



Let's rewind almost exactly two years to early October 2010. In the wake of the BP *Deepwater Horizon* oil spill, the largest offshore oil spill in U.S. history, President Obama [established](#) the [Gulf Coast Ecosystem Restoration Task Force](#), an advisory group of federal and state officials to coordinate federal Gulf Coast restoration activities. The main function of the Task Force was to expedite Gulf restoration by cutting through the bureaucracy that too often delays critical ecosystem projects.



After a year of conducting public meetings around the Gulf, the Task Force released its [Gulf of Mexico Regional Ecosystem Restoration Strategy](#) in 2011. The Restoration Strategy is a groundbreaking document that resulted from, and reflects, the collaboration of all relevant regional entities. The breadth of the document is impressive, extending to larger issues outside of the immediate oil spill impacts. The Strategy lays out goals for improving water quality, restoring marine resources, and building community resilience. It prioritizes stopping wetland, beach, and sand loss. And significantly, the strategy calls for upstream changes in the Mississippi watershed to reduce agricultural and urban nutrient pollution.

The Task Force lacked, however, any funding to carry out its recommendations.

Consequently, the Strategy recommends that the U.S. government divert a portion of any Clean Water Act civil and administrative penalties recovered from BP and other responsible parties to realizing the strategy's recommendations (anywhere from about \$5 to over \$20 billion in penalties could be recovered).

Fast forward to present day. Earlier this month, President Obama signed an [executive](#)

[order](#) that contemplates the imminent disbanding of the Task Force.



Credit: NOAA

The President's decision to dissolve the Task Force comes in the wake of Congress' recent passage of the RESTORE Act. Per the Task Force's recommendation, the RESTORE Act directs 80% of any Clean Water Act penalties to economic and environmental restoration of the Gulf Coast. The RESTORE Act also creates an intergovernmental "Restoration Council" to administer a portion of the funds.

According to the RESTORE Act, by the end of this year, the Restoration Council must develop, in "close coordination" with the Task Force, a comprehensive funding plan that incorporates the Task Force's findings and recommendations. Thus, it's clear that the Task Force's work will live on in some form . . . the question is, what form?

Prior to President Obama's executive order, there had been much speculation about the future relationship between the Task Force and the newly authorized Council. The executive order offers a small amount of clarification:

[T]he Task Force shall terminate no later than 60 days after the Gulf Restoration Council commences its work. The functions of the Task Force will be performed by the Gulf Restoration Council and the [NRDA] Trustee Council to the extent practicable, as set forth in this order. Prior to its termination, the Task Force will provide such assistance as is appropriate to the Gulf Restoration Council.

.....

Federal members of the Gulf Restoration Council and Trustee Council, as well as all Federal entities involved in Gulf Coast restoration, shall work closely with one another to advance their common goals, reduce duplication, and maximize consistency among their efforts.

Could dissolving the Task Force be a positive step for Gulf restoration? The big enviro groups seem to think so. They widely [hailed](#) the disbanding of the Task Force as a positive sign that RESTORE Act implementation is underway. [The Advocate \(Baton Rouge\)](#) reports the remarks of Aaron Viles, Deputy Director of the [Gulf Restoration Network](#), on the executive order:

It underscores the RESTORE Act process is moving forward; it's being implemented . . . . As people get impatient, it's good to point out the wheels are moving. The White House is engaged.

But the [Times-Picayune \(New Orleans\)](#) heard quite a different perspective from Task Force Vice Chair [Garrett Graves](#):

[W]e have strong concerns with the void created by dissolving the Task Force . . . . The establishment of the task force and the promise of cutting through the red tape and dysfunction was like getting invited to a big night in New Orleans with dinner at Commander's Palace and great live jazz. Instead, I feel like we just got dropped off in the Maurepas Swamp to survive on bullfrog sushi.

Setting a termination date for the Task Force may seem like a sign that federal Gulf Coast restoration processes continue to move forward, but the executive order does little to alleviate my worries about the capacity of the Restoration Council and the [natural resource damage assessment](#) (NRDA) Trustees to pick up where the Task Force left off. As of yet, almost no details have been released regarding Council timelines, structures, processes, strategies, or appointments. (For instance, when will the Council even "commence[] its work"?) We are left to wonder how the Council will manage to pump out a funding plan within the next three months as required by the RESTORE Act—and before the funding for that plan is even settled (the United States' [lawsuit](#) seeking Clean Water Act penalties remains in litigation). Additionally, the executive order does little to clear up the question of how the Restoration Council's plan does or does not interact with the NRDA Trustees'

simultaneous restoration activities. We continue to await the release of more specifics from the Council.

Meanwhile, the [natural resource damage assessment](#) process is ongoing, [litigation of related court cases continues](#), and [the first round of early restoration projects are just beginning](#). The well may have been capped two years ago, but processes to restore and recover the Gulf from the worst oil disaster in our history are still unfolding.