

Building Bridges

Connecting the Overlapping Goals, Resources, and Institutions of Gulf of Mexico Restoration and Conservation

Federal Programs

On April 20, 2010, an explosion rocked the *Deepwater Horizon* mobile offshore drilling unit. Eleven crewmen lost their lives in the blast, and the rig burned for the next thirty-six hours. Then, 41 miles off the southeast coast of Louisiana, the *Deepwater Horizon* sank. Back at the wellhead, a quarter-mile away and 5,000 feet beneath the surface of the Gulf of Mexico, the environmental disaster was just beginning. Oil gushed for the next three months, during which millions of barrels of oil mixed with millions of gallons of dispersant to contaminate more than 1,000 miles of coast.

The Importance of Coordination

Multiple regional processes have been initiated for restoration and recovery of the Gulf of Mexico after the *Deepwater Horizon* spill. The Natural Resource Damage Assessment (NRDA) seeks to restore natural resources harmed by the spill and compensate for the loss of their use. Funds directed via criminal settlements through the National Fish and Wildlife Federation (NFWF) are also being used to remedy harm to natural resources where there was injury, destruction, or loss of use caused by the spill. The RESTORE Act, meanwhile, creates and supports five different processes, the majority of which are designed to restore and protect the natural resources, ecosystems, and economy of the Gulf Coast.

The overlapping restoration and recovery goals of NRDA, the NFWF settlement funds, and the RESTORE Act point toward the importance of coordinating these regional processes during project proposal, funding, and implementation. For instance, ideally a wetlands project under NRDA would be considered in conjunction with a wetlands project under NFWF or RESTORE; further, it could be viewed together with a wetlands project under existing federal or state programs. Coordination could take place at both the project and institutional levels.

These processes must also be coordinated with pre-existing restoration and conservation policies and programs—efforts that are not specific to disaster recovery, but work over the long term to protect the same resources that the *Deepwater Horizon* recovery efforts are now targeting. There are myriad opportunities to create linkages between the disaster recovery efforts and long-term resource conservation and restoration efforts. A particular opportunity comes from the provisions in the RESTORE Act that allow roughly 65% of its funds to count as a nonfederal match for federal grant programs. This means that, when the purpose of an existing federal program and the goal of a proposed project overlap with an eligible activity under the RESTORE Act, there is an opportunity to leverage funds.

Coordination, linkages, and leveraging are easy concepts to talk about and to support. But they are difficult and complicated to achieve. This report aims to help overcome some of those complications, recognizing that building linkages between recovery processes and existing conservation and restoration programs is the best way to achieve meaningful, long-term, sustainable restoration in the Gulf.

EXECUTIVE SUMMARY

For a copy of the full report, please visit www.eli-ocean.org/gulf/buildingbridges

Building Bridges

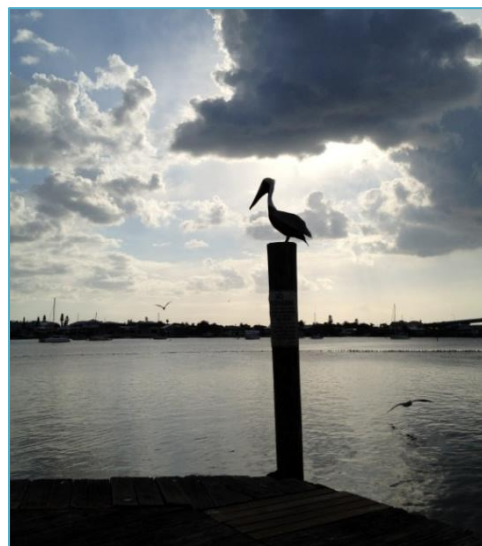
Through the NRDA early restoration process, NFWF settlement funds, and the RESTORE Act, the five Gulf States are already slated to receive billions of dollars for restoration and recovery. Additional funds will become available as the processes continue. Altogether, the restoration funding presents a significant opportunity to achieve meaningful, sustainable ecological restoration in the region.

The *Building Bridges—Federal Programs* assessment focuses on the opportunity to use RESTORE Act monies to leverage other federal funds through the nonfederal match provisions, focusing on environmental grant programs for states and their political subdivisions, along with programs that involve public-private partnerships. Grants solely to private individuals, those that likely fall outside RESTORE Act-eligible activities, and those that are designated purely for implementation of federal regulatory schemes (such as the Clean Air Act) are omitted.

The analysis is organized into seven categories of natural resources based on prior ELI research:¹

- 1) Wetlands and Estuaries
- 2) Harvested Species Habitat
- 3) Coral Reefs
- 4) Beaches and Dunes
- 5) Protected Species and Protected Places
- 6) Coastal Management
- 7) Water Quality and Water Quantity

For each natural resources category, we identify relevant federal “Matching Grant Programs” that have nonfederal match requirements; we also identify other “Coordination Programs” which, although they do not contain matching provisions, may facilitate further synergy among programs, agencies, and funding mechanisms. Among other things, relevant grant application information and example projects are listed, along with the Catalog of Federal Domestic Assistance (CFDA) number, which refers to a grant database that has information needed for grant applications.



In sum, to maximize the benefits of the *Deepwater Horizon* recovery efforts, the processes should not simply exist in parallel—rather, they should connect and coordinate with existing programs with similar goals in order to achieve long-term environmental protection objectives and to develop the institutional capacity to sustain progress made.

This assessment identifies key opportunities to build those bridges. In the process, it is intended to help build a bridge from the 2010 disaster to a future with a healthy, thriving Gulf.

¹ ELI, GULF OF MEXICO HABITAT CONSERVATION AND RESTORATION: A LOOK AT THE FIVE U.S. GULF STATES’ LEGAL AND INSTITUTIONAL FRAMEWORKS (2011); ELI, GULF OF MEXICO HABITAT CONSERVATION AND RESTORATION: COMPARING THE MEXICAN AND UNITED STATES LEGAL AND INSTITUTIONAL FRAMEWORKS (2011); both available at www.eli-ocean.org/gulf/all-publications. These analyses examine existing legal and institutional frameworks for protecting and restoring habitat in the Gulf of Mexico, highlighting successes, challenges, and opportunities for strengthening programs and increasing capacity.

The following table summarizes the programs and efforts that are detailed at length in the full *Building Bridges—Federal Programs* report:

| Wetlands and Estuaries Federal Programs | | | | |
|---|---|---|---|--|
| Program | Eligible Entities | Min. State Funding Requirement | Types of Projects | CFDA No. |
| North American Wetlands Conservation Fund | Public and private organizations | 40% | Land acquisition projects that protect wetlands and waterfowl habitat | 15.623 |
| Federal Aid to Wildlife Restoration Act | States | 25% | Land acquisitions and improvement for wildlife habitat or public use, wildlife introductions into new habitat, research, and hunter education | 15.611 |
| Coastal Wetlands Planning, Protection, and Restoration Act | Coastal states | 15% for Louisiana, 50% for other four Gulf States | Coastal wetlands conservation, land acquisition | 15.614 |
| Estuary Restoration Act | States, political subdivisions, Indian tribes, regional or interstate agencies, or NGOs | 35% | On-the-ground restoration, including restoring salt-marsh vegetation and replanting seagrass beds | 12.130 |
| Coastal and Estuarine Land Conservation Program | Coastal States | 50% | Land acquisition and conservation easements | 11.419 |
| National Estuarine Research Reserve Program | States | 50% | Land acquisition, maintenance, and educational activities | 11.420 |
| Water Resources Development Act | Projects chosen through federal and state agency collaboration | 25% | Land acquisition, stream bank stabilization, non-point source pollution control projects, water supply and storage projects | n/a |
| Aquatic Ecosystem Restoration Program | States, political subdivisions, NGOs, and individuals | 35% | Habitat restoration and ecosystem protection | n/a |
| Wetland Program Development Grants | States, political subdivisions, NGOs | 25% | Developing monitoring and assessment programs, restoring and protecting wetlands | 66.461 , 66.462 |

| | | | | |
|---|---|-----|---|------------------------|
| Coastal Impact Assistance Program | States and political subdivisions | n/a | Conservation, protection, and restoration of coastal areas | 15.668 |
| Emergency Wetlands Resources Act | States, political subdivisions, NGOs, and individuals | n/a | Research and restoration of wetlands | 15.665 |
| Agricultural Conservation Easement Program | States, local governments, and individuals | 50% | Wetlands and riparian area land purchases, among other things | n/a |

Harvested Species Habitat Federal Programs

| Program | Eligible Entities | Min. State Funding Requirement | Types of Projects | CFDA No. |
|--|---|--------------------------------|---|------------------------|
| Federal Aid in Sport Fish Restoration Act | States | 25% | Acquisition of habitat, fish-stocking, and research | 15.605 |
| National Fishing Enhancement Act | States, local governments, NGOs and individuals | n/a | Primarily coordinating artificial reef projects | n/a |

Coral Reefs Federal Programs

| Program | Eligible Entities | Min. State Funding Requirement | Types of Projects | CFDA No. |
|----------------------------------|--|--------------------------------|-------------------------------------|------------------------|
| Coral Reef Protection Act | State agencies, educational institutions, and NGOs | 50% | Restoration, clean-up, and research | 11.482 |

Beaches and Dunes Federal Programs

| Program | Eligible Entities | Min. State Funding Requirement | Types of Projects | CFDA No. |
|--------------------------------------|---|--------------------------------|---|------------------------|
| Erosion Protection Act | States, political subdivisions, and private enterprises | 50% | Beach nourishment and erosion control | 12.101 |
| Coastal Barrier Resources Act | n/a | n/a | Restricts Federal expenditures that encourage development in some coastal areas | n/a |
| BEACH Act | States and local governments | n/a | Primarily water quality testing | 66.472 |

Protected Species and Protected Places Federal Programs

| Program | Eligible Entities | Min. State Funding Requirement | Types of Projects | CFDA No. |
|--|--|--------------------------------|--|--|
| Endangered Species Act (ESA) Grant Programs | States and territories | 25% | Implementing ESA provisions, land acquisition, and habitat conservation planning assistance | 15.615 , 15.657 , 15.660 |
| Land and Water Conservation Fund (LWCF) | States | 50% | Land acquisition and outdoor recreation planning | 15.916 |
| Forest Legacy Program | Private landowner through State Forester | 25% | Partial-interest land acquisition to ensure forest protection on private lands | 10.676 |
| Community Forest Program | Local governments, Indian tribes, and qualified nonprofit organizations | 50% | Local government land acquisition | 10.675 |
| State Wildlife Grants | State fish and wildlife agencies | 25% | Landscape-scale conservation planning, climate change adaptation, species and habitat management, acquisition of real property | 15.634 |
| National Fish and Wildlife Foundation | States, local governments, educational institutions, and nonprofit organizations | 50% | Projects that sustain, restore, and enhance our nation's fish, wildlife, and plants and their habitats | 10.683 , 15.663 |
| Migratory Bird Conservation Act | States, local governments, and NGOs | n/a | Projects that protect migratory bird habitat in the United States and abroad | 15.647 |
| Partners for Fish and Wildlife | States, local governments, and private landowners | n/a | Projects that conserve private land with high environmental value | 15.631 |
| Landowner Incentive Program | Private landowners, often involving public partnerships | n/a | Funds for states to supply technical or financial assistance to private landowners for habitat improvement, restoration, land protection | 15.633 |
| Tribal Wildlife Grants | Tribal governments | n/a | Technical and financial assistance to Tribes for the development and implementation of programs that benefit fish and wildlife resources and their habitat | 15.639 |

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|---|--|-----|---|------------------------|
| Cooperative Landscape Conservation Grants | States, local governments, tribal governments, non-profits, and individuals | n/a | Science and other projects that support conservation planning and implementation | 15.669 |
| Watershed Restoration and Enhancement Agreements | States, local governments, tribal governments, non-profits, and individuals | n/a | Stream bank stabilization, watershed restoration, conservation planning | 10.693 |
| Environmental Quality Incentives Program | Agricultural producers, owners of non-industrial private forestland, and Tribes | n/a | Projects benefitting soil health, water quality, nutrient management, pest management, air quality improvement, wildlife habitat development, and invasive species management | 10.912 |
| Regional Conservation Partnership Program | States, political subdivisions, tribes, agricultural producers, and some private organizations and individuals | n/a | Conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on eligible land | n/a |

Coastal Management

| Program | Eligible Entities | Min. State Funding Requirement | Types of Projects | CFDA No. |
|--|---|---------------------------------------|---|------------------------|
| Coastal Zone Management Administration and Project Grants (CZMA Section 306 and 306A) | Coastal States | 50% | Administration of coastal programs, restoring specific coastal areas or coastal resources, and redeveloping urban waterfronts and ports of particular concern | 11.419 |
| Watershed Protection and Flood Prevention Act | States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies | 50% | Land acquisition, habitat conservation, wetland restoration | 10.904 |
| Sea Grant Programs | States, political subdivisions, eligible Sea Grant institutions | 33% | Funds university-based programs carried out by the state in order to help understand, utilize, and conserve coastal resources | 11.417 |

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|--|---|-----|--|------------------------|
| Coastal Zone Enhancement Grants | Coastal States | n/a | Voluntary enhancement of coastal management programs | 11.419 |
| Habitat Conservation Grants | States, political subdivisions, NGOs, and private individuals | n/a | Proactive restoration project(s), which use a habitat-based approach to foster species recovery and increase fish production | 11.463 |
| Coastal Program | State agencies, local governments, and private landowners | n/a | Identify, protect, and restore or improve habitats in priority coastal areas for fish and wildlife | 15.630 |

Water Quality and Water Quantity Federal Programs

| Program | Eligible Entities | Min. State Funding Requirement | Types of Projects | CFDA No. |
|---|---|--------------------------------|--|------------------------|
| Clean Water Act (CWA) Section 319 Grants | States | 40% | River restoration projects, nutrient management projects, education/outreach, monitoring/assessment | 66.460 |
| Clean Water Act (CWA) Section 106 Grants | States | 50% | Monitoring, permitting, water protection | 66.419 |
| Pollution Prevention Program | States, state universities, and tribes | 50% | Technical assistance and training programs | 66.708 |
| CWA Section 105 | States | n/a | Developing research programs that promote or demonstrate advanced treatment and pollution control techniques | n/a |
| Gulf of Mexico Program | States, local governments, NGOs, and universities | n/a | Improve water quality, conduct habitat restoration and protection activities, and carry out ecosystem-based management, among other activities | 66.475 |

The **ENVIRONMENTAL LAW INSTITUTE (ELI)** makes law work for people, places, and the planet. For over four decades, ELI has played a pivotal role in shaping the fields of environmental law, policy, and management, domestically and abroad. ELI serves as a clearinghouse and a town hall, providing common ground for debate on important environmental issues.

In the Gulf of Mexico, ELI's Ocean Program works to support the health and resilience of coastal communities and ecosystems in the wake of the *Deepwater Horizon* disaster. Several government efforts focus on fixing the damage caused by the spill. Our goal is to see effective restoration and recovery that builds upon meaningful input from the Gulf's residents and communities. To achieve this goal, we work with local, regional, and national partners to develop materials (such as this Building Bridges report) and host training workshops designed to help the people of the Gulf understand the different processes that have been initiated by state and federal government, what their purposes and potential impacts are, and how people can get involved in them. Our work is currently made possible by the generous support of the Walton Family Foundation.

Please contact our team any time with comments or suggestions. We warmly welcome the opportunity to discuss these critical issues.



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