**RESTORE Council Proposed FPL Amendment Bundle**

**Response to Public Comments**

**September 25, 2024**

On July 18, 2024, the Gulf Coast Ecosystem Restoration Council issued a 30-day request for public comments on four proposed Council votes to approve:

* $7,500,000 in implementation funds for the Norton Creek Sanitary Sewer Inflow and Infiltration Rehabilitation project, a component of the FPL 3b [Coastal Alabama Regional Water Quality Program](https://www.restorethegulf.gov/sites/default/files/FPL3b_AL_WQ_Activity_Description_FINAL.pdf).
* $1,000,000 in implementation funds for the Highway 297a Retrofit Pond project, a component of the FPL 3b [Florida Water Quality Improvement Program](https://www.restorethegulf.gov/sites/default/files/FPL3b_FL_WQP_Activity_Description_FINAL.pdf).
* Expansion of the geographic boundary for the FPL 3b [Tribal Youth Coastal Restoration Program](https://www.restorethegulf.gov/sites/default/files/FPL3b_DOI_BIA_Description_Activity_Description_FINAL.pdf) to include the possibility of working with the Alabama-Coushatta Tribe of Texas on land owned by the National Park Service within the Big Thicket National Preserve, Texas.
* Reallocation of $37,660 in previously-approved [FPL 1](https://www.restorethegulf.gov/sites/default/files/FPL_forDec9Vote_Errata_04-07-2016.pdf) funding from the Plug Abandoned Oil and Gas Wells project in Texas to the Jean Lafitte Canal Backfilling project in Louisiana (see pages 36 and 63).

Below is a summary of all public comments received during the comment period, along with the Council’s responses to these comments.

**Norton Creek Sanitary Sewer Inflow and Infiltration Rehabilitation Project**

Comments: Two commenters offered support for this project. Two commenters opposed approving funding for this project based on concerns with transparency and public engagement. These two commenters also opposed the Council’s proposed adoption of the U.S. Army Corps of Engineers National Environmental Policy Act (NEPA) Environmental Assessment, and recommended no further FPL approvals in Alabama until a comprehensive NEPA review is completed for coastal Alabama. The two commenters also asserted that the Council should not fund projects in communities that have "revenues to self-fund' such work.

Response: The Norton Creek project is a component of the FPL 3b Coastal Alabama Regional Water Quality Program, which was available in draft for public review and comment from November 16, 2020 to January 5, 2021. This comment period included two live public webinars on November 16, 2020 and a virtual public meeting for Alabama on December 8, 2020. The FPL 3b description of the Coastal Alabama Regional Water Quality Program provided information including the purpose and need for the program, the general types of projects that would subsequently be implemented under the program, and a description of the process for selecting projects within the program. For all such programs, it is the Council’s policy to provide public comment periods for projects subsequently proposed for implementation funding within the program. Accordingly, the Council provided the 30-day public comment period for the Norton Creek project and other proposed FPL amendments. It is also the Council’s policy to address NEPA efficiently and effectively, while avoiding unnecessary duplication. This includes Council adoption of existing NEPA documentation, when such documentation has been determined to be appropriate for the proposed funding approval, as is the case with the Norton Creek project. The Council does not believe that a programmatic NEPA evaluation of coastal Alabama is warranted. The Council's selection of projects and programs for funding is primarily based on the applicable criteria set forth in the RESTORE Act, as well as the goals and objectives in the Council's Comprehensive Plan. As such, the Council's funding decisions are primarily driven by environmental considerations as opposed to factors such as local revenue and other non-ecological factors.

**Highway 297a Retrofit Pond Project**

Comments: One commenter offered support for this project. Another commenter was unable to find sufficient information on the project, and therefore did not support implementing it until the public has had sufficient information and time to provide informed comments.

Response: The Council’s 30-day request for public comments on these proposed FPL amendments included a link to project-specific summaries and environmental compliance documentation for the proposed amendments, including the Highway 297a Retrofit Pond Project (link below).

<https://restorethegulf.gov/sites/default/files/Public_Comment_Request_FPL_Amendment_Bundle_July_2024_20240710.pdf>

This information, totaling 35 pages including environmental compliance documentation, describes the specific location and watershed, general design, need, and projected environmental benefits of the project, as well as an assessment of potential environmental effects.

**Expansion of Geographic Boundary of FPL 3b Tribal Youth Coastal Restoration Program to Include Alabama-Coushatta Tribe of Texas**

Comment: One commenter expressed general support for this proposed boundary expansion. Another commenter opposed it due to concerns that the Big Thicket National Preserve (BITH), where the Tribal program would operate, is not a coastal ecosystem.

Response: The activities of the Alabama-Coushatta tribal youth will be conducted in the part of the BITH that is within the Gulf Coast Region, as defined by the RESTORE Act. Additionally, the entire watershed of the BITH flows into the Gulf Coastal Region and the Gulf of Mexico. Maintaining a healthy upstream environment contributes to the health of the Gulf Coast Region. Thus, restoration activities undertaken by the Tribal youth in the Big Thicket will benefit the Gulf Coast Region.

**Reallocation of $37,660 from the Plug Abandoned Oil and Gas Wells Project in Texas to the Jean Lafitte Canal Backfilling project in Louisiana**

Comments: Two commenters indicated support for this funding reallocation.

Response: The Council appreciates the input and support for this project.