

MEMORANDUM

TO: Debbie Wight, Collier County
FROM: Amanda Wood, The Ferguson Group
DATE: January 15, 2013
RE: Items to Consider in Preparation for RESTORE Act Project Selection

Status

Precise funding levels will not be determined until fines are levied against BP under the Clean Water Act, which is expected to occur very soon. The Treasury department is now in the inter-agency review process for the draft implementing regulations for the RESTORE Act, including the formula by which non-disproportionately impacted counties like Collier will receive their funds.

Allowable Uses

- Restoration and protection of natural resources
 - Mitigation of damage to fish, wildlife, and natural resources
 - Implementation of federally approved marine coastal or conservation management
 - Workforce development and job creation
 - Improve State parks in coastal areas impacted by the oil spill (n/a in Collier)
 - Infrastructure projects benefitting economy or ecological resources
 - Coastal flood protection and related infrastructure
 - Promotion of tourism and seafood in the region
- NOTE: Administrative costs not to exceed 3%

Process Items to Consider

Public proposal and selection process?

Commission-selected or establishment of independent review panel?

- Many communities have established selection committees including elected officials, tourism leadership, workforce development board, chamber of commerce, educators, and environmental advocates.

Should all projects be "County Projects" or from NGOs as well?

Division of funds to various focus areas? Examples could include:

- Environmental Mitigation and Restoration
- Workforce Development
- Tourism Promotion
- Coastal Infrastructure

Opportunities

Fines that BP and others will pay under the Clean Water Act are expected to range from \$5 billion to \$21 billion.

Opportunity #1: Formula Funds to County Governments

Under Florida law, 75 percent of the state's share of the fines that are levied will go to the eight most affected Panhandle counties and 25 percent will be available for 15 other non-disproportionately impacted Gulf counties of which Collier is one. The 15 non-disproportionately impacted counties will receive funding based on a formula that considers the weighted average of the population of the county, the weighted average of the county per capita sales tax collections estimated for fiscal year 2012, and the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline. Assuming that Collier County is average in its qualification based on the formula, Collier County stands to receive between \$6 and \$24 million. The County Commission will have responsibility for approving your own spending plan.

Opportunities #2 and #3: State Proposals for Environmental Restoration and Economic Recovery and Proposals to Carry out the Comprehensive Restoration Plans

The legislation calls for 30 percent (which could amount to up to \$6.3 billion) to pay for state proposals for environmental restoration and economic recovery work and another 30 percent (which could amount to up to \$6.3 billion) to carry out the Comprehensive Restoration Plan. These plans must be approved by the federal-state council.

Proposals for funding will be transmitted by the Governor's office to the Gulf Coast Ecosystem Restoration Council for review and approval. Given the focus on the disproportionately-impacted counties in the panhandle, Collier will need to assert itself throughout this process to ensure that funding comes to the County's priorities. We know that ecosystem restoration and management will be the primary use of these funds in Florida. We understand that Everglades infrastructure may be a focus of proposals that will be advanced by the State, as using oil spill money in the western Everglades might allow more federal and state restoration funding to be devoted to the central and eastern Everglades. Because it would be consistent with both the allowable uses and the Everglades program, you might consider advancing a request for funding for the County's surface water programs that are complementary to Everglades restoration.