



GULF CONSORTIUM

August 15, 2014
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US Department of Treasury Announces Interim Final Rule

This week, The U.S. Treasury published its Interim Final Rule relating to the Gulf Coast Restoration Trust Fund. [Click here](#) for a link to the proposed rule.

The Interim Final Rule was published on Friday, August 15 in the Federal Register. Comments are due on September 15 and the Interim Rule becomes final on October 14.

Sarah Bleakley, Interim General Counsel for the Gulf Consortium, is reviewing the Interim Final Rule and will be sending her analysis later. Based upon that analysis, the Chair may call a special meeting of the Consortium Executive Committee to discuss a response.

State Plan: Update on the Procurement

Earlier this summer, the process was started to find a firm to develop the State Expenditure Plan for Florida. In June, the Consortium published an Invitation to Negotiate and six teams responded. The Consortium appointed an Evaluation Team to consider the responses and make a recommendation to the Executive Committee of a short list of firms.

The Gulf Consortium's Executive Committee met immediately preceding the Consortium meeting on August 7. The purpose of the Executive Committee meeting was to consider the recommendation of the Evaluation Team

Important Dates

Gulf Consortium Meeting
Wednesday,
September 17th
9:30am-12:00noon
CST

Walton County - in conjunction with FAC Policy Conference Sandestin Beach Resort

Gulf Consortium Meeting
Wednesday,
November 19th
9:30am-12:00noon
EST

Hillsborough County - in conjunction with FAC Legislative Conference - Waterside Marriott

for the Gulf Consortium's procurement of a State Expenditure Plan (SEP) consultant. The first meeting of the Evaluation Team was held Monday, July 21, 2014 in Tallahassee. Mr. Phil Coram, P.E., Administrator, Florida Coastal Office, Florida Department of Environmental Protection; Mr. Ed Gardner, PowerSouth Energy Cooperative; Mr. Roman Gastesi, County Administrator, Monroe County; and Ms. Sheree Keeler, Director of Intergovernmental Affairs, Procurement and Grants & RESTORE Act Coordinator, Wakulla County attended the meeting in person. Dr. Karl Havens, Director, Florida Sea Grant College Program & Professor, UF/IFAS Fisheries & Aquatic Sciences, University of Florida attended by phone. Mr. Roman Gastesi was elected as Chair of the Evaluation Team. During the meeting, the Evaluation Team reviewed and discussed the proposals, ultimately deciding to recommend this short list to the Consortium Executive Committee. The recommended short list is: (alphabetical)

- Arcadis USA
- Ecology & Environment
- Environmental Science Associates
- MWH Americas

The Executive Committee unanimously approved the short list. The four consultants will be notified of the dates for oral presentations to the Evaluation Team which will occur in Tallahassee on August 21 & 22.

For more information on the procurement process to hire a firm to develop the State Expenditure Plan please contact Consortium Interim General Counsel [Sarah Bleakley](#).

Consortium Operating Expenses

During September's Gulf Consortium meeting, the Directors will consider the adoption of the 2014/15 interim budget and invoices will be distributed to the 23 Gulf Coast counties for the first half of the fiscal year for operating expenses. This week, county budget directors and consortium directors received a spreadsheet showing each county's anticipated allocation so that it can be incorporated into ongoing local budget proceedings.

For more information on your county's participation rate or questions, please contact [Ginger Delegal](#) at FAC.

Gulf Consortium Chairman Grover Robinson testifies in Senate Committee

On July 29, 2014, Consortium Chair & Escambia County Commissioner Grover Robinson testified before the US Senate Committee on Commerce, Science & Transportation expressing his frustration over the lack of Treasury Rules and dollars flowing to the Gulf States for complete economic and environmental restoration. His concerns were echoed by other witnesses including Senator Mary Landrieu (LA) & Trudy Fisher, head of the Mississippi Department of Environmental Equality.

Also testifying and assuring Senators that rules would be available soon was Justin Ehrenwerth, Executive Director of the federal Gulf Coast Ecosystem Restoration Council and staff from the US Department of Treasury.

Florida's Senators Nelson and Rubio both advocated for the quick release of rules and funds to begin the work of the RESTORE Act which passed Congress more than two years ago.

Ginger Delegal to join the FAC team for the Gulf Consortium

During the August Consortium meeting, Consortium Interim Manager Chris Holley announced that Doug Darling would be stepping down from his role with FAC as Interim Manager for the Consortium and FAC's General Counsel Ginger Delegal would be stepping up to assume his duties. Mr. Darling has done a great job bringing his environmental expertise to the Consortium and helping us establish this historic group. All of the Consortium members wished him luck and expressed their appreciation for his contributions to the Consortium.

With the release of Treasury Rules and the requirement of federal grants and documentation, Ginger's experience as a lawyer and advocate will be a great addition to the Consortium.

Anticipated Changes to Consortium Appointees

With the upcoming elections in November, a few of the Consortium Appointed Directors will no longer be serving as elected county commissioners. When this occurs, each county's chairperson and administrator will be sent

correspondence, asking them to reappoint an individual to serve on the Consortium.

While the tradition has been that elected county commissioners serve as a county's director on the Consortium, it is not required in the Interlocal Agreement establishing the Gulf Consortium. If you are aware that one of your commissioners will not be returning to office, please look for your new appointment form.

For more information or questions, please contact Consortium Interim General Counsel [Sarah Bleakley](#).

Federal Council Update

Chris Holley updated the directors on the latest announcement from the Gulf Restoration Council. On July 25, 2014, the Council announced its proposal submission and evaluation process to select projects for inclusion on the draft Funded Priorities List (FPL) that will identify projects and programs that the Council will fund. The FPL will be an addendum to the Council's Comprehensive Plan. The first FPL addendum will contain projects and programs that will be funded with available funds from Transocean Deepwater Inc. The process for future amendments to the FPL will evolve over time as new information becomes available, adaptive management activities occur, and as funding uncertainties are resolved.

The Council also recently reported that for the distribution of the RESTORE Act's Spill Impact Component (Pot 3) in accordance with individual State Expenditure Plans (SEPs), the states need to obtain funding for the planning and development of the SEPs. Accordingly, the Council plans to publish an Interim Final Rule soon that will allow states the ability to access funds for planning purposes. The Council also plans to move forward with the publication of a draft regulation that addresses the additional requirements for Pot 3, including the impact allocation formula.

Finally, for the projects and programs funded by the Council, there must be compliance with existing legal, regulatory and policy requirements. For certain funded activities, there may be the need to address the National Environmental Policy Act (NEPA), among others. The Council plans to publish its draft NEPA procedures for

public review before the close of 2014.

Additional information on the Council's activities can be found on the Consortium's website at www.FACRestore.com

County Project Lists

A recent ruling against BP moves forward the federal litigation against parties responsible for the Deepwater Horizon oil spill. Eighty percent of the Clean Water Act civil penalties will be deposited into the Trust Fund under the RESTORE Act. In February 2012, federal trial court Judge Carl Barbier, for the United States District Court for the Eastern District of Louisiana, had granted a summary judgment to the federal government, ruling that as an owner of the Macondo well, BP is liable for Clean Water Act (CWA) civil and administrative penalties for the oil spill. *See, In re: Oil Spill by the Oil Rig "Deepwater Horizon," 844 F. Supp. 2d 746 (E.D. La. 2012).* In June of this year, the Fifth Circuit Court of Appeals affirmed the District Court order, holding that the CWA penalizes well owners like BP for the uncontrolled spillage of oil into the waters of the United States. *In re Deepwater Horizon, ___ F. 3d ___, 2014 U.S. App. LEXIS 10425 (5th Cir. 2014).* The Fifth Circuit's opinion means that BP will not escape CWA penalties for the Deepwater Horizon oil spill. Still under consideration by the District Court is the amount and allocation of the CWA penalties among the responsible parties. The third and final phase of the trial is set to begin in January, 2015.

County Project Lists

During the Consortium meeting, members of the Consortium inquired of other counties' processes for the development of the Multi-Year Plans and plans for funding from the Direct Allocation (Pot 1). Many counties have developed local committees to review and vet projects and to develop individual county project plans. If your county has developed a project list or plan, please forward it to [Ginger Delegal](#).

The Consortium members would like to create a database of individual county plans so that best practices can be shared with each other.

For questions or more information and to send your plan,

please contact [Ginger Delegal](#).

News Stories

August 14, 2014

Sunshine State News

[Gulf Spill Funds Closer to Being Distributed](#)

More than four years after the Gulf oil spill, the U.S. Treasury Department released information for how the state governments of Alabama, Florida, Louisiana, Mississippi and Texas and local governments can apply for federal funds authorized under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act to help rebuild their economies and restore the environment impacted by the disaster. "Treasury today took another important step to help the communities, ecosystems, and people of the Gulf Coast as they continue to recover from the largest offshore oil spill in U.S. history," said Assistant U.S. Treasury Secretary David Lebryk on Wednesday. "With this action, affected states and municipalities can now begin the process of applying for grants from the Gulf Coast Restoration Trust Fund."

Pensacola News Journal

[Rule finalizes how RESTORE Act dollars can be spent](#)

The Treasury Department today announced it finalized and published the rule in the Federal Register for Gulf Coast states that essentially sets in motion the distribution of billions of dollars of fine money from the Deepwater Horizon oil spill disaster. The rule spells out how Restore (Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies) Act dollars can be spent in Alabama, Florida, Louisiana, Mississippi, and Texas. It calls for 35 percent of the Gulf Coast Restoration Trust Fund to be divided equally among the five states for ecological and economic restoration, according to a Treasury press release.

August 12, 2014

Associated Press

[Gulf oyster harvest has nose-dived since BP spill](#)

HOPEDALE, La. - Fisherman Randy Slavich drags a clunky metal net through an underwater oyster bed in Lake Machias, a brackish body opening into the Gulf of Mexico. For generations, this has been a bountiful lake for

harvesting oysters, long before millions of gallons of oil spilled off Louisiana's coast in 2010. On this day, Slavich's cage-like net pulls up dozens of empty, lifeless oyster shells. "It's not good," he said, shaking his head as he pushed the shells back into the water. "We've never seen it like this, not out here."

August 8, 2014

WFSU

Northwest Florida, Gulf Counties Still Waiting On Funding Years After BP Oil Spill

Local officials in Florida's panhandle are waiting on dollars expected years ago for restoration projects that were supposed to be part of the recovery from the BP oil spill. Lynn Hatter spoke with Escambia County Commissioner and head of the Gulf Consortium about the delay and when the dollars are supposed to start flowing. Two years ago, Congress passed what's called the RESTORE Act. The law was supposed to steer money from the companies responsible for the BP Oil Spill to counties to use for economic and environmental recovery projects. In Florida, the group that's supposed to decide what projects get funded is the Gulf Consortium. Escambia County Commissioner Grover Robinson heads the group.

WUWF

Florida Counties Plan For Oil Spill Money

Although we are still probably years away from knowing exactly how much money BP will be required to pay because of the spill, there is already a pot of 625 million dollars in fines from a settlement with a subcontractor to BP called Trans Ocean waiting to be distributed. Florida's senior senator Bill Nelson says that money has already been collected and will be distributed as soon as the Treasury Department finalizes the regulations for distribution which are mandated by the RESTORE Act. Wednesday morning, at a meeting held at Pensacola State College, Senator Nelson said those regulations may be released as soon as next Wednesday.

WUWF

Nelson: RESTORE Money To Start Flowing Soon

U.S. Sen. Bill Nelson updates Pensacola area officials on the status of RESTORE Act funds. Florida Senator Bill Nelson was in Pensacola Wednesday to update local officials on the status of payments from the RESTORE Act,

which was passed after the BP oil spill in 2010. Make no mistake; there is still a lot of litigation left to go in the aftermath of the BP oil spill. However, Senator Nelson was in town to pass along some good news to local officials concerning the distribution of hundreds of millions of dollars that are available.

Questions or Comments?

If you have any questions or would like more information on the Gulf Consortium please visit our website at www.FACRestore.com, or contact the Consortium's Director Ginger Delegal at gdelegal@fl-counties.com or (850) 922-4300.

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