

## **Gulf Coast Ecosystem Restoration Council Initial Funded Priorities List Amendment Approval Summary**

The Gulf Coast Ecosystem Restoration Council (Council) amended its [2015 Initial Funded Priorities List](#) (Initial FPL) on August 18, 2021 to approve:

- \$2,250,089 in planning and implementation funding for Marsh Restoration in Fish River and Oyster Bay in Alabama
- modifications to the location, size, and sponsor for the previously-approved \$3,000,000 in implementation funding for the Deer Island Beneficial Use Site in Mississippi

### **Deer Island Beneficial Use Site**

The Council originally 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 Initial FPL (see [Appendix E](#)). The goal of the project was 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 the Initial FPL approval, the originally proposed 40-acre beneficial use site was constructed and filled with dredged material using non-RESTORE funding sources 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 will take over as the project sponsor in place of the USACE.

To comply with National Environmental Policy Act (NEPA), the Council has issued a Finding of No Significant Impact (FONSI) and adopted 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 environmental 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. The FONSI and the associated environmental compliance documentation can be found [here](#).

### **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 would total \$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 has modified 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, implementation will now include only the Fish River and Oyster Bay sites but not the Meadows site. NOAA will 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 will be the project sponsor to complete construction at the Oyster Bay site. NOAA will be the project sponsor for final design and implementation at the Fish River site. As revised in scope, the project will restore a more natural hydrology to a total of approximately 200 acres of wetlands.

To comply with NEPA, the Council has executed a Record of Decision (ROD) and adopted 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. The ROD and the environmental compliance documentation can be found [here](#).

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