

# Deepwater Horizon



Louisiana Oyster Task Force  
July 31, 2012



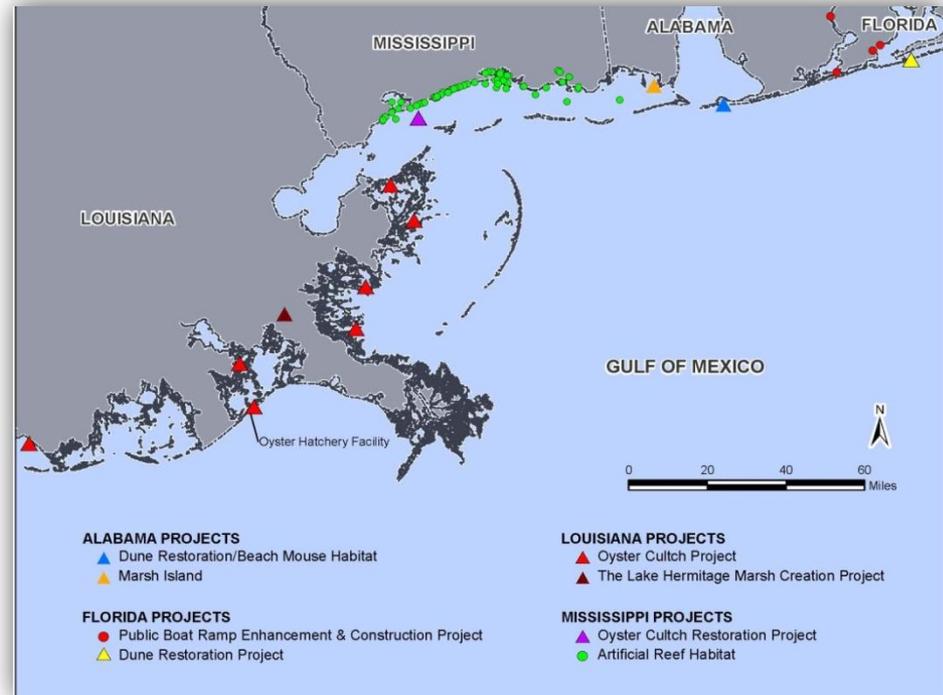
# Natural Resource Damage Assessment

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## Early Restoration

# Early Restoration Project Updates

- **Lake Hermitage Marsh Creation**
  - Pipeline installation ongoing
  - Dredging to begin soon
- **Oyster Cultch Project**
  - Spring 2012
    - Hackberry Bay
    - Sister Lake
  - Fall 2012
    - Lake Fortuna
    - South Black Bay
  - Fall 2013 – 2 Cultch Plants
  - Continue planning for hatchery



**Response**

# Outstanding Response Issues

- Unilateral removal of segments from active response
- Lack of long-term and proactive oil patrol and removal
- Submerged oil
- Lack of opportunities for parish involvement
- Orphaned anchors
- Premature exit from response



# Response Issues

- June 27, 2012 – 30' x 30' tar mat discovered on Grand Isle.
- Low tide aided in the discovery of the mat.



# RESTORE Act

# RESTORE Act Overview

- **Signed into law on June 29, 2012**
- **Included in HR4348 (Highway Bill)**
- **Establishes a Gulf Coast Ecosystem Restoration Trust Fund in the U.S. Treasury**
  - **Directs 80% of administrative and civil CWA penalties from the DWH spill to the trust fund**
  - **The remaining 20% will be directed to the Oil Spill Liability Trust Fund pursuant to current law**
- **The actual amount of the CWA penalties has not been resolved.**

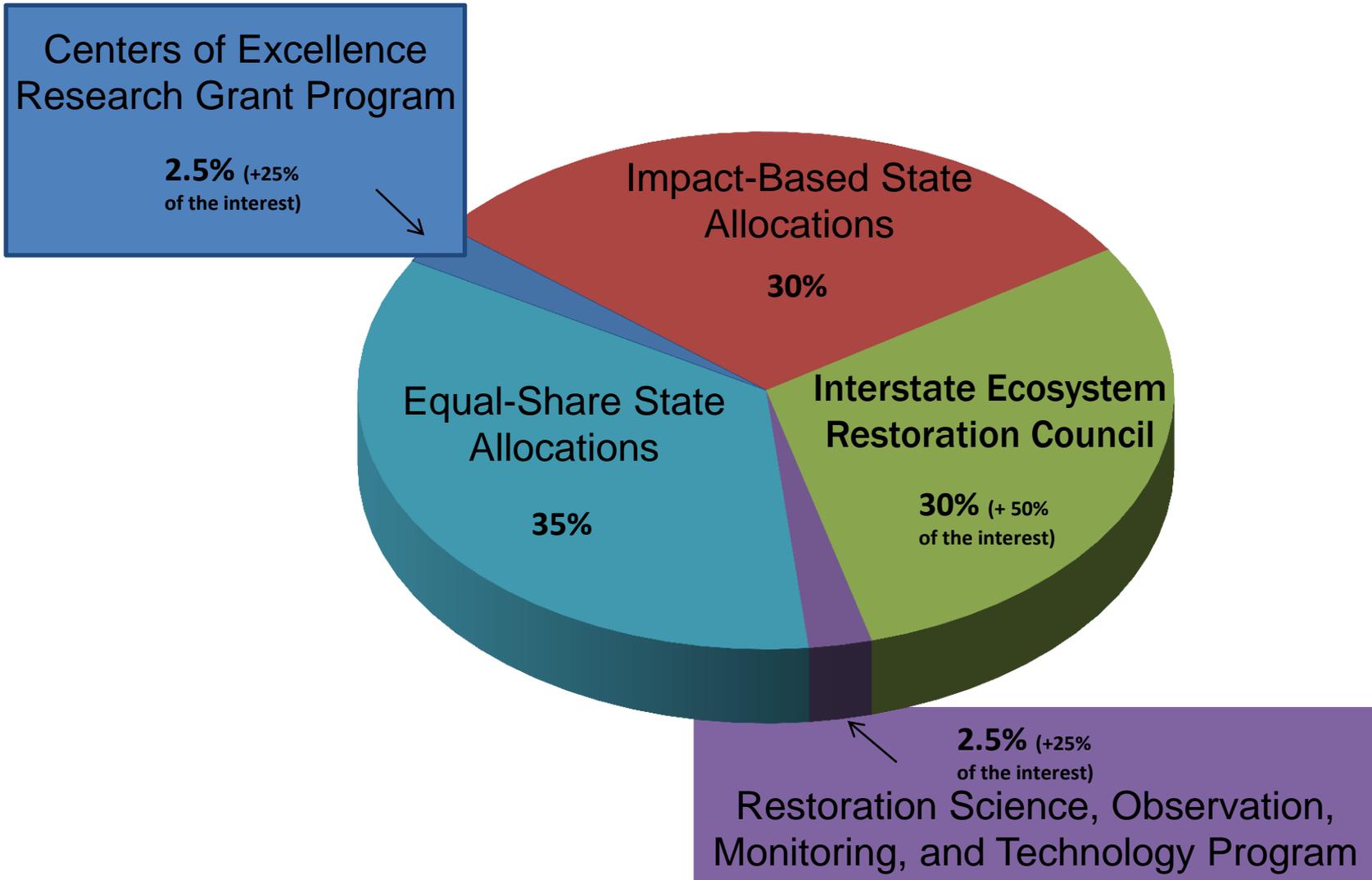
# Clean Water Act Overview

- The CWA regulates the discharge of pollutants into U.S. waters. Parties responsible for discharging oil in violation of the CWA face penalties.
- Civil penalties are set based on either the amount of oil discharged (\$1,100 - 4,300 per barrel) or the duration of the spill (\$37,500 - 140,000 per day).
- The **U.S. Department of Justice** has already filed a lawsuit seeking CWA civil penalties for the *Deepwater Horizon* oil spill.

# RESTORE Act Overview

- **Does include:**
  - Federal Clean Water Act penalties
  
- **Does *not* include:**
  - State penalties
  - Criminal penalties
  - Economic losses
  - Natural resource damages
  - Supplemental Environmental Projects

# RESTORE Trust Fund



# Equal-Share State Allocation

- **35% to the Gulf States for environmental and economic restoration projects**
- **Each state gets an equal allocation (7%)**
  - **70% to the State of Louisiana**
  - **30% - Parishes in the Coastal Zone**
    - **Formula**
      - **40% based on the weighted average of miles of parish shoreline oiled**
      - **40% based on the weighted average of the population of the parish**
      - **20% based on the weighted average of the land mass of the parish**
    - **Comprehensive Land Use Plan**
- **CPRA carries out the duties**

# Gulf Coast Ecosystem Restoration Council

- **The Act establishes a Gulf Coast Ecosystem Restoration Council**
- **30% for a comprehensive plan for the Gulf Coast to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands of the Gulf Coast plus 50% of the interest from the Trust Fund.**
- **The council must publish a proposed comprehensive plan within 180 days of enactment (January 2013).**
- **Must include the information and findings prepared by the GCERFT and the Council must develop the plan in close coordination with them.**
- **Final plan must be published in the federal register within 1 year (July 2013).**

# Council

- **Members**
  - Interior
  - Army
  - Commerce
  - EPA
  - Agriculture
  - Head of the Dept. in which the USCG is operating (DHS currently)
  - Governors of the 5 Gulf States or designee
- **States select a chair from the federal members**

# Impact-Based State Allocation

- **30% to the Gulf Coast States based on an oil spill impact formula**
- **Council disburses the funds based on this formula:**
  - **40% based on proportionate number of miles of shoreline in each Gulf State that were oiled on or before April 10, 2011 compared to total of number of miles of shoreline that experienced oiling as a result of the DWH spill**
  - **40% based on the inverse proportion of the average distance from the DWH rig at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling in each Gulf Coast state**
  - **20% based on the average population in the 2010 Census of coastal counties/parishes bordering the Gulf of Mexico within each Gulf Coast state.**
- **States must submit a plan developed by CPRA**
- **May be used for cost-share with limitation**
- **No more than 25% can be used for infrastructure (ports or coastal flood protection) UNLESS ecosystem restoration needs will be addressed by the projects in the plan AND additional infrastructure is required to mitigate the impacts of the DWH spill to the ecosystem or economy.**

# Restoration Science, Observation, Monitoring, and Technology Program

- **2.5% will go to creating a Science, Observation, Monitoring and Technology program**
- **Research, observations and monitoring to support long-term sustainability of ecosystem, fish stocks and habitat, and recreational, commercial and charter fishing**
- **NOAA-led with limitations on expenditures**
- **3% limit on admin costs**
- **25% of interest from the trust fund**

# Centers of Excellence Research Grant Program

- **2.5% will go to creating Centers of Excellence Research Grants**
  - **Competitive grants to NGOs, consortia or universities**
  - **Disciplines allowed include:**
    - **Coastal and deltaic sustainability, restoration and protection including sustainability**
    - **Coastal fisheries and wildlife ecosystem research and monitoring**
    - **Offshore energy development including research and technology**
    - **Sustainable and resilient growth, economic and commercial development**

**Questions?**