

The New RESTORE Act Regulations, Notice, and Guidelines from Treasury *Direct Component and Spill Impact Component*

Jim Muller
RESTORE Act Coordinator
Bay County, FL

August 28, 2014



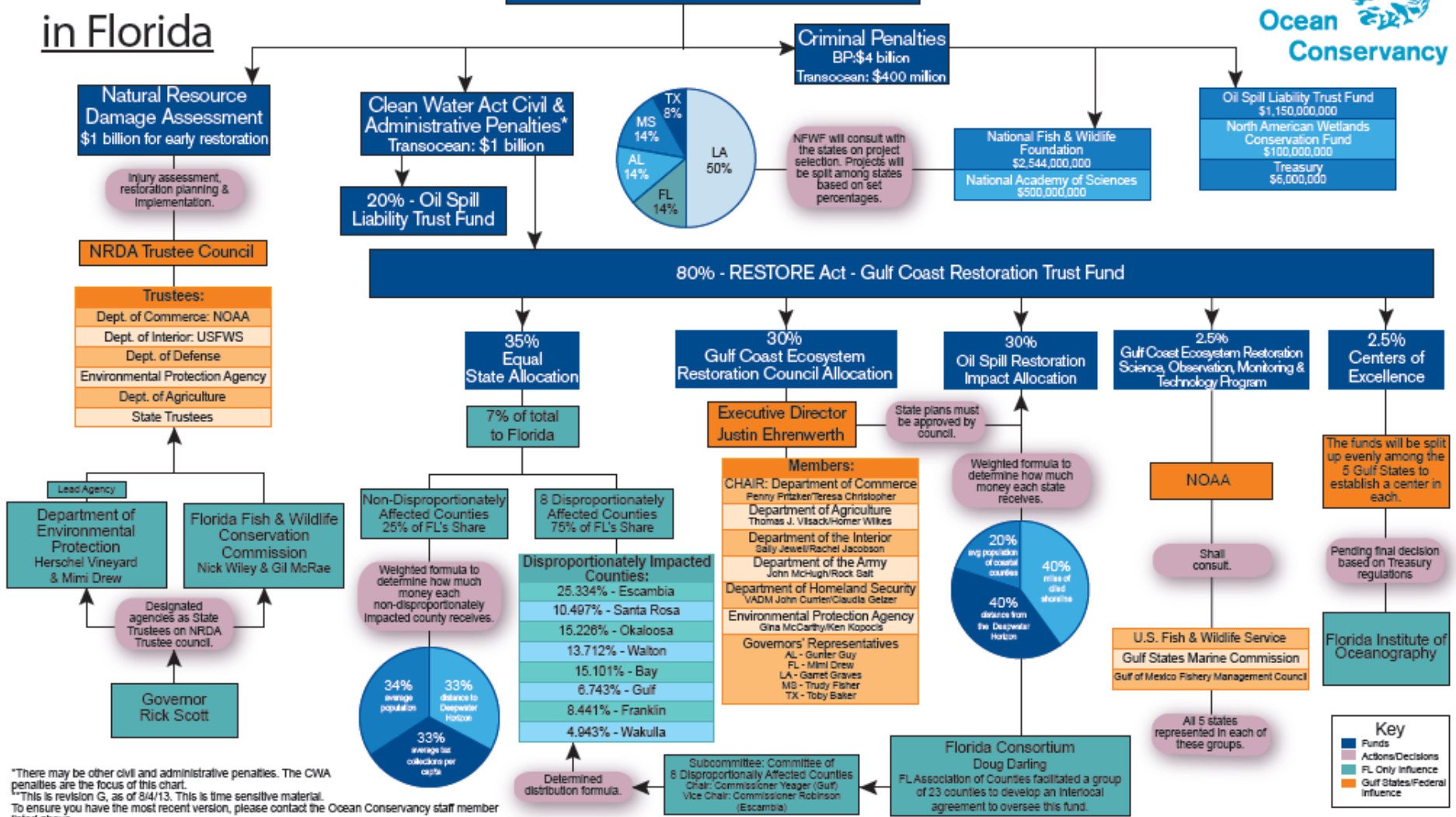
It's Complicated

Overview of some Gulf restoration funds and processes

Flow of Oil Spill Funds in Florida

Resolution of Criminal, Civil, Administrative & Natural Resource Claims

Contact: TJ Marshall
tmarshall@oceanconservancy.org
727-369-6616



*There may be other civil and administrative penalties. The CWA penalties are the focus of this chart.
**This is revision G, as of 8/4/13. This is time sensitive material.
To ensure you have the most recent version, please contact the Ocean Conservancy staff member listed above.

Key

- Funds
- Actions/Decisions
- FL Only Influence
- Gulf States/Federal Influence

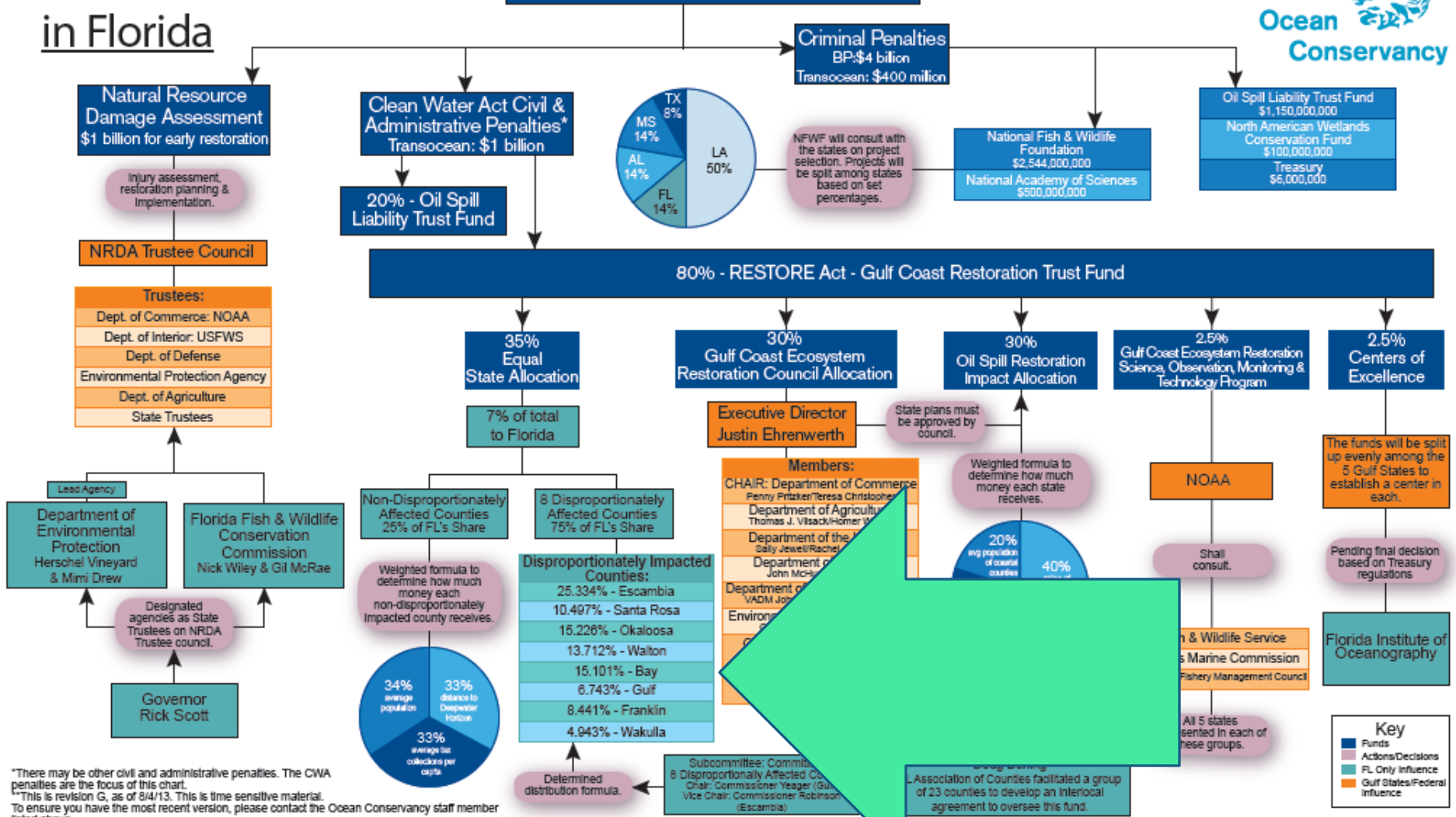
It's Complicated

Overview of some Gulf restoration funds and processes

Flow of Oil Spill Funds in Florida

Resolution of Criminal, Civil, Administrative & Natural Resource Claims

Contact: TJ Marshall
tmarshall@oceanconservancy.org
727-369-6616



*There may be other civil and administrative penalties. The CWA penalties are the focus of this chart.
**This is revision G, as of 8/4/13. This is time sensitive material. To ensure you have the most recent version, please contact the Ocean Conservancy staff member listed above.

Key

- Funds
- Actions/Decisions
- FL Only Influence
- Gulf States/Federal Influence





UNITED STATES
DEPARTMENT OF
THE TREASURY



RESTORE Act Awards Program Overview

Office of Gulf Coast Restoration
U.S. Department of Treasury



RESTORE Act

Direct Component Guidance and Application
to Receive Federal Financial Assistance



August 2014

File Edit View History Bookmarks Tools Help

The Rest... Gulf of Mexico The New RES... Restore Act Restore Act Gulf Con... Gulf of Mexico New Tab New Tab New Tab Restor...

www.treasury.gov/services/restore-act/Pages/default.aspx

Most Visited Getting Started Gulf restoration Bay County jwm maps aerials gis travel weather computer and support SAB wtshed Oceans grants and awards FL Legis misc

Contact Us | Press Center | Blog | Accessibility | Google Privacy | Español | Languages

U.S. DEPARTMENT OF THE TREASURY

Search Advanced Search

Home Treasury For... About Resource Center Services Initiatives Careers Connect with Us

Auctions

Bonds and Securities

Forms

Coins and Currency

Cuba Travel Licenses

Foreign Transaction Licensing and Reporting

Government Shared Services

Grants, Loans, and Financial Assistance

Report Fraud, Waste and Abuse

Restore Act

Taxes

Treasury Payments

Services

Home » Services » Restore Act


Restore Act

On April 20, 2010, the largest offshore oil spill in the United States occurred, exacerbating the effects of previous natural disasters. Oil flowed unchecked for three months. The cause was an explosion of the Deepwater Horizon, an oil rig drilling in the Gulf of Mexico. Before the well was capped, millions of barrels of crude oil were released, closing tens of thousands of square miles of federal waters to fishing, and causing extensive damage to marine and wildlife habitats, and tourism.

On July 6, 2012, the President signed into law the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act ([RESTORE Act; Subtitle F of Public Law 112-141](#)). The Act established the Gulf Coast Restoration Trust Fund in the U.S. Treasury Department. Eighty percent of the civil penalties paid after July 6, 2012, under the Federal Water Pollution Control Act in connection with the Deepwater Horizon oil spill will be deposited into the Trust Fund and invested. Under the Act, amounts in the Trust Fund will be available for programs, projects, and activities that restore and protect the environment and economy of the Gulf Coast region.

Treasury is responsible for issuing compliance and auditing procedures for the entire Act and procedures for two grant programs administered by Treasury. Treasury is now issuing these procedures as an [Interim Final Rule](#), with an effective date 60 days from the date of publication. Treasury will accept comments on the Interim Final Rule for 30 days after publication, and publish a Final Rule after considering any comments. Separately, Treasury published a [Notice of Proposed Rulemaking](#) that allocates shares to individual Louisiana

PHOTOS



Photographs are courtesy of the following: Alabama Department of Conservation and Natural Resources, Mississippi Department of Environmental Quality, National Oceanic and Atmospheric Administration (NOAA) and Texas Parks and Wildlife Department

QUICK LINKS

- [Gulf Coast Ecosystem Restoration Council](#)
- [National Oceanic and Atmospheric Administration](#)
- [Alabama Gulf Coast Recovery Council](#)
- [Florida Department of Environmental](#)

1:42 PM 8/26/2014

<http://www.treasury.gov/services/restore-act/Pages/default.aspx>



About OIG

- Eric M. Thorson, Inspector General
- Office of Audit
- Office of Counsel
- Office of Investigations
- Office of Management
- Office of Small Business Lending Fund Program Oversight
- OIG Hotline
- Organizational Chart

American Recovery & Reinvestment Act of 2009

Equal Employment Opportunity

Fraud Alerts

Inspector General Act

Management Challenges Letter

Home » About » Organizational Structure » Office of the Inspector General » The Restore Act

The Restore Act

On 20, 2010, Deepwater Horizon, an oil rig drilling in the Gulf of Mexico, exploded, spilling millions of barrels of crude oil in the Gulf waters. The spill, the largest in U.S. history, closed tens of thousands of square miles of federal waters for fishing, and caused extensive damage to marine and wildlife habitats and tourism.

On July 6, 2012, the President signed the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) into law.

The Act established a new Trust Fund in the Treasury of the United States, known as the Gulf Coast Restoration Trust Fund. Under the Act, money in the Trust Fund will be available for programs, projects, and activities that restore and protect the environment and economy of the Gulf coast region.

To report fraud or corruption in regards to the RESTORE Act or Gulf Coast Trust Fund

Submit an electronic hotline form,

Dial 1-855-584-GULF (4853), or

Email the Fraud Hotline at

GulfCoastRestorationHotline@oig.treas.gov

REPORT FRAUD, WASTE AND ABUSE

OIG Hotline: [Online Complaint Form](#)
 Email: hotline@oig.treas.gov
 Call 1-800-359-3898 (toll free)

For information about whistleblowing and reprisal and about your rights and responsibilities as a Treasury employee or contractor, please contact the OIG Whistleblower Ombudsman Program at 202-927-0650 or OIGCounsel@oig.treas.gov

COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT

The Council of Inspectors General on Financial Oversight was established by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111-203). Council members share information about their ongoing work, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight. The Council is made of nine financial regulatory agency Inspectors General and is chaired by Eric Thorson, Inspector General, U.S. Department of Treasury.

Visit the CIGFO web site



RESTORE Act

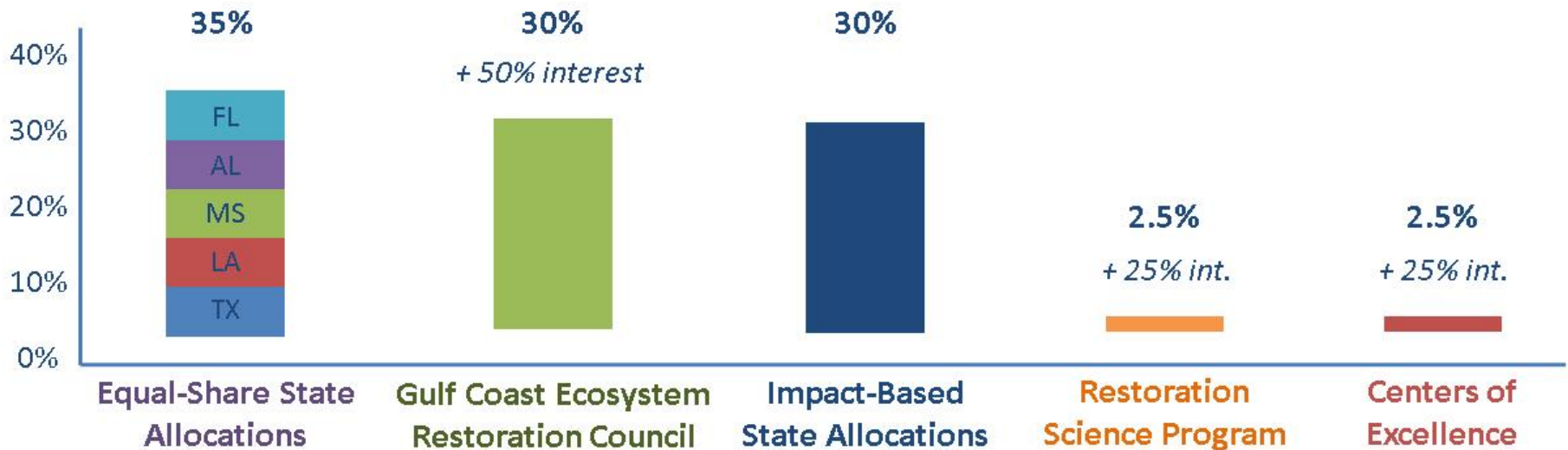
Generally what funds can be spent on:

Pot 1, 3 – environment and economy

Pot 2 – environment

Pots 4, 5 – research and monitoring

Distribution of RESTORE funds



Graphic courtesy of the Environmental Law Institute

Questions on Draft RESTORE Rule Pots 1 and 3

- * How do we access the funds?
- * When can we access the funds?
- * How much funding can we plan for and access?
- * How do we prepare a plan and then access the funds when we have no money to prepare a plan?

Questions on Draft RESTORE Rule Pots 1 and 3

- * Even if we can access the funds, how can you do planning, coordination, and public outreach if only 3% of the funds can be spent on administrative costs?
- * Can plans be revised, added to?
- * How will the National Environmental Policy Act/NEPA be applied
- * How do we determine and apply Best Available Science

Answers: Direct Component/Pot 1

- * How do we access the funds?
 - * Grant program – [GrantSolutions.gov](https://www.grantsolutions.gov), after the Multi-Year Plan is complete (except for funds to prep the plan). OMB Uniform Guidance for local governments is an important facet of this.

Answers: Direct Component/Pot 1

- * When can we access the funds?
 - * Apply soon after September 15, especially for funds to prep the plan; awards after October 14
- * How much funding can we plan for and access?
 - * Share of funds from the Transocean settlement ONLY

Answers: Direct Component/Pot 1

- * How do we prepare a plan and then access the funds when we have no money to prepare a plan?
- * Allow grant application for funds to prepare Multiyear Plan

Answers: Direct Component/Pot 1

- * How will funds be shared between counties/parishes?
- * Treasury approved formulas for sharing for Florida disproportionately affected and nondisproportionately affected counties
- * Treasury announced proposed rulemaking for formula for Louisiana parishes

Answers: Direct Component/Pot 1

- * How will the National Environmental Policy Act/NEPA be applied?
- * Treasury does not anticipate that its review of Multiyear Implementation Plans or the issuance of individual grants will require a NEPA review
- * Treasury will soon publish agency-wide NEPA policy and procedures in the Federal Register for public comment

Answers: Direct Component/Pot 1

- * How do we determine and apply Best Available Science to our projects?
 - * “In consultation with Council members, Treasury is developing guidelines for use in evaluating the best available science criteria for grants under the Direct Component”

Answers: Direct Component Pots 1 and 3

- * How can you do planning, coordination, and public outreach if only 3% of the funds can be spent on administrative costs?
- * Administrative costs were defined narrowly – “ costs for general management functions, general ledger accounting, budgeting, human resource services, general procurement services, and general legal services.”

Answers: Direct Component Pots 1 and 3

- * Can plans be revised, added to?
 - * Yes, plans can be phased, incremental, and revised

Additional notes: Pot 1

- * Direct Component funds can be subawarded by state/parish/county; subrecipients are subject to the same grant restrictions as the grant awardee
- * The administrative costs cap does not apply to the administrative costs of subrecipients – OMB Uniform Guidance will govern this

Additional notes: Pots 1 and 3

- * Plan must be available for 45 days for broad-based public review and comment
- * Describe how each activity in the plan was adopted after consideration of all meaningful input from the public

Direct Component/Pot 1 Gray Areas

- * NEPA guidance
- * Best Available Science implementation
- * More questions as we try this new system out



Answers: Spill Impact Component Pot 3

- * The Gulf Coast Ecosystem Restoration Council is responsible for preparing regulations that will address most of the questions related to Pot 3

Answers: Spill Impact Component

Pot 3

- * How do we access the funds?
 - * Grant process from Council to States, to be developed in a future rule.
 - * NEPA and Best Available Science roles to be determined.

Answers: Spill Impact Component

Pot 3

- * How do we prepare a plan when we have no money to prepare a plan?
- * For preparation of the State Expenditure Plans for the Spill Impact Component “... a new [Council] rule has been published in the Federal Register for Gulf Coast states to receive funding for development of State Expenditure Plans.”

Answers: Spill Impact Component Pot 3

- * “... Spill Impact Component funds will be invested in projects identified in approved State Expenditure Plans.”

Answers: Spill Impact Component

Pot 3

- * “The [Council] Interim Final Rule provides access to up to 5% of the funds available to each State under the Oil Spill Impact Component for planning.
- * The Council anticipates releasing a proposed rule later this year that sets forth the final oil spill impact formula and sets levels of funding provided to each State.”

Answers: Spill Impact Component Pot 3

Gulf Coast Ecosystem Restoration Council
40 CFR Part 1800 effective on August 22,
2014. Comments on the Interim Final Rule
are due September 22, 2014

Additional note for Pots 1 and 3

- * “In general, states will use the same policies and procedures that apply to procurements using non-Federal funds, with certain narrow exceptions.”

Additional note for Pots 1 and 3

- * “Other non-Federal entities, including the Florida counties and Louisiana parishes and subrecipients of states, will use their own documented procurement procedures reflecting applicable state and local laws ...” if they conform to fed law and OMB’s Uniform Guidance

Additional note for Pots 1 and 3

- * Projects that include aspects outside of the Gulf Coast Region are allowable, as long as “each severable part of the activity is primarily designed to restore or protect” the Gulf Coast Region.

It **WAS** your chair – you got up.



RESTORE Act

Jim Muller, Bay County RESTORE
Act Coordinator

jmuller@baycountyfl.gov

Subscribe as interested party

co.bay.fl.us/restore

Best Available Science

The term “best available science” means science that—

- * maximizes the quality, objectivity, and integrity of information, including statistical information;
- * uses peer-reviewed and publicly available data; and
- * clearly documents and communicates risks and uncertainties in the scientific basis for such projects;





