

Gulf Coast Ecosystem Restoration Council Public Notice of Proposed Funding Approval

The Gulf Coast Ecosystem Restoration Council (Council) is seeking public comment on a proposal to approve funding for ecosystem restoration activities. Specifically, the Council is proposing to vote whether to amend its 2015 Initial Funded Priorities List (Initial FPL) to approve the following:

- \$3,000,000 in implementation funding for the Deer Island Beneficial Use Site, Mississippi
- \$2,250,089 in planning and implementation funding for [Marsh Restoration in Fish River and Oyster Bay](#), Alabama

Background on this proposed funding approval for these projects is provided below. Before voting on whether to approve funding, the Council is publishing this FPL amendment for a 32-day public comment period beginning on June 24, 2021 and concluding at 11:59 pm (CST) on July 26, 2021. You may submit comments using one of the two methods below:

By Email: To restorecouncil@restorethegulf.gov
Email submission of comments ensures timely receipt.

By U.S. Mail: Gulf Coast Ecosystem Restoration Council
Attn: GMCEGP Amendment Comments
500 Poydras Street, Suite 1117
New Orleans, LA 70130
Mail must be posted no later than July 26, 2021 to be included in this public comment period.

Background:

Pursuant to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. § 1321(t) and note) (RESTORE Act), the Council is responsible for administering portions of Deepwater Horizon oil spill settlement funds for the purpose of restoring the environment and economy of the Gulf coast. The Council administers two funding programs, one of which is the Council-Selected Restoration Component, or “Bucket 2.” Under Bucket 2, the Council votes to approve Gulf ecosystem restoration projects and programs proposed by the Council members. Bucket 2 projects and programs approved for funding by the Council are included in what is referred to as a Funded Priorities List.

FPLs include activities in two categories. Category 1 activities are approved for Bucket 2 funding. Such approval requires a Council vote as set forth in the RESTORE Act. To be approved in Category 1, a project or program must have documentation demonstrating that all applicable environmental laws have been addressed. For example, a construction project would need documentation demonstrating compliance with the National Environmental Policy Act (NEPA) and other applicable laws.

Category 2 activities are Council priorities for potential future funding, but are not currently approved for funding. As appropriate, the Council reviews the activities in Category 2 in order to determine whether to move the given activity to Category 1 and approve it for funding via a Council vote. Such funding approvals are done via amendments to the FPL containing the given project(s). FPL amendments are also required for other changes to listed projects (e.g., material changes in scope or cost, transfer of sponsorship to another Council member). The projects that are the subject of this proposed FPL amendment are described below.

Deer Island Beneficial Use Site

The Council approved \$3,000,000 for implementation of the Deer Island Beneficial Use Site, sponsored by the U.S. Army Corps of Engineers (USACE), as part of the Council's (see [Initial FPL, Appendix E](#)). The ultimate goal of the project is to construct containment components for a new 40-acre beneficial use (BU) site on the northern side of Deer Island. Subsequent filling of the BU site with dredged material from local dredging projects would result in the creation of emergent tidal wetlands. Since Initial FPL approval, the originally proposed 40-acre beneficial use site has been constructed using non-RESTORE funding sources. The 40-acre site has also been filled with dredged material, resulting in the successful creation of wetland habitat. The State of Mississippi has now identified the need for an additional and complementary 70-acre beneficial use site at Deer Island to continue island restoration efforts, using the Initial FPL funding and building upon previous investments to increase habitat restoration benefits. The State of Mississippi would take over as the project sponsor in place of the USACE.

To comply with NEPA, the Council is proposing to adopt the 2021 Department of the Army Environmental Assessment (EA) prepared by the USACE in association with issuance of Clean Water Act (CWA) Section 404 permit SAM-2018-00434-KMN. The Council has reviewed this EA and associated documents, including a USACE memorandum for the record dated April 1, 2021, documenting compliance with NEPA, the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the National Historic Preservation Act (NHPA), and other relevant environmental laws. The Council has determined that the subject EA and associated compliance documents address the environmental effects of the activity to be funded. To ensure compliance with ESA, MSA, NHPA, and other relevant laws, the Council would require that the sponsor of the project adhere to all applicable permit conditions listed in USACE permit and the [associated environmental compliance documents](#).

Marsh Restoration in Fish River and Oyster Bay

The Initial FPL describes the Fish River, Weeks Bay, Oyster Bay and Meadows Tract project as part of NOAA's Connecting Coastal Water initiative, which if implemented would restore a more natural hydrology to a total of 470 acres of wetlands at three sites (Fish River/Weeks Bay, Oyster Bay and the Meadows Tract) located within the Mobile Bay ecosystem in Alabama. Through this project, National Oceanic and Atmospheric Administration (NOAA), as the project sponsor, would implement restoration activities, conduct monitoring to assess restoration outcomes, and engage in outreach and educational activities with restoration practitioners and stakeholders (see [Initial FPL, Appendix F](#))

During the course of planning work completed with Initial FPL Category 1 funding, it was determined that the project would need to be modified during the implementation phase due to increased planning costs for surveying at the Fish River site and increased estimated costs for future construction. The estimated cost to construct the three sites now totals \$3,118,558, which is \$908,469 short of the amount of Category 2 set-aside funds available. To address the budget shortfall, the Council is proposing to modify the scope of this project. It has been determined that the hydrological improvements that could be accomplished at the Fish River and Oyster Bay sites would provide greater benefits to tidal hydrology, habitat utilization, and water quality than the interior site improvements possible at the Meadows Tract. Therefore, to help address the budget shortfall, implementation would include the Fish River and Oyster Bay sites but not the Meadows site. NOAA would also complete final design modifications at Fish River to reduce the construction footprint to backfill only two of the three dead-end canals, yet still achieve habitat benefits. The State of Alabama would be the project sponsor to complete construction at the Oyster Bay site. NOAA would be the project sponsor for final design and implementation at the Fish River site. As revised in scope, the project would restore a more natural hydrology to a total of 200 acres of wetlands.

To comply with NEPA, the Council is proposing to adopt the 2015 Programmatic Environmental Impact Statement (PEIS) developed by NOAA's Restoration Center. This PEIS provides a programmatic-level analysis of restoration alternatives by activity type and analyses the associated environmental consequences to support NOAA's restoration activities throughout the coastal United States, including the Gulf of Mexico. The PEIS can also be used to cover site-specific actions, including funding awards, provided that the activity being proposed is within the range of alternatives and scope of potential environmental consequences and does not have significant adverse impacts. NOAA has determined implementation activities for which Council funding is being sought meet these criteria.

During project-specific engineering and design and USACE CWA permitting, there was additional analysis of site-specific conditions and the effects of project-specific design alternatives. It was determined that projects' activities meet the criteria of USACE Nationwide Permit (NWP) 27: Aquatic Habitat Restoration, Enhancement and Establishment Activities (USACE file number SAM-2019-00333-SBC). Additional environmental compliance coordination has been completed for ESA, MSA, and NHPA in coordination with NOAA, U.S. Fish and Wildlife Service, and the Alabama State Historic Preservation Office. NOAA also consulted with federally recognized tribes. The Council has reviewed the applicable environmental compliance documentation. To ensure compliance with ESA, MSA, NHPA, and other relevant laws, the Council would require that the sponsors of the project adhere to all applicable USACE NWP 27 permit conditions listed in USACE permit and the [associated environmental compliance documents](#).

To learn more about the RESTORE Council visit us at www.restorethegulf.gov or send questions to restorecouncil@restorethegulf.gov.