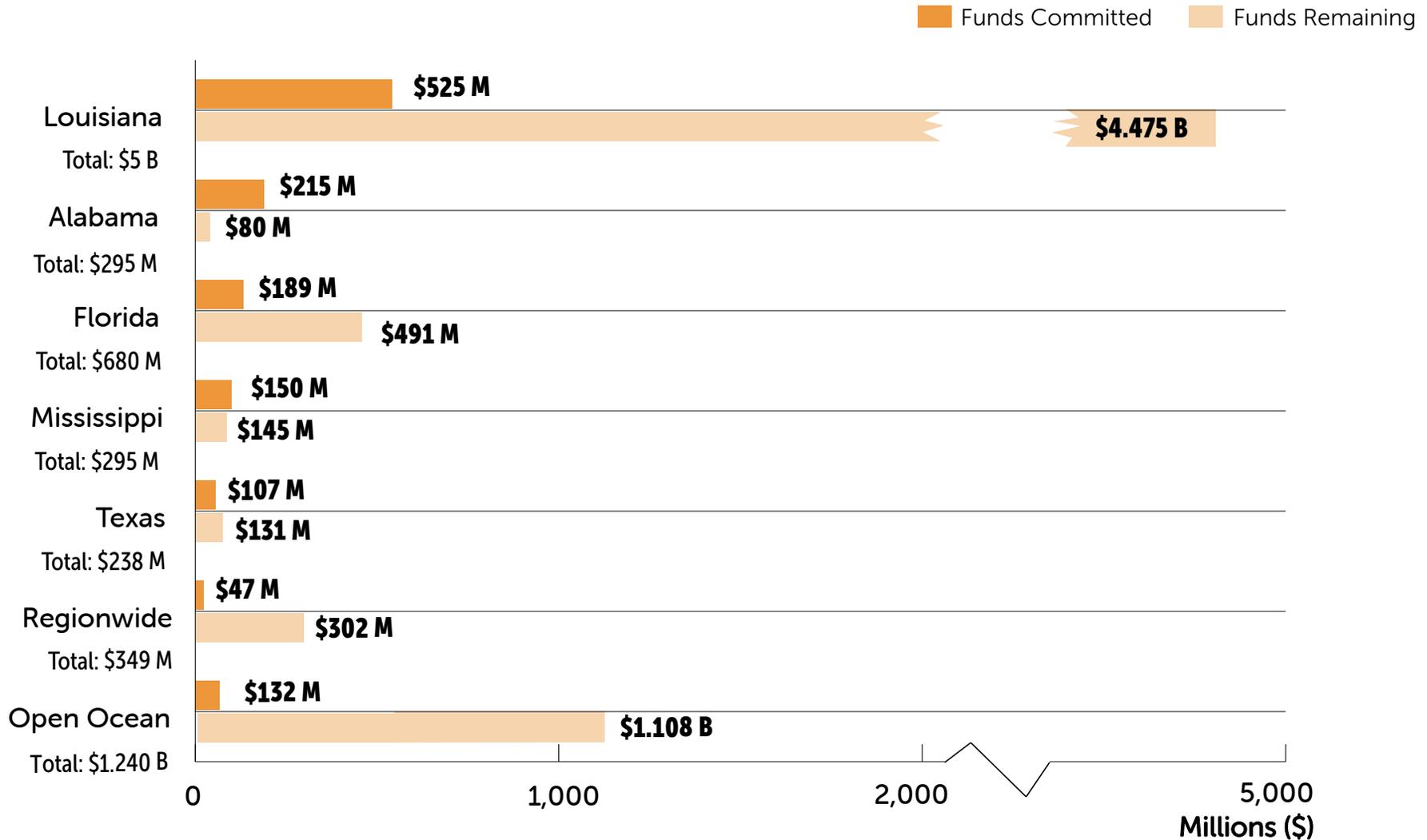


Here we use the term "spent" for money that already has been spent on or designated for projects, programs, and planning.



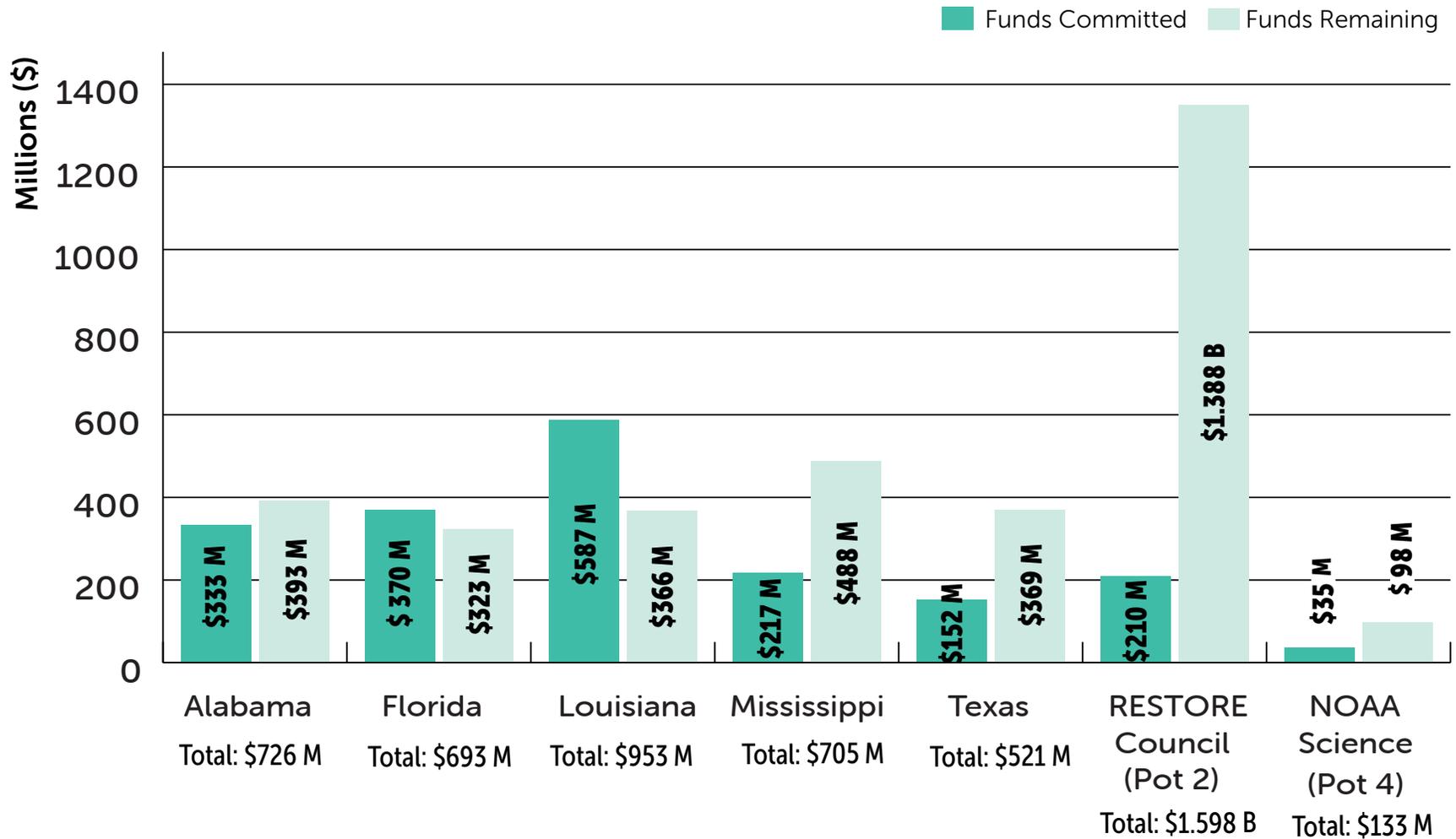
**HOW
MUCH
MONEY
IS GOING
WHERE?**

NRDA FUNDS COMMITTED BY RESTORATION AREA



Up to \$8.8 billion will be divided among eight different “restoration areas”: the five Gulf states, Open Ocean, Regionwide, and Unknown Injuries and Adaptive Management (AM). This chart shows how much money each restoration area is receiving and how much has been committed as of March 1, 2020.

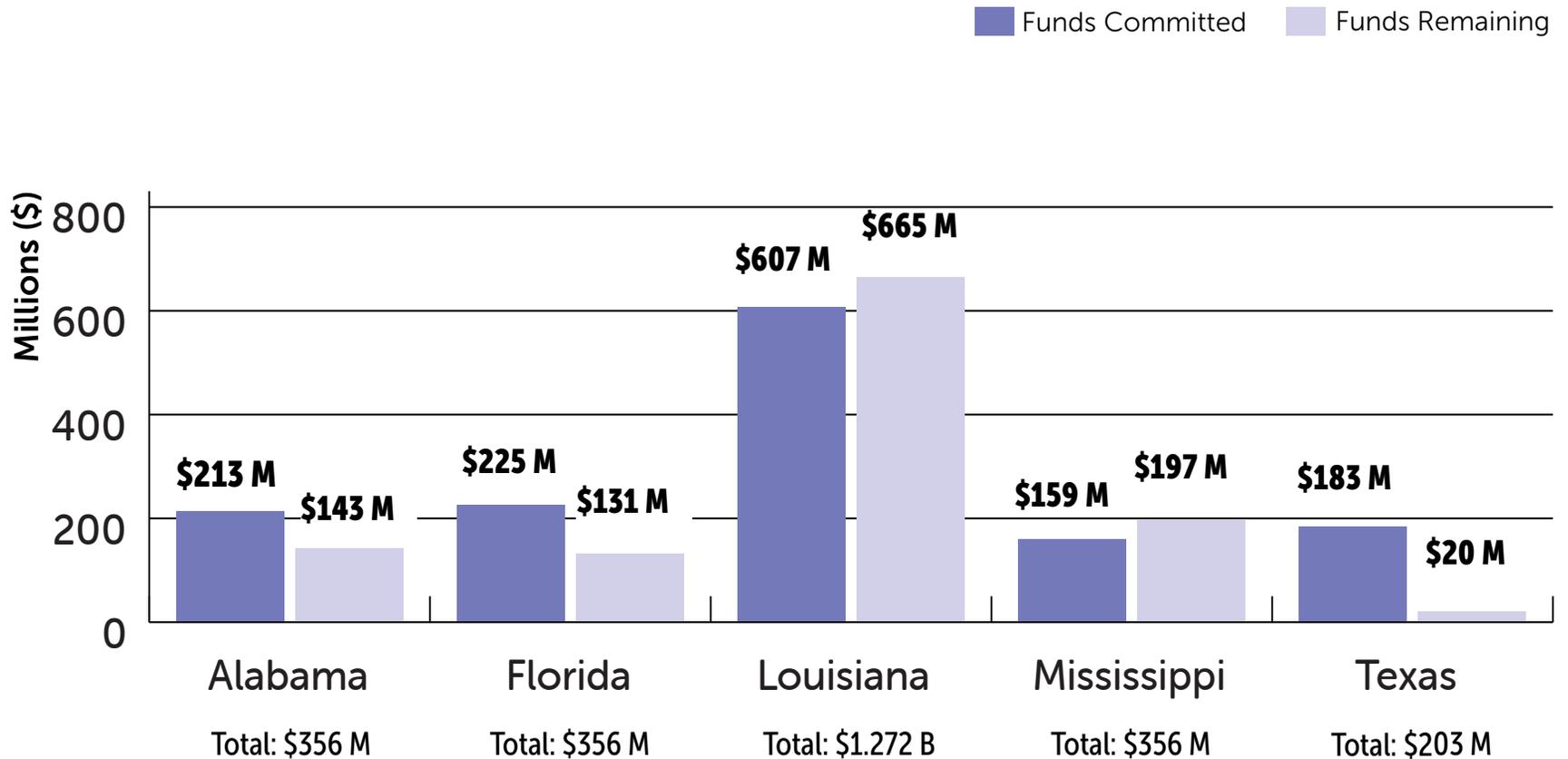
RESTORE FUNDS SPENT BY STATES AND COUNCIL



*States include pots 1, 3, 5 combined

The \$5.33 billion will be divided among the Gulf states (in some states, local governments receive some of this money directly), the RESTORE Council, and the NOAA RESTORE Act Science Program. The money will flow through five different "pots." Each pot has different rules for how, where, and by whom the funds are to be used. This chart shows how much has been spent as of March 1, 2020.

NFWF FUNDS SPENT BY STATES



The \$2.54 billion is being divided among the five Gulf states. This chart shows how much money each state will be receiving and how much has been spent as of March 1, 2020.

April 2020

BP Oil Disaster:
Restoration & Recovery

Overview of the Natural Resource Damage Assessment (NRDA)

10 YEAR
REVIEW

N A T U R A L R E S O U R C E D A M A G E A S S E S S M E N T

When an oil spill occurs, natural resources like fish, birds, and marshes may be injured. A **natural resource damage assessment (NRDA)** is a process focused on figuring out what those injuries are, coming up with a plan to fix those injuries, and then fixing them. This includes compensating the public for not being able to use the resources while they are injured (e.g., no recreational fishing or beach access). The costs of the NRDA are paid by the parties responsible for the spill.

N

R

Shortly after oil started to flow into the Gulf in 2010, the **natural resource damage assessment (NRDA)** began. The NRDA is managed by a group of federal and state representatives called “trustees.”

D

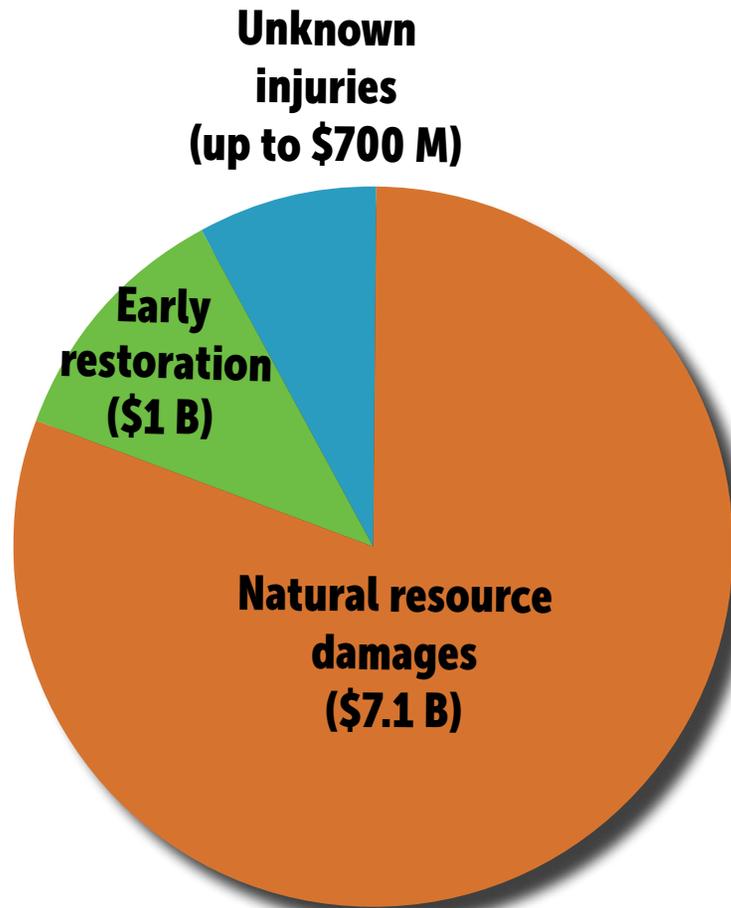
In April 2011, BP agreed to pay up to \$1 billion so that some natural resource restoration projects could be started early (i.e. before the trustees had identified all of the injuries). This was called “early restoration.” Approximately \$870 million was obligated to projects during early restoration.

A

In April 2016, a federal court approved a settlement among the United States, five Gulf states, and BP. Under that settlement, BP agreed to pay a total of \$8.8 billion for natural resource damages.

HOW IS THIS MONEY DIVIDED?

The \$8.8 billion includes funding for:



Early restoration

This money has already been paid, and most of it has already been allocated to projects.

Unknown injuries

Additional monies for unknown injuries and adaptive management, which will be funded from two sources:

- **Interest:** accrued but unpaid interest can be paid starting in 2026.
- **Other payment:** \$232 M will be paid in 2032.

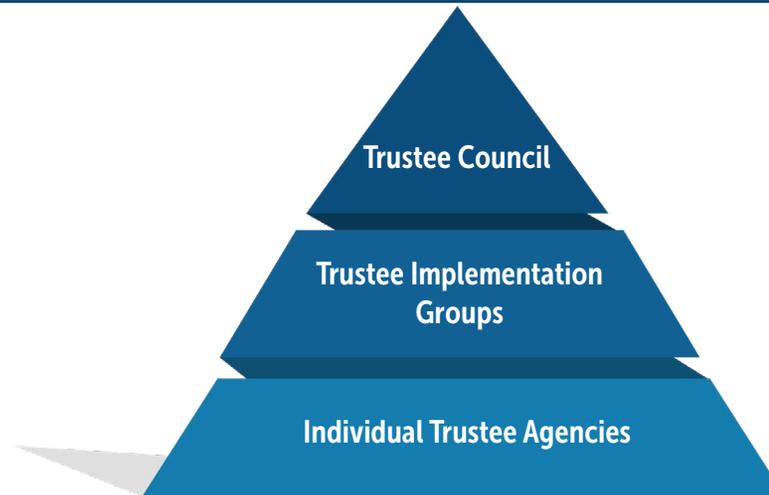
Natural resource damages

Payments will occur over a 15-year time period, with the first payment made in 2017.

A large document called the “Programmatic Damage Assessment and Restoration Plan,” finalized in 2016, provides “guidance for...selecting future restoration projects” with the money.

WHO IS IN CHARGE?

The restoration process is being managed by a group of federal and state representatives (called “trustees”) that formed a “Trustee Council” in order “[t]o work collaboratively on the NRDA.” The settlement created a new governance structure for the trustees, dividing responsibilities among three main groups:



Each of these groups has different responsibilities, but most of the decisions regarding restoration are made by the Trustee Implementation Groups (TIGs). There is one TIG for each restoration area. The members of each TIG vary:

<u>ALABAMA</u> <ul style="list-style-type: none">• AL trustees• Federal trustees	<u>FLORIDA</u> <ul style="list-style-type: none">• FL trustees• Federal trustees	<u>LOUISIANA</u> <ul style="list-style-type: none">• LA trustees• Federal trustees	<u>MISSISSIPPI</u> <ul style="list-style-type: none">• MS trustees• Federal trustees	<u>TEXAS</u> <ul style="list-style-type: none">• TX trustees• Federal trustees
	<u>REGION WIDE</u> <ul style="list-style-type: none">• Trustee Council	<u>OPEN OCEAN</u> <ul style="list-style-type: none">• Federal trustees	<u>UNKNOWN CONDITIONS</u> <ul style="list-style-type: none">• All trustees	

HOW MUCH OF THE \$8.8 BILLION HAS BEEN SPENT SO FAR ACROSS THE GULF?

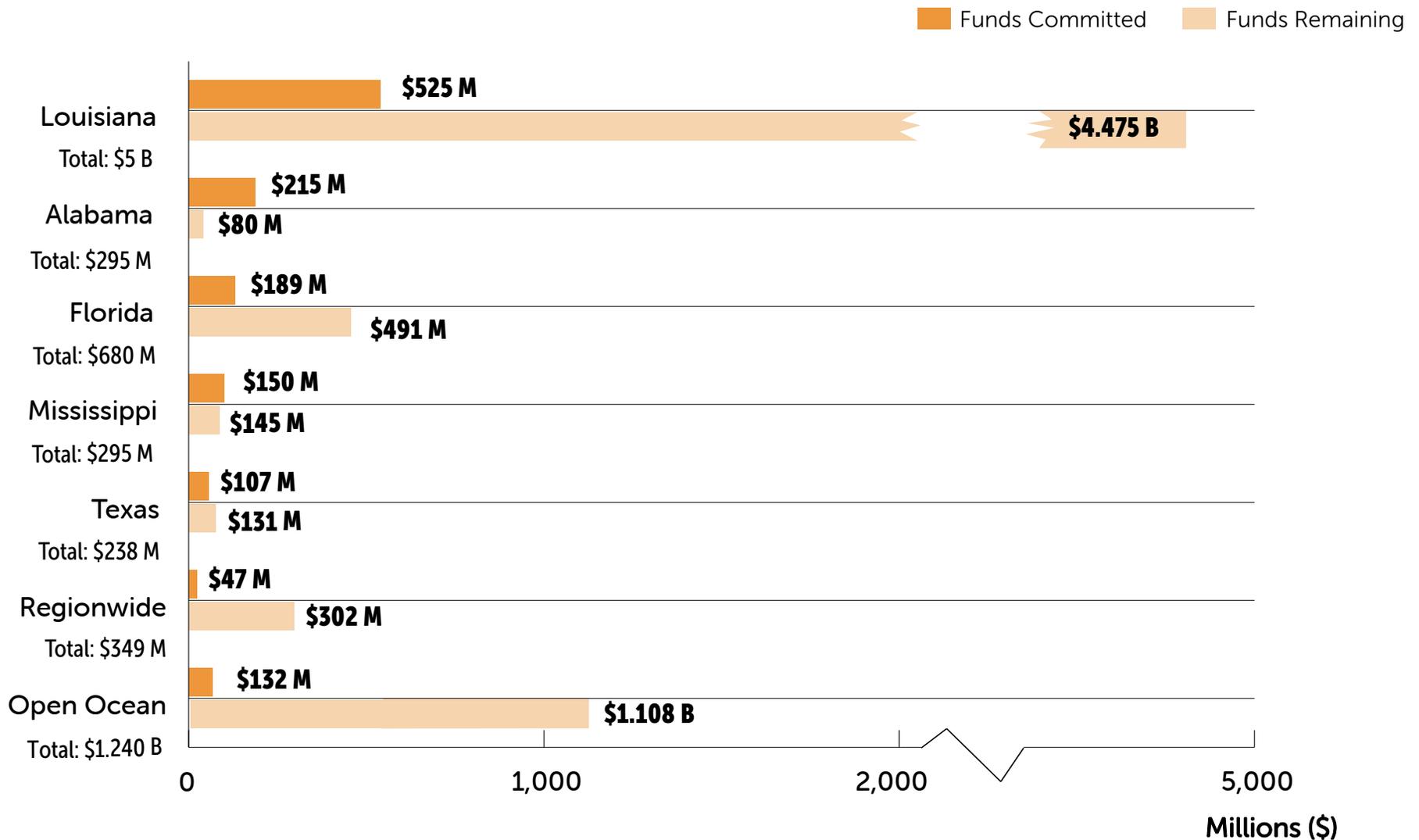
**\$1.366 B Spent
or Designated to
Projects, Programs,
and Planning**

As of March 1, 2020, \$1.366 billion has been spent or designated to projects, programs, and planning. That means approximately \$7.434 billion remains, including the \$700 million designated for presently unknown injuries and adaptive management.

So far, just over 200 NRDA projects are in progress, completed, or in the monitoring stage.

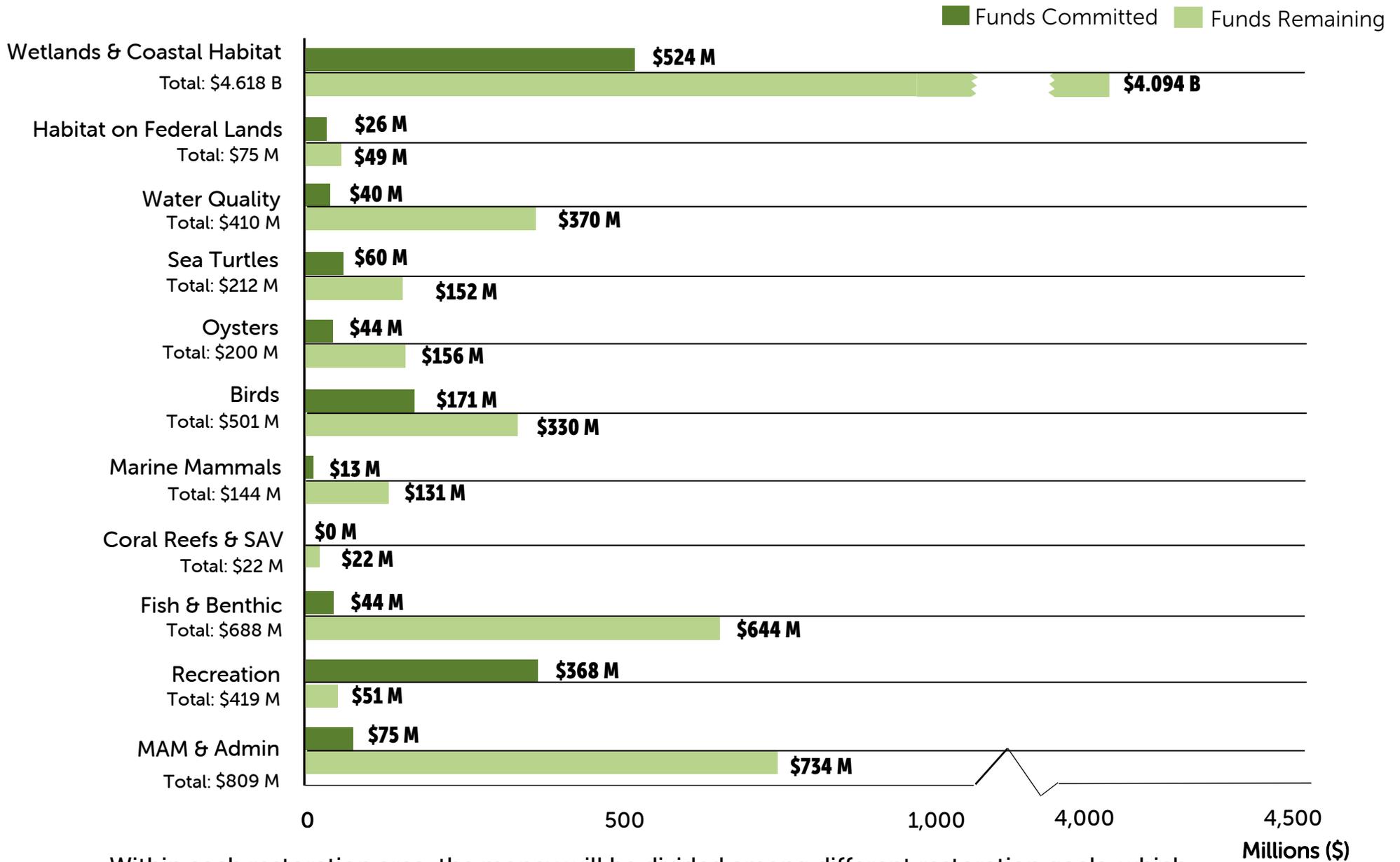
**\$7.434 B
Remaining**

NRDA FUNDS COMMITTED BY RESTORATION AREA



Up to \$8.8 billion will be divided among eight different “restoration areas”: the five Gulf states, Open Ocean, Regionwide, and Unknown Injuries and Adaptive Management (AM). This chart shows how much money each restoration area is receiving and how much has been committed as of March 1, 2020.

NRDA SPENDING GULFWIDE BY RESTORATION TYPE



Within each restoration area, the money will be divided among different restoration goals, which are further divided into different restoration types as shown here. This chart shows how much is spent and remaining in each restoration type as of March 1, 2020.

**Over \$922
million**

of NRDA funds spent on
over 130 ecological
projects Gulfwide



**Over \$368
million**

of NRDA funds spent on
over 70 recreational
projects Gulfwide



**Over \$75
million**

of NRDA funds spent on
planning and adaptive
management



HOW CAN I PARTICIPATE?

There are different ways the public can participate in the NRDA process here. Some of these opportunities are highlighted below:



GENERAL — There are some general opportunities for the public to participate:

- **Public meetings:** The trustees have committed to an annual public meeting for the Trustee Council (TC) and for each of the trustee implementation groups (TIGs).
- **Standard Operating Procedures (SOPs):** The Trustee Council has released its SOPs, which will continue to be revised and each TIG may produce its own SOPs. Although the SOPs have not been open to the public for comment, the public may be able to informally participate in their future development (e.g. writing letters, attending meetings).

PLANNING — There are ways for the public to participate in restoration planning:

- **Project development:** The public can suggest project ideas (e.g., on the trustees' website). The public will be notified when a TIG is starting restoration planning, and may be updated on those efforts.
- **Draft restoration plans:** The public will have the opportunity to comment on draft restoration plans as they are released.

IMPLEMENTATION — There may also be opportunities to engage during implementation:

- **Other laws:** The restoration projects may trigger other laws and regulations that provide the public with opportunities to engage.
- **Program review:** According to the PDARP, "[t]he Trustee Council may re-examine the restoration program approximately every 5 years..." While no public role has been defined in that review, it will likely be an important point to try to engage.

MONITORING AND ADAPTATION — The public will have access to at least some monitoring data.

The trustees released a Monitoring and Adaptive Management Manual (Version 1.0) in January 2018, with an update in 2019. Although this was not open to the public for comment, there may be a way to informally participate in future developments (e.g. writing letters, meetings).

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BP Oil Disaster:
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Overview of the RESTORE Act

10-YEAR
REVIEW



RESOURCES

ECOSYSTEMS

SUSTAINABILITY

TOURIST

OPPORTUNITIES

REVIVED

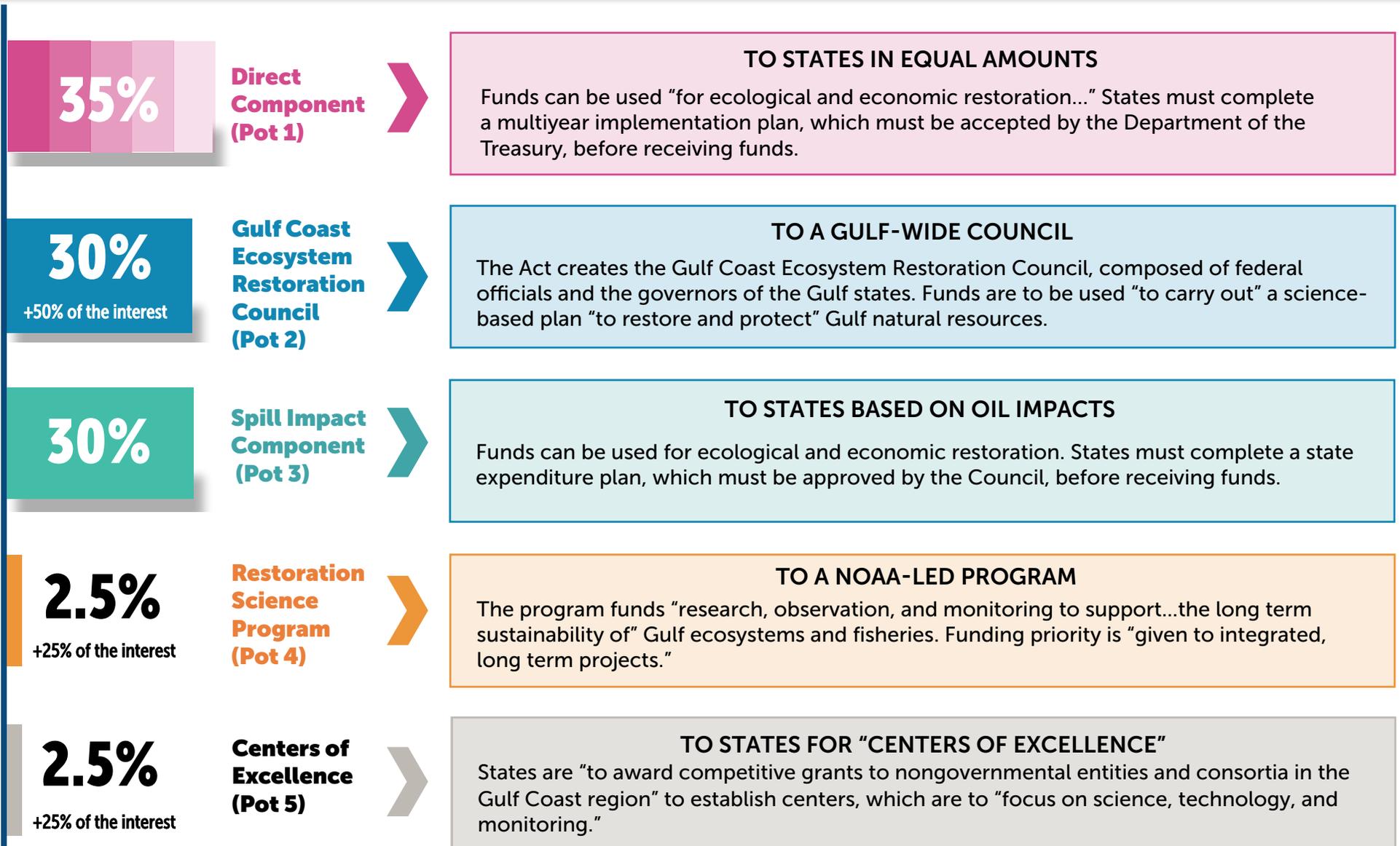
ECONOMIES

The **Resources and Ecosystems 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 is receiving **80% of any Clean Water Act (CWA) civil and administrative penalties** paid by BP and other companies responsible for the *Deepwater Horizon* oil spill.

ACT OF THE GULF
COAST STATES

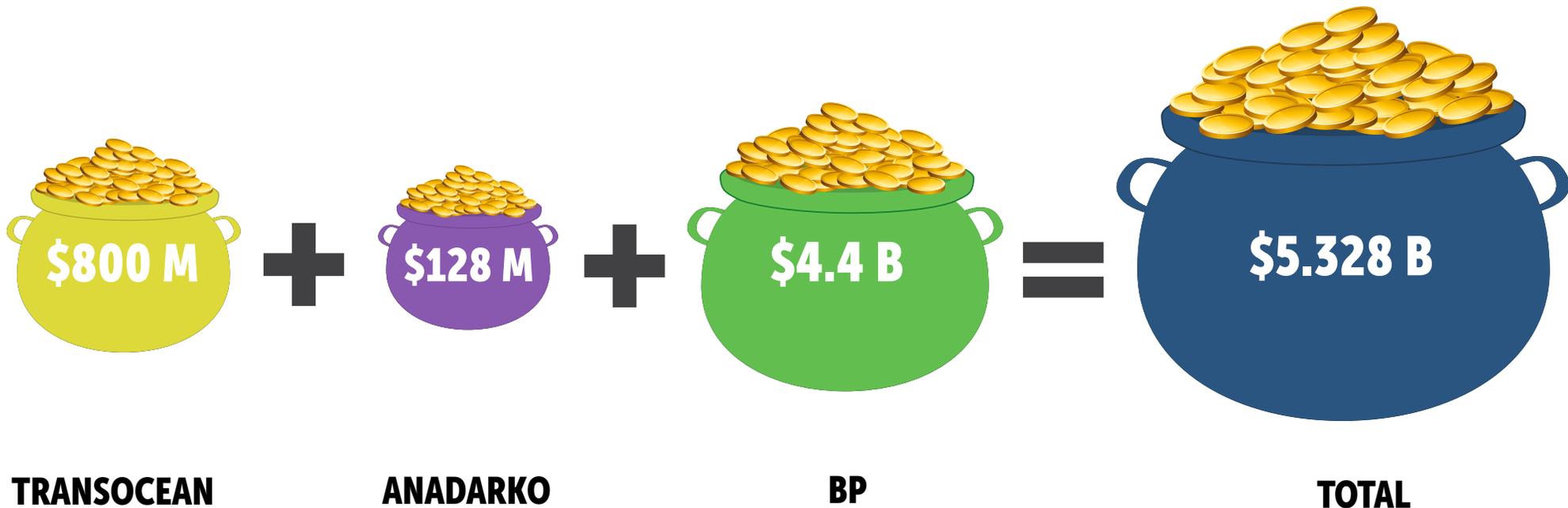
RESTORE funds are divided among five different "pots"



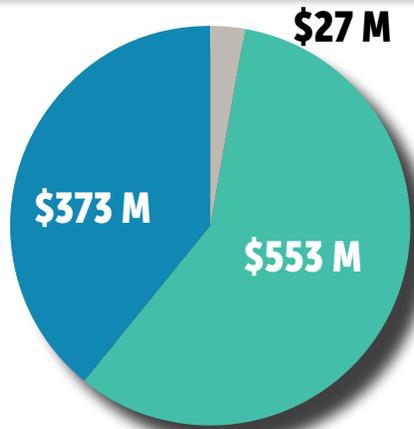
The total interest earned by the RTF will be added to Pot 2 (50%), Pot 4 (25%) and Pot 5 (25%).

HOW MUCH MONEY IS INVOLVED?

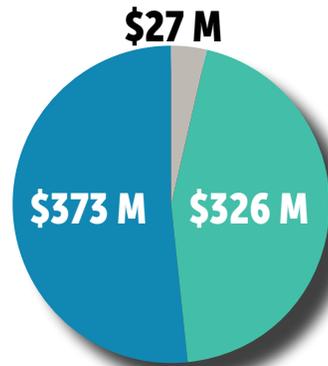
In April 2016, a federal court approved a settlement among the United States, the five Gulf states, and BP. Under that settlement, **BP** agreed to pay **\$5.5 billion** in CWA civil penalties. **\$4.4 billion (80%)** of that will flow through the RESTORE Act. Added to the money paid by other companies – **\$800 million from Transocean** and **\$128 million from Anadarko** – a total of **\$5.328 billion** will flow through RESTORE.



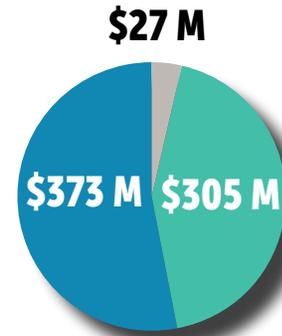
HOW WILL THE \$5.328 BILLION BE DISTRIBUTED?



LOUISIANA
Total: \$953 M



ALABAMA
Total: \$726 M



MISSISSIPPI
Total: \$705 M



FLORIDA
Total: \$693 M



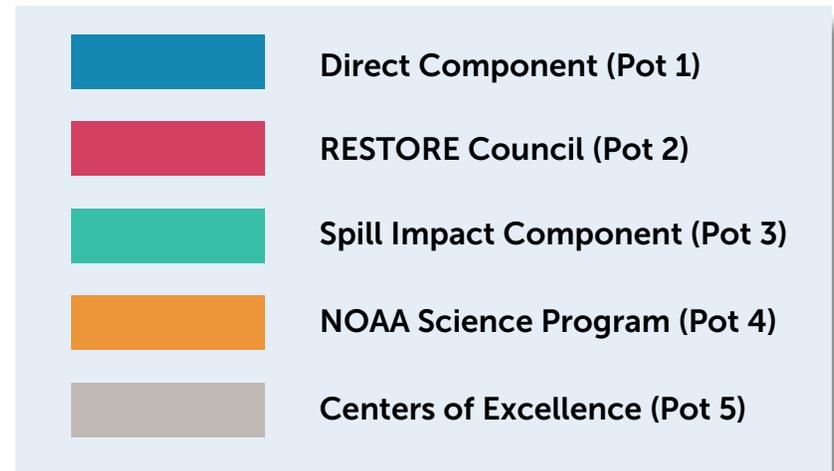
TEXAS
Total: \$521 M



RESTORE COUNCIL



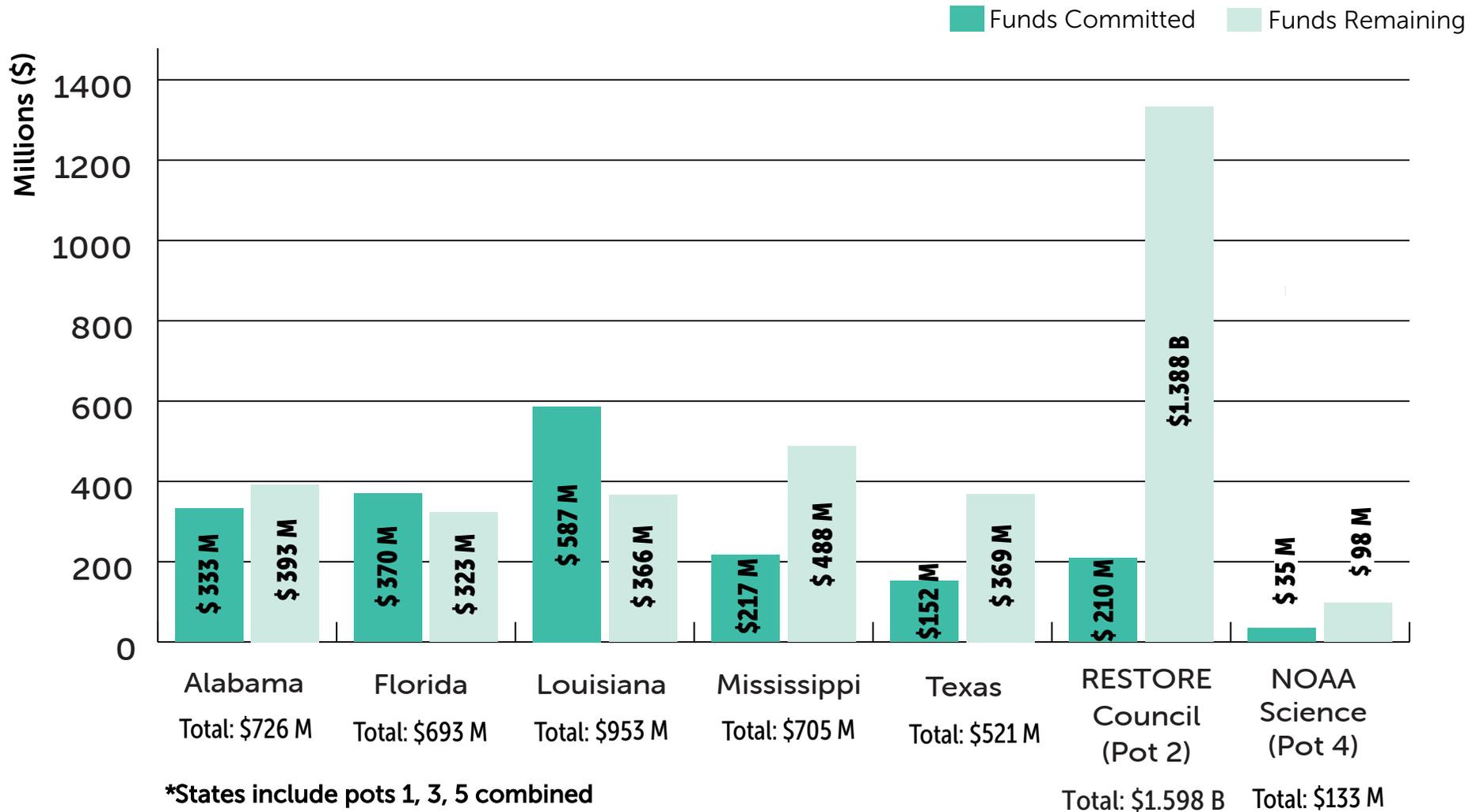
NOAA SCIENCE PROGRAM



NOTE: BP is paying CWA civil penalties over a 15-year period, with the first payment made in 2017. Transocean and Anadarko have already paid their penalties.

RESTORE FUNDS SPENT BY STATES AND COUNCIL

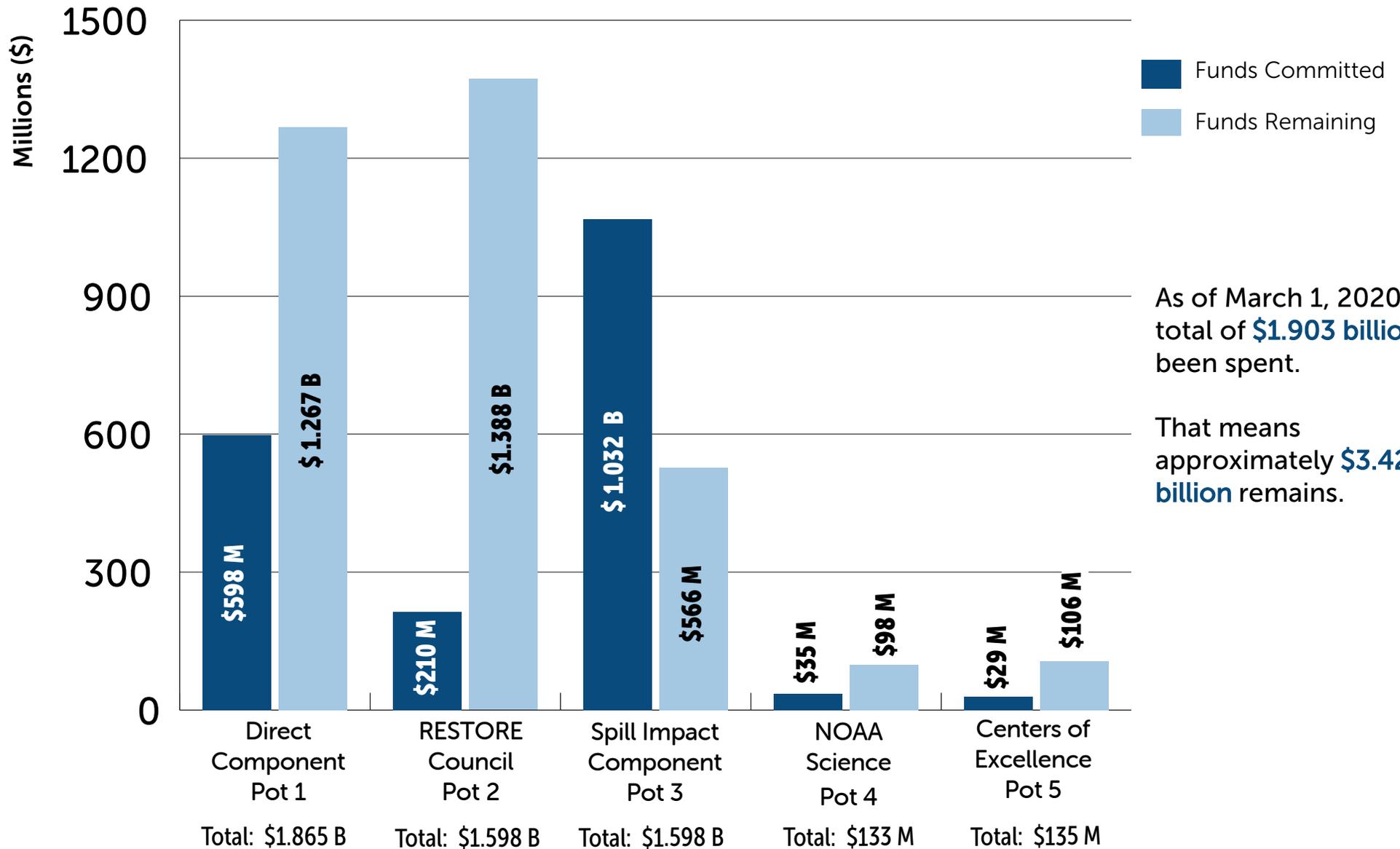
As of March 1, 2020



As of March 1, 2020, a total of **\$1.903 billion** has been spent. That means approximately **\$3.426 billion** remains.

RESTORE FUNDS SPENT BY POT

As of March 1, 2020



As of March 1, 2020, a total of **\$1.903 billion** has been spent.

That means approximately **\$3.426 billion** remains.

**Over \$1.05
billion**

of RESTORE funds spent on
over 130 ecological projects
Gulfwide



**Over \$660
million**

RESTORE funds spent on
over 180 human use
projects Gulfwide



**Over \$190
million**

of RESTORE funds spent on
planning and administration
of projects Gulfwide



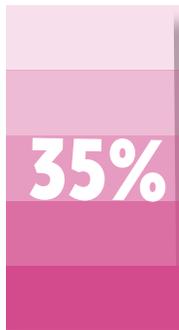
HOW CAN I PARTICIPATE IN THE RESTORE ACT ?

General Participation Opportunities

Certain activities conducted under the various funding pots may trigger **National Environmental Policy Act (NEPA)** review. If so, there may be an opportunity for public comment.

WAYS TO PARTICIPATE: **Review and comment** on any NEPA documents that are released.

Direct Component
(Pot 1)



Before states (and, in Louisiana and Florida, some local governments) receive their **equal-share funds**, they must, among other things, develop a multi-year implementation plan. The public must be given at least 45 days to review and comment on those plans.

WAYS TO PARTICIPATE: **Submit** project ideas to the lead entities in each state; **review and comment** on multi-year implementation plans when they become available for public comment; **attend** any public meetings.

Gulf Coast Ecosystem
Restoration Council (Pot2)



The Gulf Coast Ecosystem Restoration Council is required to develop lists of priority projects and programs to be funded. These are called the **Funded Priorities List** (or FPL). Only members of the Council may submit proposals. The Council has approved its third list, FPL 3a, in March 2020. More information about the Council's activities can be found on their website: restorethegulf.gov.

WAYS TO PARTICIPATE: **Submit** project ideas to individual Council members; **attend meetings** hosted by the Council or individual Council members; **review and comment** on the Funded Priorities List when it becomes available for public comment.

Spill Impact Component
(Pot 3)

30%



States have developed state expenditure plans and received funds based on spill impacts. State applicants may periodically update their plans and submit their revisions to the RESTORE Council. As with the state expenditure plan, the public must be given at least 45 days to review and comment on these amendments.

WAYS TO PARTICIPATE: **Submit** project ideas to the lead entities in each state; **review and comment** on plan amendments when they become available for public comment; **attend** public meetings.

Restoration Science Program
(Pot 4)

2.5%

+25% of the interest



The National Oceanic and Atmospheric Administration (NOAA) is tasked with administering the **NOAA RESTORE Act Science Program**.

WAYS TO PARTICIPATE: We are not aware of any opportunities for members of the general public to participate.

Centers of Excellence
(Pot 5)

2.5%

+25% of the interest



Each of the Gulf states has received funds to award competitive research grants to Gulf Coast non-governmental entities and consortia (including universities) to establish "**Centers of Excellence**" focused on science, technology, and monitoring. Each state's Centers of Excellence Program (CEP) is required to establish "rules and policies" governing competitive selection and grant administration.

WAYS TO PARTICIPATE: Provide input on research priorities when the CEP asks for public feedback; **review and comment** on CEP rules and policies.

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BP Oil Disaster:
Restoration & Recovery

Overview of National Fish and Wildlife Foundation (NFWF)

10-YEAR
REVIEW



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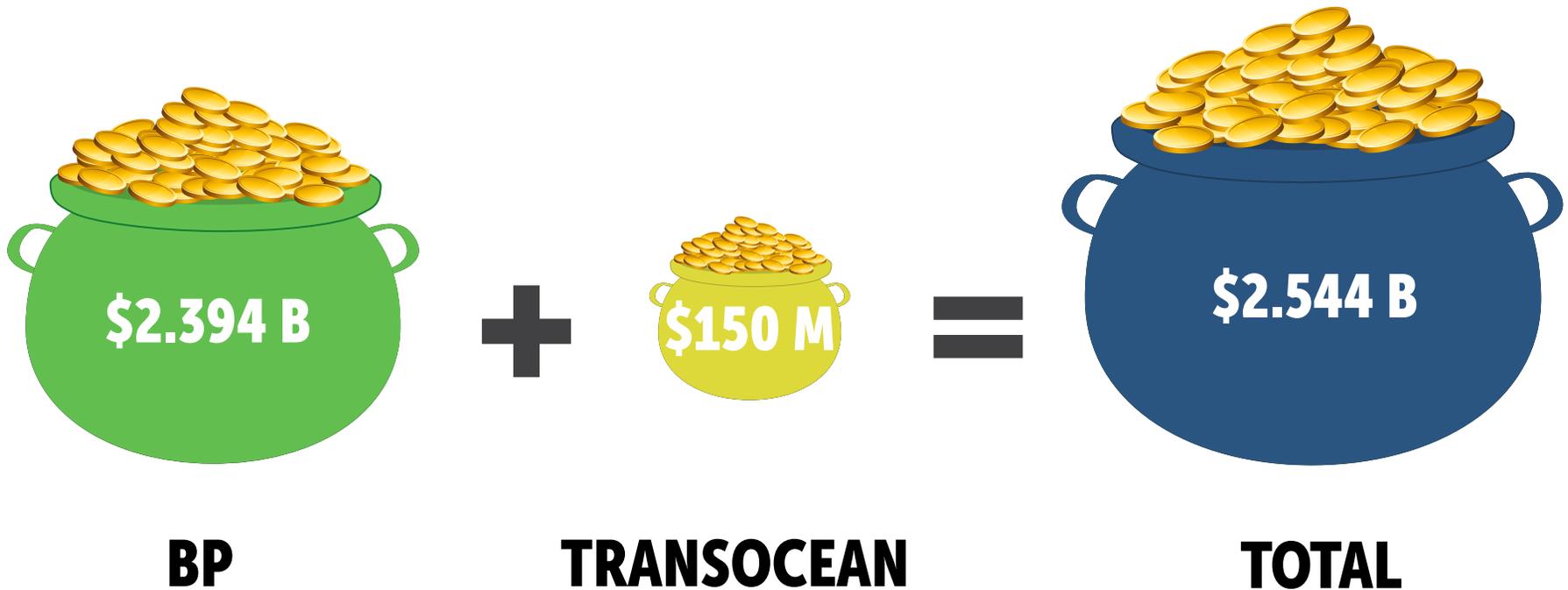
NATIONAL
FISH AND
WILDLIFE
FOUNDATION

The **National Fish and Wildlife Foundation (NFWF)** is a nonprofit organization created by Congress in 1984 “to protect and restore fish and wildlife and their habitats.” The organization funds a wide variety of conservation projects across the country, leveraging public funds with private investment dollars.

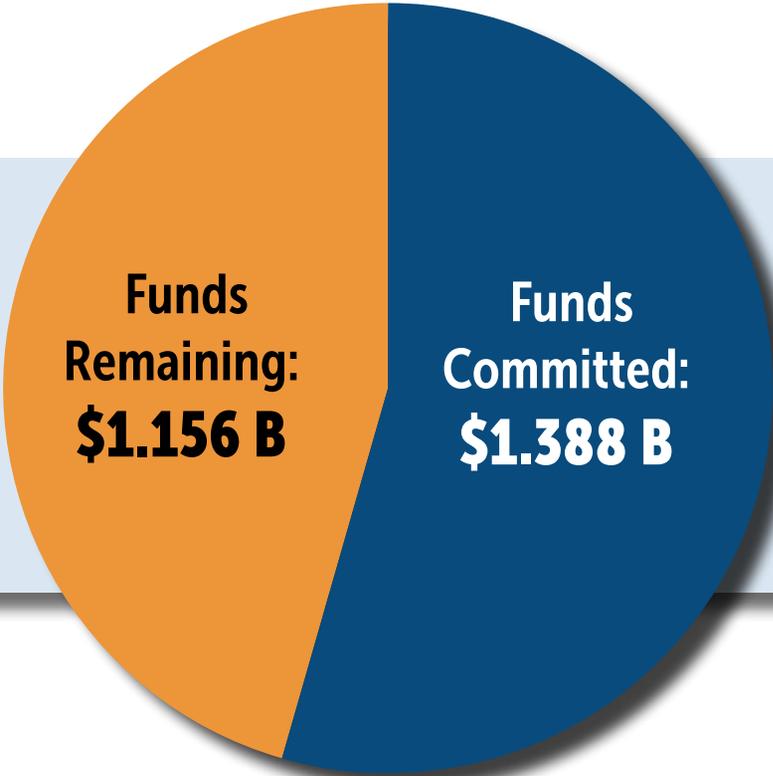
NFWF is governed by a Board of Directors, which consists of 30 members who are approved by the Secretary of the Interior. The Board includes the leaders of the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA).

HOW MUCH MONEY IS INVOLVED?

As part of the criminal settlements the federal government reached with BP and Transocean, the **National Fish and Wildlife Foundation** is receiving a total of \$2.544 billion for projects that benefit natural resources harmed by the oil spill.



HOW MUCH HAS BEEN SPENT SO FAR?

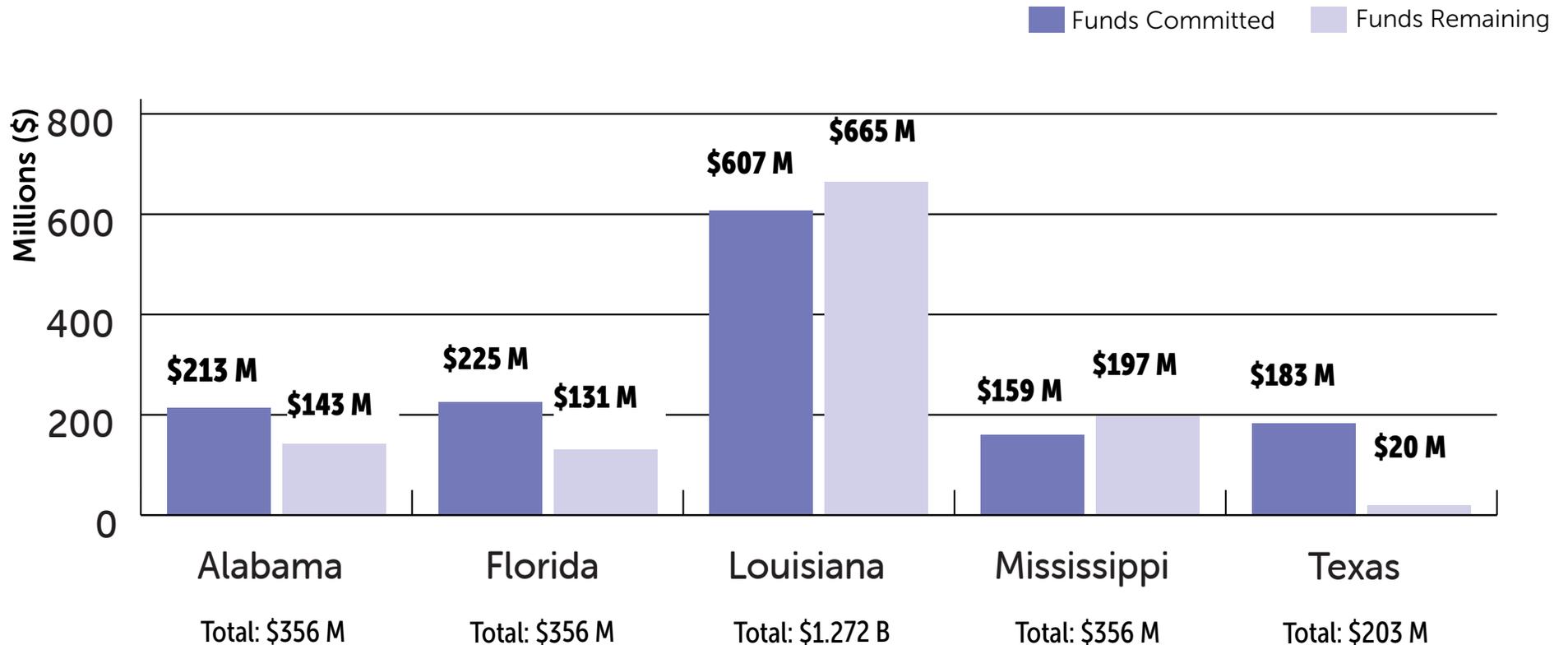


Out of the \$2.544 billion received, NFWF has spent \$1.388 billion on restoration projects in the Gulf as of March 1, 2020. This means there is approximately \$1.156 billion remaining.



Egrets derived from J.J. Harrison

NFWF FUNDS SPENT BY STATES



The \$2.544 billion is being divided among the five Gulf states. This chart shows how much money each state will be receiving and how much has been spent as of March 1, 2020.

HOW ARE PROJECTS BEING CHOSEN?

As of March 1, 2020, NFWF has funded 164 projects in the five Gulf states.



While NFWF decides which projects to fund, it must follow the terms set out in the criminal settlements.

These require NFWF to, among other things, consult with state and federal resource managers "to identify projects and to maximize the environmental benefits of such projects."

The public may suggest project ideas through state resource managers.

