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## **Title 40 —Protection of Environment**

### **Chapter VIII —Gulf Coast Ecosystem Restoration Council**

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## **PART 1800—SPILL IMPACT COMPONENT**

**Authority:** 33 U.S.C. 1321(t).

**Source:** 80 FR 1586, Jan. 13, 2015, unless otherwise noted.

### **Subpart A—Definitions**

#### **§ 1800.1 Definitions.**

As used in this part:

*Deepwater Horizon oil spill* means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

*Gulf Coast State* means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

*Gulf Consortium* means the consortium of Florida counties formed to develop the Florida State Expenditure Plan pursuant to 33 U.S.C. 1321(t)(3)(B)(iii)(II).

*Inverse proportion* means a mathematical relation between two quantities such that one proportionally increases as the other decreases.

*Minimum allocation* means the amount made available to each Gulf Coast State which totals at least five percent of the total allocation made available under the Spill Impact Component.

*RESTORE Act* means the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

*Spill Impact Component* means the component of the Gulf RESTORE program authorized by section 311(t)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1321(t)(3)), as added by section 1603 of the Act, in which Gulf Coast States are provided funds by the Council according to a formula that the Council establishes by regulation, using criteria listed in the Act.

*Spill Impact Formula* means the formula established by the Council in accordance with section 311(t)(3)(A)(ii) of the Federal Water Pollution Control Act, as added by section 1603 thereof.

*State Expenditure Plan* means the plan for expenditure of amounts disbursed under the Spill Impact Component that each Gulf Coast State must submit to the Council for approval.

*Treasury* means the U.S. Department of the Treasury, the Secretary of the Treasury, or his/her designee.

*Trust Fund* means the Gulf Coast Restoration Trust Fund.

[80 FR 1586, Jan. 13, 2015, as amended at 80 FR 77584, Dec. 15, 2015]

## **Subpart B—Minimum Allocation Available for Planning Purposes**

### **§ 1800.10 Purpose.**

This subpart establishes that up to the statutory minimum allocation (five percent) is available under the Spill Impact Component of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) (Pub. L. 112-141, 126 Stat. 405, 588-607) for planning purposes associated with development of a State Expenditure Plan.

### **§ 1800.20 Minimum allocation available for planning purposes.**

A Gulf Coast State or its administrative agent, or the Gulf Consortium, may apply to the Council for a grant to use the minimum allocation available under the Spill Impact Component of the RESTORE Act for planning purposes. These planning purposes are limited to development of a State Expenditure Plan, and includes conceptual design and feasibility studies related to specific projects. It does not include engineering and environmental studies related to specific projects. It also does not include any pre-award costs incurred prior to August 22, 2014.

## Subpart C—Spill Impact Formula

**Source:** 80 FR 77584, Dec. 15, 2015, unless otherwise noted.

### § 1800.100 Purpose.

This subpart establishes the formula applicable to the Spill Impact Component authorized under the RESTORE Act (Pub. L. 112-141, 126 Stat. 405, 588-607).

### § 1800.101 General formula.

The RESTORE Act provides that thirty percent (30%) of the funds made available from the Trust Fund for the Oil Spill Impact Component be disbursed to each of the Gulf Coast States of Alabama, Florida, Louisiana, Mississippi and Texas based on a formula established by the Council (Spill Impact Formula), through a regulation, that is based on a weighted average of the following criteria:

- (a) Forty percent (40%) based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling on or before April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill;
- (b) Forty percent (40%) based on the inverse proportion of the average distance from the mobile offshore drilling unit Deepwater Horizon at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State; and
- (c) Twenty percent (20%) based on the average population in the 2010 Decennial Census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

### § 1800.200 Oiled shoreline.

Solely for the purpose of calculating the Spill Impact Formula, the following shall apply, rounded to one decimal place with respect to miles of shoreline:

### § 1800.201 Miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

According to Shoreline Cleanup and Assessment Technique and Rapid Assessment Technique data provided by the United States Coast Guard, the miles of shoreline that experienced oiling on or before April 10, 2011 for each Gulf Coast State are:

- (a) Alabama—89.8 miles.
- (b) Florida—174.6 miles.
- (c) Louisiana—658.3 miles.
- (d) Mississippi—158.6 miles.
- (e) Texas—36.0 miles.

### **§ 1800.202 Proportionate number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.**

The proportionate number of miles for each Gulf Coast State is determined by dividing each Gulf Coast State's number of miles of oiled shoreline determined in § 1800.201 by the total number of affected miles. This calculation yields the following:

- (a) Alabama—8.04%.
- (b) Florida—15.63%.
- (c) Louisiana—58.92%.
- (d) Mississippi—14.19%.
- (e) Texas—3.22%.

### **§ 1800.300 Inverse proportion of the average distance from Deepwater Horizon at the time of the explosion.**

Solely for the purpose of calculating the Spill Impact Formula, the following shall apply, rounded to one decimal place with respect to distance:

### **§ 1800.301 Distances from the Deepwater Horizon at the time of the explosion.**

- (a) Alabama—The distance from the nearest point of the Alabama shoreline that experienced oiling from the Deepwater Horizon oil spill was 89.2 miles. The distance from the farthest point of the Alabama shoreline that experienced oiling from the Deepwater Horizon oil spill was 103.7 miles. The average of these two distances is 96.5 miles.
- (b) Florida—The distance from the nearest point of the Florida shoreline that experienced oiling from the Deepwater Horizon oil spill was 102.3 miles. The distance from the farthest point of the Florida shoreline that experienced oiling from the Deepwater Horizon oil spill was 207.6 miles. The average of these two distances is 154.9 miles.
- (c) Louisiana—The distance from the nearest point of the Louisiana shoreline that experienced oiling from the Deepwater Horizon oil spill was 43.5 miles. The distance from the farthest point of the Louisiana shoreline that experienced oiling from the Deepwater Horizon oil spill was 213.7 miles. The average of these two distances is 128.6 miles.
- (d) Mississippi—The distance from the nearest point of the Mississippi shoreline that experienced oiling from the Deepwater Horizon oil spill was 87.7 miles. The distance from the farthest point of the Mississippi shoreline that experienced oiling from the Deepwater Horizon oil spill was 107.9 miles. The average of these two distances is 97.8 miles.
- (e) Texas—The distance from the nearest point of the Texas shoreline that experienced oiling from the Deepwater Horizon oil spill was 306.2 miles. The distance from the farthest point of the Texas shoreline that experienced oiling from the Deepwater Horizon oil spill was 356.5 miles. The average of these two distances is 331.3 miles.

### **§ 1800.302 Inverse proportions.**

The inverse proportion for each Gulf Coast State is determined by summing the proportional average distances determined in § 1800.301 and taking the inverse. This calculation yields the following:

- (a) Alabama—27.39%.
- (b) Florida—17.06%.
- (c) Louisiana—20.55%.
- (d) Mississippi—27.02%.
- (e) Texas—7.98%.

### **§ 1800.400 Coastal county populations.**

Solely for the purpose of calculating the Spill Impact Formula, the coastal counties bordering the Gulf of Mexico within each Gulf Coast State are:

- (a) The Alabama Coastal Counties, consisting of Baldwin and Mobile counties;
- (b) The Florida Coastal Counties, consisting of Bay, Charlotte, Citrus, Collier, Dixie, Escambia, Franklin, Gulf, Hernando, Hillsborough, Jefferson, Lee, Levy, Manatee, Monroe, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, Taylor, Wakulla, and Walton counties;
- (c) The Louisiana Coastal Parishes, consisting of Cameron, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Mary, St. Tammany, Terrebonne, and Vermilion parishes;
- (d) The Mississippi Coastal Counties, consisting of Hancock, Harrison, and Jackson counties; and
- (e) The Texas Coastal Counties, consisting of Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kennedy, Kleberg, Matagorda, Nueces, and Willacy counties.

### **§ 1800.401 Decennial census data.**

The average populations in the 2010 decennial census for each Gulf Coast State, rounded to the nearest whole number, are:

- (a) For the Alabama Coastal Counties, 297,629 persons;
- (b) For the Florida Coastal Counties, 252,459 persons;
- (c) For the Louisiana Coastal Parishes, 133,633 persons;
- (d) For the Mississippi Coastal Counties, 123,567 persons; and
- (e) For the Texas Coastal Counties, 147,845 persons.

### **§ 1800.402 Distribution based on average population.**

The distribution of funds based on average populations for each Gulf Coast State is determined by dividing the average population determined in § 1800.401 by the sum of those average populations. This calculation yields the following results:

- (a) Alabama—31.16%.

- (b) Florida—26.43%.
- (c) Louisiana—13.99%.
- (d) Mississippi—12.94%.
- (e) Texas—15.48%.

### **§ 1800.500 Allocation.**

Using the data from §§ 1800.200 through 1800.402 of this subpart in the formula provided in § 1800.101 of this subpart yields the following allocation for each Gulf Coast State:

- (a) Alabama—20.40%.
- (b) Florida—18.36%.
- (c) Louisiana—34.59%.
- (d) Mississippi—19.07%.
- (e) Texas—7.58%.