

## **GULF COAST ECOSYSTEM RESTORATION COUNCIL**

### **CFDA 87.051 GULF COAST ECOSYSTEM RESTORATION COUNCIL COMPREHENSIVE PLAN COMPONENT PROGRAM**

#### **I. PROGRAM OBJECTIVES**

The primary objective of this program, authorized by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act), is to disburse funds to eligible entities for the purpose of restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region using the best available science. Projects and programs must achieve one or more of the seven objectives listed in the Gulf Coast Ecosystem Restoration Council (RESTORE Council) Comprehensive Plan: (1) restore, enhance and protect habitats, (2) restore, improve, and protect water resources, (3) protect and restore living coastal and marine resources, (4) restore and enhance natural processes and shorelines, (5) promote community resilience, (6) promote natural resource stewardship and environmental education, and (7) improve science-based decision-making processes.

#### **II. PROGRAM PROCEDURES**

The RESTORE Act established the Gulf Coast Restoration Trust Fund (Trust Fund) to hold 80 percent of the administrative and civil penalties paid by parties responsible for the Deepwater Horizon oil spill after July 6, 2012, plus interest on investments. Amounts in the Trust Fund are allocated among the five components: Direct Component, Comprehensive Plan Component, Spill Impact Component, National Oceanic and Atmospheric Administration RESTORE Act Science Program, and Centers of Excellence Research Grants Program. The RESTORE Council, whose members are the States of Alabama, Florida, Louisiana, Mississippi, and Texas; the Administrator of the U.S. Environmental Protection Agency; and the Secretaries of the U.S. Departments of the Interior, Commerce, Agriculture, Homeland Security, and Army (Federal Servicing Agencies), is responsible for administering the Comprehensive Plan Component and the Spill Impact Component (CFDA 87.052).

Through the Comprehensive Plan Component, the RESTORE Council makes grants and enters into Interagency Agreements (IAAs) for ecological restoration of the Gulf Coast Region. Thirty (30) percent of the penalties paid into the Trust Fund is used for grants and IAAs to support eligible activities proposed by the RESTORE Council members. Recipients of grants and IAAs may choose to make subawards to complete eligible activities, if approved by the RESTORE Council.

#### **Source of Governing Requirements**

The primary source of program requirements is the RESTORE Act (Subtitle F of Pub. L. No. 121-141) (33 USC 1321(t) and 33 USC 1321 note). Program implementing regulations are in 31 CFR part 34.

## Availability of Other Program Information

Other program information regarding grants and IAAs under the Comprehensive Plan Component of the RESTORE Act is available at the RESTORE Council website at (<https://www.restorethegulf.gov>).

### III. COMPLIANCE REQUIREMENTS

In developing the audit procedures to test compliance with the requirements for this Federal program, the auditor must determine, from the following summary (also included in Part 2, “Matrix of Compliance Requirements”), which of the 12 types of compliance requirements have been identified as subject to the audit (noted with a “Y” in the summary matrix below), and then determine which of the compliance requirements that are subject to the audit are likely to have a direct and material effect on the Federal program at the auditee. For each such compliance requirement subject to the audit, the auditor must use Part 3 (which includes generic details about each compliance requirement other than Special Tests and Provisions) and this program supplement (which includes any program-specific requirements) to perform the audit. **When a compliance requirement is shown in the summary below as “N,” it has been identified as not being subject to the audit. Auditors are not expected to test requirements that have been noted with an “N.” See the Safe Harbor Status discussion in Part 1 for additional information.**

| A                               | B                               | C               | E           | F                                  | G                                     | H                     | I                                  | J              | L         | M                       | N                            |
|---------------------------------|---------------------------------|-----------------|-------------|------------------------------------|---------------------------------------|-----------------------|------------------------------------|----------------|-----------|-------------------------|------------------------------|
| Activities Allowed or Unallowed | Allowable Costs/Cost Principles | Cash Management | Eligibility | Equipment/Real Property Management | Matching, Level of Effort, Earmarking | Period Of Performance | Procurement Suspension & Debarment | Program Income | Reporting | Subrecipient Monitoring | Special Tests and Provisions |
| Y                               | Y                               | N               | N           | Y                                  | Y                                     | Y                     | Y                                  | N              | N         | Y                       | N                            |

#### A. Activities Allowed or Unallowed

##### 1. *Activities Allowed*

All activities must be included in, and conform to, the description in the goals and objectives outlined in the RESTORE Council’s Comprehensive Plan, the approved Funded Priorities List Addendum to the RESTORE Council’s Comprehensive Plan, and the grant or subgrant agreement. Activities may include the following:

- a. Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast Region;
  - b. Mitigation of damage to fish, wildlife, and natural resources;
  - c. Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring;
  - d. Workforce development and job creation;
  - e. Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill;
  - f. Infrastructure projects benefitting the economy or ecological resources, including port infrastructure;
  - g. Coastal flood protection and related infrastructure;
  - h. Promotion of tourism in the Gulf Coast Region, including promotion of recreational fishing;
  - i. Promotion of the consumption of seafood harvested from the Gulf Coast Region;
  - j. Planning assistance; and
  - k. Administrative costs (31 CFR sections 34.2, 34.200 and 34.201).
2. *Activities Unallowed*

Activities that were included in any claim for compensation presented after July 6, 2012, to the Oil Spill Liability Trust Fund authorized by 26 USC 9509 (31 CFR section 34.200(a)(3)).

**G. Matching, Level of Effort, Earmarking**

**1. Matching**

Not Applicable

**2. Level of Effort**

Not Applicable

### **3. Earmarking**

Administrative costs are limited to no more than three percent of the total funds received by a recipient under each grant. Administrative costs are defined as indirect costs for administration incurred by the Gulf Coast States that are allocable to activities authorized under the Act. Administrative costs do not include indirect costs that are identified specifically with, or readily assignable to, facilities as defined in 2 CFR section 200.414. For example, if a recipient has a 12 percent federally negotiated indirect cost rate (regardless of the applicable base) and its accounting system cannot identify specifically the facilities portion of its indirect cost rate, the maximum amount of indirect costs allowable under a \$100,000 grant would be \$3,000. If the facilities portion of indirect costs can be separately identified, the recipient may claim those costs at their full reimbursable rate. In this example, if such costs represent 2 percentage points of the 12 percent indirect cost rate, the maximum amount of allowable indirect costs would be \$5,000 (\$3,000 + \$2,000). The three percent limit does not apply to the administrative costs of subrecipients (31 CFR sections 34.2 and 34.204). Instructions and tools for calculating allowable administrative costs are available on RESTORE Council website at (<https://www.restorethegulf.gov/gcerc-grants-office/gcerc-grants-resources>).

#### **I. Procurement and Suspension and Debarment**

The acquisition of land, or interests in land, can only be from a willing seller (31 CFR section 34.803(f)).

## **GULF COAST ECOSYSTEM RESTORATION COUNCIL**

### **CFDA 87.052 GULF COAST ECOSYSTEM RESTORATION COUNCIL OIL SPILL IMPACT PROGRAM**

#### **I. PROGRAM OBJECTIVES**

The primary objective of this program, authorized by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act), is to disburse funds to eligible entities for the purpose of restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region using the best available science in accordance with an approved State Expenditure Plan.

#### **II. PROGRAM PROCEDURES**

The RESTORE Act established the Gulf Coast Restoration Trust Fund (Trust Fund) to hold 80 percent of the administrative and civil penalties paid by parties responsible for the Deepwater Horizon oil spill after July 6, 2012, plus interest on investments. Amounts in the Trust Fund are allocated among the five components: Direct Component, Comprehensive Plan Component, Spill Impact Component, National Oceanic and Atmospheric Administration RESTORE Act Science Program, and Centers of Excellence Research Grants Program. The Gulf Coast Ecosystem Restoration Council (RESTORE Council) is responsible for administering the Comprehensive Plan Component (CFDA 87.051) and the Spill Impact Component.

Through the Spill Impact Component, the RESTORE Council makes grants for the ecological and economic restoration of the Gulf Coast Region. Thirty (30) percent of the penalties paid into the trust fund is divided among the five Gulf Coast States, the States of Alabama, Florida, Louisiana, Mississippi, and Texas, for eligible projects or programs contained in a State Expenditure Plan, which is submitted by the State and approved by the RESTORE Council chairperson. Recipients may choose to make subawards to complete eligible activities, if approved by the RESTORE Council.

#### **Source of Governing Requirements**

The primary source of program requirements is the RESTORE Act (Subtitle F of Pub. L. No. 121-141) (33 USC 1321(t) and 33 USC 1321 note). Program implementing regulations are in 31 CFR part 34.

#### **Availability of Other Program Information**

Other program information regarding grants made under the Spill Impact Component of the RESTORE Act is available at the RESTORE Council website at <https://www.restorethegulf.gov>.

### III. COMPLIANCE REQUIREMENTS

In developing the audit procedures to test compliance with the requirements for this Federal program, the auditor must determine, from the following summary (also included in Part 2, “Matrix of Compliance Requirements”), which of the 12 types of compliance requirements have been identified as subject to the audit (noted with a “Y” in the summary matrix below), and then determine which of the compliance requirements that are subject to the audit are likely to have a direct and material effect on the Federal program at the auditee. For each such compliance requirement subject to the audit, the auditor must use Part 3 (which includes generic details about each compliance requirement other than Special Tests and Provisions) and this program supplement (which includes any program-specific requirements) to perform the audit. **When a compliance requirement is shown in the summary below as “N,” it has been identified as not being subject to the audit. Auditors are not expected to test requirements that have been noted with an “N.” See the Safe Harbor Status discussion in Part 1 for additional information.**

| A                               | B                               | C               | E           | F                                  | G                                     | H                     | I                                  | J              | L         | M                       | N                            |
|---------------------------------|---------------------------------|-----------------|-------------|------------------------------------|---------------------------------------|-----------------------|------------------------------------|----------------|-----------|-------------------------|------------------------------|
| Activities Allowed or Unallowed | Allowable Costs/Cost Principles | Cash Management | Eligibility | Equipment/Real Property Management | Matching, Level of Effort, Earmarking | Period Of Performance | Procurement Suspension & Debarment | Program Income | Reporting | Subrecipient Monitoring | Special Tests and Provisions |
| Y                               | Y                               | N               | N           | Y                                  | Y                                     | Y                     | Y                                  | N              | N         | Y                       | N                            |

#### A. Activities Allowed or Unallowed

##### 1. *Activities Allowed*

All activities must be included in, and conform to, the description in the goals and Comprehensive State Expenditure Plan, submitted to and approved by the RESTORE Council Chairperson, and the recipient’s grant or subgrant agreement. Activities must contribute to the overall economic and ecological recovery of the Gulf Coast and may include the following:

- a. Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast Region;
- b. Mitigation of damage to fish, wildlife, and natural resources;
- c. Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring;

- d. Workforce development and job creation;
- e. Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill;
- f. Infrastructure projects benefitting the economy or ecological resources, including port infrastructure;
- g. Coastal flood protection and related infrastructure;
- h. Promotion of tourism in the Gulf Coast Region, including promotion of recreational fishing;
- i. Promotion of the consumption of seafood harvested from the Gulf Coast Region;
- j. Planning assistance; and
- k. Administrative costs; and
- l. The non-Federal share of the cost of any project or program authorized by Federal law that is also an eligible activity under the RESTORE Act (31 CFR sections 34.2, 34.200(b) and 34.201203).

2. *Activities Unallowed*

Activities that were included in any claim for compensation presented after July 6, 2012, to the Oil Spill Liability Trust Fund authorized by 26 USC 9509 (31 CFR section 34.200(a)(3)).

**G. Matching, Level of Effort, Earmarking**

**1. Matching**

Not Applicable

**2. Level of Effort**

Not Applicable

**3. Earmarking**

- a. Administrative costs are limited to no more than three percent of the total funds received by a grant recipient. Administrative costs are defined as indirect costs for administration incurred by the Gulf Coast States that are allocable to activities authorized under the Act. Administrative costs do not include indirect costs that are identified specifically with, or readily assignable to, facilities as defined in 2 CFR section 200.414. For example, if a recipient has a 12 percent federally negotiated indirect cost rate

(regardless of the applicable base) and its accounting system cannot identify specifically the facilities portion of its indirect cost rate, the maximum amount of indirect costs allowable under a \$100,000 grant would be \$3,000. If the facilities portion of indirect costs can be separately identified, the recipient may claim those costs at their full reimbursable rate. In this example, if such costs represent 2 percentage points of the 12 percent indirect cost rate, the maximum amount of allowable indirect costs would be \$5,000 (\$3,000 + \$2,000). The three percent limit does not apply to the administrative costs of subrecipients (31 CFR sections 34.2 and 34.204). Instructions and tools for calculating allowable administrative costs are available on RESTORE Council website at <https://www.restorethegulf.gov/gcerc-grants-office/gcerc-grants-resources>.

- b. No more than 25 percent of the funding may be used for infrastructure projects described in III.A.1.f and g, "Activities Allowed and Unallowed," above, unless the State certifies in the State Expenditure Plan that ecosystem restoration needs will be addressed and that additional infrastructure funding is needed to mitigate the impacts of the Deepwater Horizon Oil spill (33 USC 1321 (t)(3)(B)(ii)(II)).

## **I. Procurement and Suspension and Debarment**

The acquisition of land, or interests in land, can only be from a willing seller (31 CFR section 34.803(f)).