

SARASOTA COUNTY GOVERNMENT

Planning and Development Services

TO: Sarasota County Commission
THROUGH: Thomas A. Harmer, County Administrator
FROM: Thomas C. Polk, Director, Planning and Development Services
Laird S. Wreford, Coastal Initiatives Manager, Environmental Protection Division
DATE: April 17, 2015
SUBJECT: **Item 2D: RESTORE Act Update**

BACKGROUND:

The Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economy (RESTORE) Act was passed by Congress to provide for the disbursement of civil penalty funds assessed for violations of the Clean Water Act associated with the Deepwater Horizon Oil Spill of April 2010. The RESTORE Act establishes the following primary framework for allocation of the Trust Fund:

- **Pot 1 (Local, direct county allocation):** 35 percent equally divided among the five affected states for ecological restoration, economic development, and tourism promotion. In Florida, these funds are allocated to the gulf coast counties and are administered, by the governing body of the local entity (county commission).
- **Pot 2 (Federal, RESTORE Council allocation):** 30 percent plus interest managed by the Gulf Coast Ecosystem Restoration Council (Council) for ecosystem restoration.
- **Pot 3 (State, Spill Impact Allocation, Gulf Consortium):** 30 percent divided among the states according to a formula to implement state expenditure plans, which require approval of the federal Council

RESTORE allocates the remaining five percent to two other pots. First, 2.5 percent plus interest to the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring and Technology Program within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). Second, 2.5 percent plus interest to the States for Centers of Excellence Research grants, which focuses on science, technology, and monitoring related to gulf restoration.

UPDATE:

Below is a brief summary of the status of each of the three funding allocations at the local, state, and federal levels.

Local:

The Sarasota County direct allocation (Pot 1) fund balance is \$1,020,017.15 from the Transocean settlement. The Charlotte County allocation is \$726,452.61. Additional funds are anticipated upon issuance of a final court ruling in the British Petroleum (BP) trial. However, the ultimate amount is unknown.

In order to access these funds each county must develop and implement a Multi-Year Implementation Plan (MYIP) approved by the Department of Treasury. For the initial effort, Sarasota County is currently exploring a project list for the MYIP based on three, equally weighted categories as discussed by the Board on November 18, 2014. These categories are:

- Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands;
- Promotion of tourism, including recreational fishing; and
- Workforce development and job creation.

Federal:

The Federal Council is composed of representatives from each of the five affected states, the Departments of Agriculture, the Army, Homeland Security, Commerce, the Interior, and the Environmental Protection Agency. Each submitted up to five proposed projects for funding consideration through the initial grant solicitation.

Sarasota County submitted the Dona Bay Project to the state for consideration. However, the state did not select it for submittal to the Council. We anticipate that additional funds will be available and additional opportunities to submit projects for consideration will be available pending resolution of the BP trial.

In a related initiative as a result of their federal funding, each of the local estuary programs will receive \$2M for projects within their program areas. Building upon the Board approved project list, staff selected the following three projects from the list and submitted them to the Sarasota Bay Estuary Program for consideration:

- Sarasota Bay Urban Green Infrastructure project (est. \$500,000);
- Palmer Point Park (est. \$150,000);
- North and South Lido Restoration Phase III (est. \$250,000)

The Charlotte Harbor National Estuary Program (CHNEP) did not solicit project proposals.

State:

The Gulf Consortium, comprised of 23 gulf coast counties, has been working to create a State Expenditure Plan. A consultant will be engaged to facilitate this process.