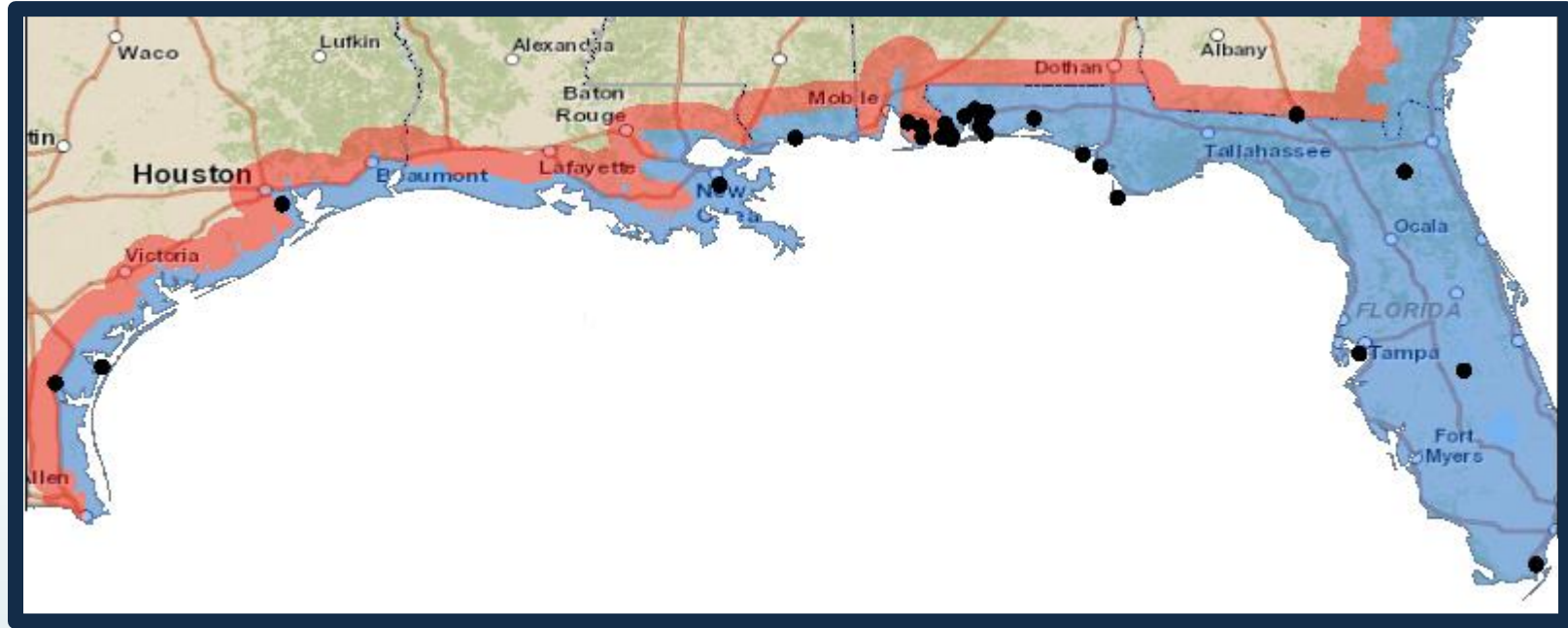




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WHERE?

Statutory Clues 33 U.S.C. § 1321(a)(33)

A + B + C = Gulf Coast Region

A = Coastal Zones

B = Adjacent land, water, and watersheds within 25 miles

C = Federal Waters

WHERE?

Draft Treasury Rule

78 Fed. Reg. 54801 (Sept. 6, 2013)

- ▶ **DIRECT ALLOCATION:** *Activities ...are eligible for funding to the extent they are carried out in the Gulf Coast Region. § 34.201*
- ▶ **COUNCIL ALLOCATION:** *projects and programs must be carried out in the Gulf Coast Region. § 34.202(a)*
- ▶ **SPILL IMPACT ALLOCATION:** *Activities ...are eligible for funding to the extent they are carried out in the Gulf Coast Region. § 34.201, § 34.203*

“Carried out” not defined.

Who decides?

WHERE?

Interim Final Treasury Rule

79 Fed. Reg. 48039 (Published Aug. 15, 2014)

- ▶ **DIRECT ALLOCATION:** ... *in the reasonable judgment of **the entity applying** ... each severable part of the activity is primarily designed to restore or protect that geographic area. § 34.201*
- ▶ **COUNCIL ALLOCATION:** ... *in the reasonable judgment of **the Council** ... each severable part of the activity is primarily designed to restore or protect that geographic area. § 34.202*
- ▶ **SPILL IMPACT ALLOCATION:** ... *in the reasonable judgment of **the entity developing the State Expenditure Plan** ... each severable part of the activity is primarily designed to restore or protect that geographic area. § 34.203(c)*

WHAT?

Council Allocation Implementation

RESTORE Act, 33 U.S.C. 1321(t)(2)(D)(iii)

Prioritize projects that

1. make the greatest contribution to ecological health without regard to geographic location within the Gulf Coast region
2. are large-scale and substantially contribute to ecosystem
3. are contained in existing Gulf Coast State comprehensive plans to restore and protect ecosystem
4. restore long-term resiliency of ecological resources most impacted by DWH



WHAT?

Council Allocation Implementation

Initial Comprehensive Plan

The Council-Selected Restoration Component will be used for ecosystem restoration in the Gulf Coast region.

Project Selection Process

Thirty percent of the money directed to the Trust Fund is managed by the Gulf Coast Ecosystem Restoration Council (Council) to implement ecosystem restoration...



WHAT?

Council Allocation Implementation

Draft Rule

The Council may expend funds for 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 Region. § 34.202(a)

Final Rule

The Council may expend funds that are available under the Comprehensive Plan Component for eligible activities under 33 U.S.C. 1321(t)(2) and (3), including... § 34.202

When selecting activities to carry out in the first three years, except for certain projects and programs that were authorized prior to July 6, 2012, the Council will give highest priority to projects meeting one or more of the criteria in 33 U.S.C. 1321(t)(2)(D)(iii). § 34.400