

Gulf Coast Ecosystem Restoration Council
Request for Public Comments on Proposed Funding Approvals

The Gulf Coast Ecosystem Restoration Council (Council) is seeking public comments on a proposal to approve funding for two ecosystem restoration activities. Specifically, the Council is proposing to vote on whether to amend its [2021 Funded Priorities List 3b](#) (FPL 3b) to approve the following:

- \$2,123,000 in implementation funding for the City of Loxley Corn Creek Tributary Restoration project, a component of the FPL 3b [Coastal Alabama Regional Water Quality Program](#)
- \$6,400,000 in implementation funding for the Carpenter Creek Bayou Texar Watershed Outfalls project, a component of the FPL 3b [Florida Water Quality Improvement Program](#)

These two proposed funding decisions are independent of each other; the Council can vote to approve both projects, a subset of the two, or none. These projects are being bundled into one public comment period for efficiency and clarity for public response. The Council invites the public to offer comments on these proposed actions. Comments should be limited to the projects listed above.

Background on this proposed funding approval for these projects is provided below. Before voting on whether to approve funding, the Council is publishing these FPL amendments for a 30-day public comment period beginning on November 14, 2023 and concluding at 11:59 pm (CST) on December 13, 2023. 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: FPL Amendment Comments
500 Poydras Street, Suite 1117
New Orleans, LA 70130
Mail must be posted no later than December 13, 2023 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) or program(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 these proposed FPL amendments are described below.

City of Loxley Corn Creek Tributary Restoration Project

The Council is proposing to approve \$2,123,000 in implementation funding for the City of Loxley Corn Creek Tributary Restoration project (Corn Creek project) located in Baldwin County, Alabama and sponsored by the Alabama Department of Conservation and Natural Resources (ADCNR). These implementation funds were budgeted in Category 2 of the Council's FPL 3b. This project would be implemented as a component of the FPL 3b Coastal Alabama Regional Water Quality Program.

This project would restore a channelized tributary to Corn Creek, which feeds into Fish River, Weeks Bay, and eventually Mobile Bay. This tributary runs through the Loxley Elementary School property and the City of Loxley's utilities property. These large open floodplain areas provide an opportunity to improve sinuosity and construct a more natural stream. The project will restore a tributary reach of approximately 2,660 feet with off-channel stormwater management areas utilizing Low Impact Development techniques such as bioretention cells and constructed stormwater wetlands to reduce nutrient and sediment loading. In addition, riparian buffer vegetation and interpretive signage will be established to provide a "hands-on" learning environment for the elementary school students and faculty and provide a significant enhancement to the visual aesthetics of the area. Environmental benefits include improved water quality and ecosystem function/habitat along the restored stream. The plan includes sediment removal in the existing infrastructure or pipes and culverts to avert resuspension and transport downstream.

On June 16, 2023, the City of Loxley received Clean Water Act Section 404 authorization under the Department of Army Nationwide Permit 27. To comply with NEPA, the Council is proposing to adopt the December 10, 2021, Corps of Engineers Decision Document for Nationwide Permit 27. ADCNR also completed additional environmental compliance coordination for the Fish and

Wildlife Coordination Act (FWCA), Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA) in coordination with the U.S. Fish and Wildlife Service (USFWS), and the Alabama Historical Commission. The Council has reviewed the applicable environmental compliance documentation. To ensure compliance with FWCA, ESA, NHPA, and other relevant laws, the Council would require that the sponsor of the project adhere to all applicable conditions in the Nationwide Permit 27 authorization the associated [environmental compliance documents](#).

Carpenter Creek Bayou Texar Watershed Outfalls Project

The Council is proposing to approve \$6,400,000 for implementation of the Carpenter Creek Bayou Texar Watershed Outfalls project (Bayou Texar project), located in Escambia County, FL, and sponsored by the Florida Department of Environmental Protection (FDEP). This project would be implemented as a component of the FPL 3b Florida Water Quality Improvement Program.

To implement this project, FDEP will work with the City of Pensacola to improve existing infrastructure by seamlessly retrofitting five stormwater outfalls currently discharging untreated stormwater from 40 acres within the Carpenter Creek watershed into Bayou Texar. The project will install five treatment units consisting of either concrete or high-density polyethylene box or cylinder-like structures with a series of settling chambers whose primary function is to remove sediment, debris, trash, and their associated pollutants from stormwater. The box is then vacuum cleaned, and the material is properly disposed of, preventing the sediment, debris, and trash from entering Bayou Texar. The treatment units will be installed at the exit of existing drainage pipes underneath the roadway and discharged from the units through existing ditches or swales leading into the Bayou. Environmental benefits include improved water quality by capturing and treating stormwater runoff. Water quality analysis and pollutant load models reveal elevated nutrient concentrations at monitoring stations downstream of the outfalls. Existing infrastructure at the sites includes paved flumes leading from curb inlets directly into the Bayou. This project will improve existing infrastructure to provide new stormwater treatment, improve water quality, and protect water resources, with expected reductions in nutrient and sediment loadings to the Bayou.

To comply with the NEPA, the Council is proposing to use a U.S. Environmental Protection Agency Categorical Exclusion which covers activities such as the proposed project. FDEP has also completed additional environmental compliance coordination for the Endangered Species Act and the National Historic Preservation Act in coordination with the U.S. Fish and Wildlife Service and the Florida Division of Historical Resources. The Council has reviewed the above described [environmental compliance documentation](#) and finds that it addresses the environmental laws applicable to this action.

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