

**RESTORE Council Draft Funded Priorities List 3a**  
**Responses to Comments**  
**February 12, 2020**

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## **Introduction**

From December 9, 2019 to January 10, 2020, the Gulf Coast Ecosystem Restoration Council (Council) sought public comment on proposed funding decisions for two ecosystem projects. The proposed funding for these two projects is administered by the Council pursuant to the *Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies Act of the Gulf Coast States of 2012* (RESTORE Act). The proposed funding comes from the RESTORE Act allocation known as the Council-Selected Restoration Component or “Bucket 2.” The Council approves projects and programs for Bucket 2 funding in “Funded Priorities Lists”(FPLs). Thus far, the Council has approved two FPLs. The third FPL will be implemented in two phases. The Council is proposing to include the two ecosystem projects in the first phase, referred to as FPL 3a.

During the public comment period, the Council provided an overview of proposed FPL 3a via two live public webinars and two public meetings, one each in Louisiana and Alabama. The Council solicited public comments during those events. The Council also accepted written comments via mail, email, and through the Planning, Environment and Public Comment (PEPC) website. The Council has reviewed all comments received before the above deadline.

The Council received a total of 286 unique comments from 3,262 private citizens, businesses, governmental entities (such as state, parish/county, and local governments), non-governmental organizations (NGOs), and other Gulf stakeholders. The total number of submissions included 2,976 form letters. Most comments were received digitally or by mail. The total number of unique comments also includes those collected from 10 stakeholders who attended and provided comments at the two public meetings and two webinars. The number of stakeholders engaged during the public comment period demonstrates continued awareness of Gulf restoration and interest in the actions and decisions being made by the Council, almost ten years after the *Deepwater Horizon* oil spill. The ongoing involvement of stakeholders who live, work, and play in the Gulf region is critical to ensuring that oil spill penalty funds are used effectively. The Council appreciates those who participated in the public review and comment process, as well as those who have supported Gulf restoration activities for many years.

Based on its review of the public comments, the Council has decided to proceed to vote to approve FPL 3a. The final version of FPL 3a that will be subject to a Council vote, as well as documents containing all comments and responses to comments will be posted to the Council’s website. The public will be both notified of the Council vote and the availability of the final version of FPL 3a via emailed updates. If you are interested in receiving these updates, please visit the RESTORE website ([www.restorethegulf.gov](http://www.restorethegulf.gov)). Once there, you may subscribe to receive RESTORE Eblasts that are sent out periodically to update you on new and upcoming activities by the RESTORE Council.

## **Comment Analysis Process**

The Council has analyzed and responded to all verbal and written comments received during the public comment period. The Council’s consideration of public comments is an important step in

finalizing FPL 3a. The Council used the Department of the Interior's PEPC database system to manage and respond to public comments. In order to respond to the observations and recommendations provided by Gulf stakeholders, the Council grouped comments and responses by theme. Within those themed groupings, individual comments were combined when the topic or recommendation was related. In other cases, the Council responded to individual comments as warranted by the nature of the comment. Comments received that were not directly related to FPL 3a will be noted and considered as part of developing future FPLs.

### ***Changes to FPL 3a***

In draft FPL 3a, only the planning portion of the Perdido River Land Conservation and Habitat Enhancements project was listed for potential inclusion in FPL Category 1, which indicates those projects or programs with approved funding. The implementation component was listed in FPL Category 2, which indicates projects or programs that have been designated as priorities for potential future funding. Since publication of draft FPL 3a, Alabama worked with other members of the Council in an effort to make some of the implementation activities eligible for FPL Category 1 prior to a Council vote on the final FPL. Specifically, Alabama worked with the US Department of Interior and the US Department of Agriculture to address the environmental laws applicable to the land acquisition and management activities of this project. FPL 3a reflects this change in the proposed funding approval for the Perdido River Land Conservation and Habitat Enhancements project. Some proposed implementation activities remain in FPL Category 2, including thinning activities, invasive species removal, and minimal hydrologic restoration work. FPL 3a has been edited to reflect this change in the funding approval for the Perdido River Land Conservation and Habitat Enhancements project. FPL 3a now also includes a link to the environmental compliance documentation that supports the approval of implementation funding for this project.

## **Comments and Responses on Draft FPL 3a**

### ***General Comments***

**Comment:** One commenter encouraged the Council to ensure that its project selection process is diverse and inclusive, and to make underserved communities a priority in that regard. This commenter also encouraged the Council to ensure that underserved communities have access to the contracts and employment opportunities associated with the Council's projects.

**Response:** In its 2016 Comprehensive Plan Update, the Council commits to supporting engagement with all stakeholders, including under-represented communities and federally-recognized Tribes. In addition, the [Council's Standard Terms and Conditions](#) address Council nondiscrimination requirements. Also, 2 C.F.R. § 200.321(b) states that "When contracting, the non-federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible."

**Comment:** Many commenters discussed the importance of the two projects identified in FPL 3a in benefitting wildlife. In particular, commenters stressed the importance of the Gulf Coast to birds,

emphasizing that restoring these habitats will also improve water quality and increase coastal resilience against storms, flooding, and coastal erosion, providing critical buffer areas for our wildlife and coastal communities.

**Response:** The Council recognizes the value of Gulf ecosystems to a wide array of migratory, resident and endangered species of birds. The Council also acknowledges that habitat degradation has and continues to impact avian species in the Gulf of Mexico. The Council agrees that the proposed FPL 3a restoration and conservation of the Maurepas Swamp and Perdido Bay habitats is a valuable way to not only benefit native wildlife, including birds, but also increase coastal resilience.

**Comment:** Many commenters urged the Council to move quickly to restore and conserve habitat. Others suggested that reforms to the political system and even to the Constitution be made to ensure that the natural environment is preserved.

**Response:** The Council appreciates the sense of urgency to implement meaningful restoration projects. The Council has and will continue to review and improve its business practices to continuously enhance the efficiency and effectiveness of its coastal restoration operations.

**Comments:** During the public comment period, the Council received 2,976 form letter comments from supporters of organizations such as the Coalition to Restore Coastal Louisiana, National Audubon Society, Restore the Mississippi River Delta Coalition, National Wildlife Federation, Environmental Defense Fund, and the Louisiana Wildlife Federation. While these form letters were from different organizations, they conveyed substantially similar comments. In some instances, individual commenters edited the form letter with their own unique comments.

**Response:** The content of the form letters, as well as the unique comments added by individuals, has been addressed in other comment summaries and associated responses.

**Comments:** Several commenters provided accounts of the success of past ecosystem restoration projects and suggestions for additional projects.

**Response:** The Council strives to continue to learn from past projects and to consider additional project ideas. Such comments will be taken into consideration as future FPLs are developed.

### ***Mississippi River Reintroduction into Maurepas Swamp Comments***

**Comment:** Numerous commenters, including elected officials, expressed strong support for the proposed River Reintroduction into Maurepas Swamp project (Maurepas project), noting the ecological importance of the Maurepas Swamp, the lengthy history of study and science in support of the Maurepas project, and the urgent need for action to address coastal land loss in Louisiana. One commenter offered general opposition to diversions.

**Response:** The Council appreciates the numerous commenters for their support of the proposed Maurepas project. It is difficult to respond to the comment expressing opposition to diversions in

general as the proposed river diversions in coastal Louisiana vary with respect to size, ecosystem effects, operation, location, and other factors. The Council addresses the unique aspects of the proposed Maurepas project, and the benefits of the reintroduction of freshwater, sediments, and nutrients into the Maurepas Swamp in the responses to other comments later in this document.

**Comment:** One commenter raised concerns regarding the possible use of a portion of the Maurepas project's ecosystem benefits as compensatory mitigation for wetland impacts caused by construction of the West Shore Lake Pontchartrain (WSLP) Levee. This commenter is concerned that this would be an inappropriate use of Council-Selected Restoration Component funding, and could set an adverse precedent in that regard. This commenter requested that additional information on this matter be included in the main body of FPL 3a.

**Response:** As was indicated in the draft FPL 3a and the associated proposal, Louisiana and the U.S. Army Corps of Engineers (Corps) are considering whether to use a portion of the ecosystem enhancement benefits of the proposed Maurepas project as mitigation for the WSLP levee. The Council has no role in this mitigation decision. The Council is proposing to budget \$130M of Bucket 2 funds toward the total \$190M needed to implement the Maurepas project. Louisiana is proposing to use approximately \$60M from the RESTORE Spill Impact Component, also known as "Bucket 3", and/or another source to cover the remaining cost. If the mitigation concept advances, Louisiana plans to allocate a portion of the \$60M to the mitigation component of the WSLP Levee; thus, Bucket 2 funds will not be used for the mitigation component. Flood protection infrastructure is an eligible expense under Bucket 3, as is the mitigation cost that would be part of such an infrastructure project. If a source other than Bucket 3 is used to fund the mitigation for the WSLP Levee, Louisiana and the Corps would be responsible for ensuring that mitigation is an eligible expense under that other source. Given that this mitigation approach is still at a conceptual stage, any additional information the Council might add to FPL 3a would be speculative and subject to change. As noted in FPL 3a, the Council's proposal to budget \$130 million of Bucket 2 funds and Louisiana's proposal to use approximately \$60 million from Bucket 3 and/or another source for the Maurepas project do not depend on whether the levee mitigation concept advances. It should also be noted that the federal cost-share for the WSLP levee mitigation will come from U.S. Army Corps of Engineers funds.

**Comment:** One commenter voiced concerns that WSLP Levee might result in increased storm surge and flooding on the North Shore of Lake Pontchartrain.

**Response:** The Council has no role in evaluating or approving the WSLP Levee. Questions and concerns about the WSLP Levee should be directed to the New Orleans District, U.S. Army Corps of Engineers.

**Comment:** Noting that persistent flooding is a major problem in the Maurepas Swamp, one person asked why the Council proposes to add more water via the proposed diversion.

**Response:** Much of the Maurepas Swamp is persistently inundated because rates of land subsidence and sea level rise have exceeded the rate of soil accretion for many years. Historically,

soil accretion in the Maurepas Swamp was due to a combination of riverine sediment input and organic material accumulation (i.e., leaf litter). Sediment and nutrient inputs were greatly reduced in the swamp when the Mississippi River was leveed to prevent flooding to the surrounding communities. The proposed river reintroduction would flush stagnant water from the swamp and increase oxygen, nutrient, and riverine sediment input. The addition of nutrients is expected to improve tree health and increase primary production (leaves), resulting in increased organic soil accretion as fallen leaves decompose. Additionally, a healthier swamp would likely see an increase in belowground biomass (roots), which can increase surface elevation. It is impossible to predict with certainty the extent of future sea level rise in the Maurepas swamp, but the proposed Maurepas project has the potential to offset a degree of flooding, while enhancing the vigor of the swamp and making it more resilient to future potential stressors.

**Comment:** One commenter questioned whether nutrients introduced via the Maurepas project would harm wetlands and/or cause harmful algal blooms.

**Response:** Restoring river input is expected to improve the health of the Maurepas swamp and extend the life of bald cypress and tupelo trees. Because of the relatively slow rate at which river water will flow through the swamp, it is expected that the nutrient-starved trees will uptake the majority of the nutrients before the fresh water enters coastal waters; therefore, it is not anticipated that this project would lead to any increases in harmful algal blooms. CPRA has performed computer modeling and included design features to assist in the goal of retaining the diverted water in the project area for a sufficient time to allow for maximum nutrient uptake. Additionally, extensive monitoring of nutrients, dissolved oxygen and chlorophyll a (an indicator of algal concentrations) will occur both prior to and after the start of diversion operations. This monitoring will help to ensure that 1) the swamp is attaining the predicted nutrient uptake and 2) increased nutrients are not causing adverse effects. The project's proposed monitoring plan will closely track conditions in the swamp and will provide data to inform whether changes should be made to diversion operations.

### ***Perdido River Land Conservation and Habitat Enhancements Project Comments***

**Comment:** Several commenters expressed strong support for the proposed Perdido River Land Conservation and Habitat Enhancements project (Perdido project), noting both its location within a watershed facing urbanization and the ecological importance of preserving and restoring land to address threats posed by such urbanization. Commenters stressed the value of the project to maintain biodiversity, critical buffer areas, and habitat connectivity benefitting endangered species, birds, and other wildlife and to protect the water quality of the Perdido River, Perdido Bay, and Pensacola Bay while providing community benefits of improving public access, water quality, and resilience against storms, flooding, and coastal erosion.

**Response:** The Council appreciates the commenters for their support of the proposed Perdido project.

**Comment:** Commenters also commended the Council for finding creative and collaborative projects such as the Perdido project to benefit the whole Gulf region and resources that cross state boundaries consistent with the Council's 2019 Planning Framework priorities.

**Response:** The Council appreciates the commenters' feedback and agrees that continued partnership to address ecological resource challenges that transcend state boundaries will be critical to the overall RESTORE program's success. The Council will continue to foster cross-state collaboration across the Gulf.

**Comment:** Commenters expressed their willingness to partner on the Perdido project, noted its foundational nature to the newly formed Pensacola and Perdido Bay Estuary Program, and mentioned how the project can highlight the importance of the estuary program for communication and coordination to improve and protect the health of the Perdido and Pensacola watersheds.

**Response:** The Council agrees this project is foundational in nature, is appreciative of both the offers to partner with the Estuary Program and the commenters for their support.