

# Coastal Concerns

Gulf Coast lawmakers say federal barriers are slowing recovery years after hurricanes battered the region.

BY VALSIN MARMILLION  
AND MICHAEL SEGNER

**Y**ears after the devastating effects and lessons of hurricanes Katrina, Rita and Ike on the Gulf Coast, states in the region are finding recovery from disaster can be as daunting as the disaster itself.

Leaders from the coastal energy producing states of Alabama, Louisiana, Mississippi and Texas have organized as America's Energy Coast and released a troubling report, "A Region at Risk," challenging the federal government to eliminate barriers to sustaining the region's natural resources.

Louisiana Senate President Joel Chaisson believes states have been patient, compromising and accommodating in the face of federal failure to follow through on promises or to coordinate agency responses to crisis situations efficiently.

"We have been signaling the serious consequences to the nation if deterioration of coastal areas in our state goes unattended," says Chaisson. "We have also been dutiful in creating comprehensive sustainability plans, establishing a trust fund by vote of our people to ensure proper handling of federal dollars.

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We have been streamlining our processes to meet congressional guidelines—only to find the maze of federal regulations, competing agency missions, inconsistent laws and outdated policies hamstringing our efforts to fix serious problems."

#### HOLDUP IN WASHINGTON

Congress passed the Coastal Impact Assistance Program (CIAP) in 2005 after decades of attempts by coastal energy-producing states to acquire funding to address coastal sustainability issues. A simple formula was designed for states to receive a small share of revenues from federal oil and gas leases off their shores. The funds were to be used to restore coastal landscapes, conserve natural environments and protect communities vital to energy production.

Coastal advocates and leaders across the region hailed the legislation. Few anticipated, however, that a fund intended to be an efficient, direct process for disbursements

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to the states would become a grant program administered by an agency mired in excessive delays, changes in the process, unnecessary burdens and administrative expenses for the states it was designed to support.

Congress directed the federal Minerals Management Service of the U.S. Department of Interior to distribute \$250 million a year among six energy-producing coastal states to deal with the environmental effects of offshore oil and gas production. However, of the \$1 billion available to Alabama, Alaska, Cali-



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## RESTORING THE CHESAPEAKE BAY



fornia, Louisiana, Mississippi and Texas, less than \$100 million has ever been disbursed.

“The program could be an extremely useful tool for states to rebuild and protect our coastal ecosystems,” says Texas Senator Mike Jackson. “The inefficiencies at the federal level are only putting us further behind the curve in our attempts to rebuild and protect our coastal communities and ecosystems.”

Nowhere are the effects of conflicting federal policies toward large-scale coastal restoration more evident than in Louisiana. The state is losing the equivalent of a football field of coastal wetland an hour—land that has national economic and ecological significance in addition to its role as hurricane protection for millions of coastal residents.

“The slow process of doling out money from CIAP and changing the rules along the way have been a disappointment to those of us for whom coastal erosion is not just a concept, but an immediate issue in our backyards,” says Louisiana House Speaker Jim Tucker.

“We never imagined a fund established

**M**uch like the Gulf of Mexico, which suffers from the second largest dead or hypoxic zone in the world, the Chesapeake Bay and its rivers contain an overload of nitrogen and phosphorus from runoff. Algae blooms block sunlight to underwater grass and lower oxygen levels to a point where marine life cannot survive.

The Chesapeake Bay Foundation—including Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia—fights for strong, effective laws and regulations by working cooperatively with government, business and citizens in partnerships to protect and restore the bay. The organization especially focuses on restoring the bay’s natural filtering mechanisms such as forests, wetlands and underwater grounds and on developing environmental education programs.

“Overlapping jurisdictions provide both opportunities for leveraging resources and programs as well as difficulties in holding government accountable,” says Roy A. Hoagland, vice president for Environmental Protection and Restoration of the Chesapeake Bay Foundation. “Because the bay is an ecosystem of 64,000 square miles, the foundation is advocating for greater EPA involvement in managing the resource across state jurisdictional lines.”

CBF has also found working with the multistate legislative body called the Chesapeake Bay Commission to be an effective way to streamline policy across states.

State legislators can take a leadership role, Hoagland says, by “holding the federal government accountable for their responsibility to ensure the nation’s waters are fishable and swimmable and promoting pollution reduction initiatives at the state level.”



with an efficient process for disbursements to the states would be undermined,” says Jody Henneke, deputy land commissioner of Texas. “What was to be a direct funding source all of a sudden became a grants program administered by an agency that created a moving target of guidelines and counter-guidelines.”

Following the devastation of Hurricane Ike, Texas saw the fund as an important

mechanism to restore communities and fortify coastal natural resources that serve energy producers.

“What we found was that grants written under certain formulas and in partnership with reputable researchers and universities were no longer allowed, in direct contradiction to the law,” says Henneke. “It was federalism gone amuck.”

## SOUND RECOVERY



In 1960, 1.8 million people lived in the 12 counties that made up the Puget Sound region. By 2008, nearly 4.4 million called the area home.

This development has damaged Puget Sound. The Washington Department of Ecology conservatively estimates that, on average, more than 100,000 pounds of toxic chemicals—including petroleum, copper, lead, zinc and polychlorinated biphenyls—enter Puget Sound in storm water runoff that flows off yards, driveways, roads and parking lots. These toxins threaten a variety of marine life, including Orca whales, salmon, herons and seals, as well as fishing, tourism, recreation and human health around the region.

People for Puget Sound combines education, science and policy activism in their mission to restore the area. Similar to America's Energy Coast, partnerships have been key in the organization's efforts to accomplish its mission. It collaborates with The Nature Conservancy and the Trust for Public Land to form the Alliance for Puget Sound Shorelines.

"The working partnership of three of the largest nongovernmental conservation organizations working in the Puget Sound has provided a strong platform from which to address state legislation and funding issues," says Puget Sound Partnership spokesman Mike Sato. "Forming the alliance has made the most difference in restoration work in Puget Sound, and funding that works in difficult economic times."

*"This issue is a prime example of how all state legislatures need to keep a cautious eye on Washington"*

LOUISIANA SENATOR BUTCH GAUTREAUX

### UNPRECEDENTED COLLABORATION

While Henneke knew the coastal assistance program was a problem for Texas, it wasn't until she met Tina Shumate, director of the Mississippi Department of Marine Resources, and Garret Graves, director of the Louisiana Governor's Office of Coastal Activities, that they realized all three states were facing similar challenges.

Established by the America's WETLAND Foundation in 2007, America's Energy Coast brought together leaders in the Gulf of Mexico's four energy-producing states: Alabama, Louisiana, Mississippi and Texas. It was through this initiative that Henneke, Shumate and Graves began to see some progress in their quest to uncover millions of available funds that should be spent on coastal projects.

"After we brought our concerns to the Minerals Management Service through America's Energy Coast, we began to see some results," says Shumate. "The process still needs to be expedited, but now MMS is aware of the problem, and we've been assured they are trying to rectify it."

In an additional sign of federal cooperation, the White House Council on Environmental Quality in March issued a plan that called for an 18-month process to get federal agencies and states working together on ecosystem restoration.

The delay in coastal fund distribution comes amid rapid and dramatic erosion of shoreline, barrier islands and wetlands across the region. The situation poses risks to millions of people, threatened and endangered species, and the nation's energy and economic security.

The situation has prompted a diverse coalition of partners to come together under America's Energy Coast (AEC), including Shell, the Nature Conservancy, Chevron, Ducks Unlimited, BG North America LLC, the National Wildlife Federation, Environmental Defense Fund, and myriad coastal interests throughout the region.

"The Nature Conservancy has increasingly come to realize that protecting biodiversity on Earth requires working with all of the communities that inhabit an ecosystem," says Karen Gautreaux, governmental affairs director for the conservancy in Louisiana. "In the Gulf of Mexico region, this means working with the many interests that share a common need for a healthy ecosystem and a sustainable future. The America's Energy Coast initiative provides an important venue for that discussion and directed actions."

Warner Williams, who heads Chevron's Gulf of Mex-



**SENATOR**  
**DAVID BARIA**  
**MISSISSIPPI**

ico operations and serves on the AEC steering committee, says, “federal recognition and support is critical to our ability to preserve this vital economic region and all that it provides to the nation.”

**COALITION BUILDING**

The America’s Energy Coast coalition represents a new way to enact change by building consensus at the grassroots level among experts directly experiencing the problems. State legislators have been leading the way toward resolving conflicting federal policies and enacting large-scale change through the America’s Energy Coast.

“Nothing is more important to the future economic well-being of our states than the protection of our coastline. One of the best ways state legislators can prompt federal action is to build regional resolve and political will through a coalition,” says Chaisson.

Mississippi Senator David Baria, like many along the Gulf Coast region, lost his home and everything in it when Katrina hit in 2005. He soon left his law practice and established Rhino Construction and Demolition Company so he could help with rebuilding. He has continued to fight for coastal restoration issues since his election to the Senate in 2007 by seeking a homeowner’s insurance Bill of Rights that would make it harder for insurance companies to unfairly deny home insurance claims.

“One of my concerns is that more than four years after Katrina, only a small portion of the \$5.4 billion Mississippi received from the federal government for recovery has been spent,” Baria says. “The importance of moving quickly to sustain our coast is a message that needs to be repeated again and again.”

Texas Representative Warren Chisum, a former oil rig worker and current natural gas producer and rancher, was chairman of the Appropriations Committee and worked to ensure the area’s recovery when Ike hit.

“Without a healthy, sustainable coast, we cannot sustain energy production activities in



**REPRESENTATIVE**  
**WARREN CHISUM**  
**TEXAS**

the future,” Chisum says. “So it is critically important, not only to our region, but also to the entire nation, that we address the challenges of energy and environmental sustainability now.”

**GROWING MOMENTUM**

Demonstration projects and best practices being designed in cooperation with nongovernmental organizations, industry and government leaders from the four states may serve as a model for coastal sustainability in regions around the world. Cooperatives based on issues affecting other crucial ecosystems facing sustainability challenges, such as Puget Sound and Chesapeake Bay, are in the process of being formed or have



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already established models similar to America’s Energy Coast.

Louisiana Senator Butch Gautreaux, whose district includes some of the most endangered land in Louisiana, says the issue points out the need for cooperation and concerted effort by states.

“This issue is a prime example of how all state legislatures need to keep a cautious eye on Washington and be sure the laws designed to protect the states and to conserve areas like mine that serve national interests are not sidestepped.”

**CHECK OUT** more about the challenges of recovery efforts in the Gulf Coast at [www.ncsl.org/magazine](http://www.ncsl.org/magazine).