

# An Overview of the RESTORE Act

## What is the RESTORE Act?

The Resources and Ecosystem 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 will receive **80% of any Clean Water Act (CWA) civil and administrative penalties** paid by BP and other companies responsible for the *Deepwater Horizon* oil spill. The RTF will support a variety of ecological and economic restoration and recovery projects in the Gulf.

### What are Clean Water Act penalties?

The CWA regulates the discharge of pollutants into U.S. waters. Parties responsible for discharging oil in violation of the CWA face penalties. The **U.S. Department of Justice** has filed a lawsuit seeking CWA civil penalties for *Deepwater Horizon*. The court has significant discretion to decide the final penalty amount during trial. If the parties settle, they may agree upon a penalty amount as part of the settlement.

#### Where do penalties normally go?

Without the RESTORE Act, all civil penalty monies would go to the **Oil Spill Liability Trust Fund** for use in cleaning up *future* oil spills.

### How much money might be involved?

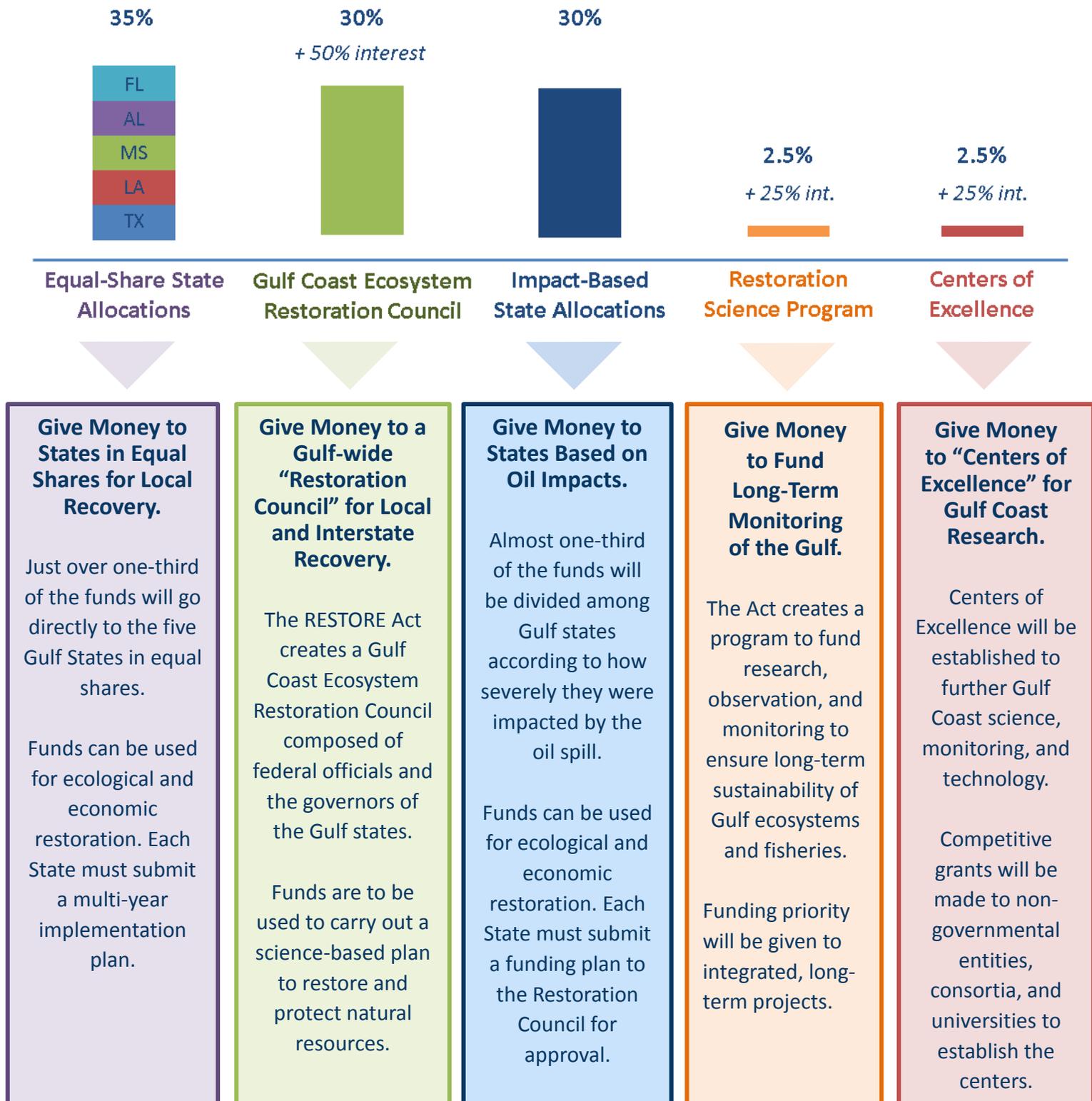
The amount of civil penalties that are collected will depend on a number of factors. These include whether a per-barrel or per-day penalty is applied, whether the responsible parties acted with gross negligence or willful misconduct, whether the case settles, and factual findings about the spill. As a result, there is a wide range of possible penalty amounts.<sup>1</sup>

Standard maximum penalty:		Maximum penalty if there was gross negligence or willful misconduct:	
\$37,500 per day	×	87 spill days	= \$3.3 million
OR			
\$1,100 per barrel	×	4.1 million barrels	= \$4.5 billion
\$140,000 per day	×	87 spill days	= \$12 million
OR			
\$4,300 per barrel	×	4.1 million barrels	= \$17.6 billion

<sup>1</sup>The quantity of barrels of oil discharged into the water is currently being litigated. We use 4.1 million barrels in the above chart because that was the estimate of the U.S. Department of the Interior’s Flow Rate Technical Group in their 2011 report.

# What will the RESTORE Act do?

The largest portion of the RTF (35%) will be distributed directly to the Gulf Coast states in equal shares (7% each). Just under one-third of the funds (30% plus 50% of the interest earned) will go to a Gulf-wide Restoration Council. Slightly less (30%) will go to the Gulf States based on their oil spill impacts. The remainder of the RTF (5% plus 50% of the interest earned) will fund scientific research and monitoring through a Restoration Science Program and Centers of Excellence.



# How Can I Participate in the RESTORE Act?

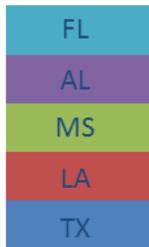
The RESTORE Act provides several formal opportunities for the public to participate. These opportunities are listed below.

## General Participation Opportunities

The **amount of civil penalties** that are paid by BP and other companies responsible for the spill may be determined through a settlement agreement. If so, the proposed agreement will be open for public comment before the court determines whether or not to approve it.

**HOW TO PARTICIPATE: Comment** on any settlement reached between the federal government and the companies responsible for the spill

35%



## Equal-Share State Allocations

Before states receive their **equal-share funds**, they must, among other things, develop an implementation plan and confirm that each project or program to be funded was selected based on public input. The funds may be used to satisfy the non-federal share of any cost-sharing project.

**HOW TO PARTICIPATE: Submit** project ideas to the lead entities in each state; **review and comment** on funding plans when they become available for public comment

Louisiana coastal parishes must also have a comprehensive land use plan in place before receiving funds.

**HOW TO PARTICIPATE: Participate** in comprehensive land use planning in Louisiana coastal parishes that don't already have such a plan

30%  
+ 50% int.



## Gulf Coast Ecosystem Restoration Council

The **Gulf Coast Ecosystem Restoration Council** approved its Final Initial Comprehensive Plan for restoring the Gulf Coast on August 28, 2013. Restoration projects will be selected and funded based on this plan.

**HOW TO PARTICIPATE: Submit** project ideas to the Council; **review and comment** on the 10-year and 3-year funding plans when they become available for public comment

In addition, "appropriate" Council actions and deliberations must be made available to the public "via electronic means" prior to Council votes.

**HOW TO PARTICIPATE: Monitor** proposed Council actions and deliberations

30%



### Impact-Based State Allocations

Before receiving **funds based on spill impacts**, Gulf states must develop funding plans listing the projects that will receive grants. Funds may be used to satisfy the non-federal share of any cost-sharing project.

**HOW TO PARTICIPATE:** **Submit** project ideas to the lead entities in each state; **review and comment** on funding plans if they become available for public comment

2.5%  
+ 25% int.



### Restoration Science Program

The National Oceanic and Atmospheric Administration (NOAA) is tasked with establishing the **NOAA RESTORE Act Science Program** to carry out research, observation, and monitoring to support the “long-term sustainability” of Gulf ecosystems and fisheries.

**HOW TO PARTICIPATE:** No specific opportunities identified in the Act, but program leads have periodically sought public input on program development

2.5%  
+ 25% int.



### Centers of Excellence

Each of the Gulf states will receive funds to be used to award competitive grants to Gulf Coast NGOs, consortia, or universities to establish “**Centers of Excellence.**”

**HOW TO PARTICIPATE:** No specific opportunities identified in the Act; eligible entities may participate in the competitive grant process

## Other Ways to Influence What Happens With RESTORE

There are myriad other ways to make your voice heard besides engaging in formal participation opportunities. These are often important, as it may be difficult to significantly impact a decision if you wait until decision-makers formally ask for your opinion. Some ways you can make your voice heard include:

- Meet with and write letters to members of the Gulf Coast Council, and to members of any state committees or advisory groups formed to allocate RESTORE Act funds
- Rally support for your position among other citizen groups
- Go to the press
- Draft an opinion piece (“op-ed”) in your local newspaper
- Lobby an agency or involve a legislator

