

Long, uncertain path ahead for Gulf restoration after oil spill

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In the coming years, unprecedented billions will be spent on restoration in the Gulf of Mexico, a vital American ecosystem damaged by the most catastrophic oil spill in U.S. history.

Gulf states, especially Louisiana, will see billions of dollars devoted to restoring habitat and coastline hurt not just by the 2010 [BP oil spill](#), but also by decades of [oil and gas exploration](#), U.S. [agricultural practices](#) and the management of the Mississippi and the rivers that drain into it on its way to the [Gulf of Mexico](#).

There's \$5 billion for restoration and research so far, with at least \$5 billion more - and the possibility of \$20 billion - from money BP might have to pay in civil fines, depending on the outcome of a trial set for early next year. It's an amount of money so large - and with so much potential - that one [environmentalist](#) called it "funny money."

With that money - funny or not - comes much hope. But those who live and work in the Gulf of Mexico also are wary, as are the environmental groups keeping watch on the post-oil spill environment.

"The trick is now, with all of these processes directed toward ecosystem restoration in some form or another ... is how are we going to make all of these things talk to each other and inform each other and learn from each other's mistakes and utilize the same science?" asked Bethany Kraft, director of the Gulf Restoration Program of the [Ocean Conservancy](#), a nonprofit conservation organization. "That's something

we've got to commit to and figure out."

Some projects already are underway as part of the damage assessment process BP faces for the impact of the spill on the environment. BP has pledged \$1 billion for those projects, which require a careful accounting of exactly how much damage the spill did so that BP makes up for it.

So far, they're on the smaller scale: projects such as replacing artificial lights on Alabama and Florida beaches so it's easier for [sea turtles](#) to nest, and rebuilding oyster beds in Mississippi and Louisiana.

But millions of that billion-dollar fund will go toward creating barrier islands along the Louisiana, Mississippi and Alabama coasts, and buying conservation lands. Those larger-scale projects are expected give the region more resiliency in future natural or manmade disasters - but they're all related to the damages caused by the spill.

Many groups interested in the restoration process were keeping a close eye Tuesday on the first meeting of the Gulf Coast Ecosystem Restoration Council, which was established under the federal RESTORE Act this year. The law outlines how civil fines assessed on BP will be spent and directs the council to develop and oversee a comprehensive plan to help restore the ecosystem and economy of the Gulf Coast region.

It's not the only council, though.

A separate board of trustees is overseeing the \$1 billion to be devoted to projects deemed worthy under the Natural Resources Damage Assessment process, overseen by the government. It determines what specific damage BP did and what the company must do to remedy it.

And \$2.4 billion of the \$4 billion assessed in criminal fines will be

overseen by the non-profit National Fish and Wildlife Foundation, in a plea agreement brokered by the Justice Department with BP. Half of that money is to be spent in Louisiana.

Some environmental groups are skeptical in the face of what many say is an excessive amount of federal and state bureaucracy that puts decisions largely in the hands of multi-agency task forces. Some critics worry the task forces are not set up with enough public input - or accountability.

"Our concern from the get-go as a grassroots-based organization has been: Where are the communities when it comes to this recovery process? Particularly as it relates to how the dollars are going to be allocated and how the dollars are going to be spent," said the Sierra Club's Jill Mastrototaro, who was on her way to the restoration council's first meeting in Mobile, Ala., on Tuesday. "As it sits now, the public has no seat at any decision-making table."

The Sierra Club was the only major national environmental group to oppose the RESTORE Act as written, in part because of concerns about citizen involvement and worries that some states had too much latitude in spending the fine money on economic development projects with potential environmental harm.

The Sierra Club continues to argue for citizen advisory councils, much like those set up in Alaska after the 1989 Exxon Valdez spill in Prince William Sound. The councils oversee research money and help keep the oil and gas industry accountable by ensuring that government regulators uphold safety laws.

The Gulf Coast Council that met Tuesday still doesn't know how much money it will have to work with. BP, which recently pleaded guilty in the criminal case, faces a civil trial in February. BP CEO Bob Dudley said the company will contest allegations of gross negligence, which come

with higher fines under the Clean Water Act.

"From the outset, we made a commitment to clean up the spill and pay legitimate claims - and we've been fulfilling that commitment ever since," Dudley said when the Justice Department announced the criminal plea agreement. "As we move forward, we are preparing to defend ourselves in court on the remaining claims. We are open to settlements, but only on reasonable terms."

The outcome of the civil case will determine how much money gets carved up for restoration and research under the RESTORE Act. And that's completely new territory, said Mark Davis, director of the Institute on Water Resources Law and Policy at the Tulane University Law School.

"We're quite literally working in a world where we've never been before and where most of the players have never been before," Davis said.

Davis and others warn that everyone needs to work together to make sure the money - and the once-in-a-lifetime opportunity to set right a damaged ecosystem - doesn't go to waste. They also worry that the various projects, of which eight already are underway, don't work at cross-purposes.

It's not as though the nation is rebuilding a national park, Davis said. It's more like fixing an entire circulatory system, he said.

"You hate to think to think of catastrophe as your financing plan. That's just an insane way to approach life," he said. "But, when it does coincidentally line up, you'd be nuts not to take advantage of it. And this is a big enough potential source of money to do some amazing things that will give at least coastal Louisiana, and a good chunk of the Gulf, at least a fighting chance that it didn't otherwise really have."

Many observers are hopeful that the money going toward research will help tie everything together. The criminal fines ship \$350 million to the National Academy of Sciences to focus on human health and environmental protection, including oil spill prevention and response. Many hope that research will take a look at what the Gulf of Mexico was like before the Deepwater Horizon spill, what was damaged by the spill, what they still need to learn, and how they can use the research for on-the-ground restoration.

"It's still funny money," said Bethany Kraft of the Ocean Conservancy. "But when it gets real, it's going to get real. There are very high and clear expectations by people who call this place home. We're going to do it, and I don't care if it's hard."

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