

DRAFT
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 two ecosystem restoration activities. Specifically, the Council is proposing to vote whether to amend its 2015 Initial Funded Priorities List (Initial FPL) and Funded Priorities List 3a (FPL 3a) to approve the following:

- \$968,863 in implementation funding for the [Bahia Grande Wetland System Restoration](#) project in Texas (included in Initial FPL)
- \$130,000,000 in implementation funding for the [River Reintroduction into Maurepas Swamp](#) project in Louisiana (included in FPL 3a)

These two proposed funding decisions are independent of each other; the Council can vote to approve one, both or neither. These projects are being bundled into one public notice for efficiency. The Council invites the public to offer comments on one or both proposed funding 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 32-day public comment period beginning on February 2, 2023 and concluding at 11:59 pm (CST) on March 6, 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: Maurepas and Bahia Grande FPL Amendment Comments
500 Poydras Street, Suite 1117
New Orleans, LA 70130
Mail must be posted no later than March 6, 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 subjects of these proposed FPL amendments are described below.

Bahia Grande Wetland System Restoration

The Council is proposing to approve \$968,863 in implementation funding for the Bahia Grande Wetland System Restoration project (Bahia Grande project) located in Cameron County, Texas and sponsored by National Oceanic and Atmospheric Administration (NOAA). These implementation funds were budgeted in Category 2 of the Council's Initial FPL. NOAA has since completed required environmental compliance and engineering design utilizing Initial FPL Category 1 approved funding for planning. In addition, any previously approved RESTORE planning funds not necessary to complete final planning activities would also be available for use during restoration implementation.

The Bahia Grande Wetland project is part of NOAA's Connecting Coastal Water initiative. If approved by the Council, implementation funding would be used to restore freshwater flows to 600 acres of aquatic habitat (wetlands and shallow openwater) by re-routing freshwater flow north of Highway 100 into the Bahia Grande wetland system. The Bahia Grande is a large coastal wetland ecosystem that has been greatly affected by hydrological modifications such as channelization, ditching, and road construction. This project would implement restoration activities, conduct monitoring to assess restoration outcomes, and engage in outreach and education with restoration practitioners and stakeholders. The restoration of freshwater flows would be accomplished by installing properly sized and located culverts under Highway 100, diverting water flow through the culverts, and excavating a conveyance channel to direct the water into the northern portion of the Bahia Grande system.

To comply with NEPA, the Council is proposing to adopt the [July 2022 Deepwater Horizon Oil Spill Texas Trustee Implementation Group Final Restoration Plan/Environmental Assessment #2: Restoration of Wetlands, Coastal, and Nearshore Habitats; Nutrient Reduction; Oysters; Sea Turtles; and Birds \(Final RP/EA #2\)](#). This Final RP/EA #2 tiers off of the Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final

Programmatic Environmental Impact Statement (Final PDARP/PEIS). The Final RP/EA #2 analyzes the environmental impacts of and alternatives for a portfolio of projects, including the Bahia Grande project, to address the diverse suite of injuries that occurred at both regional and local scales from the *Deepwater Horizon* spill.

NOAA has also completed additional environmental compliance coordination for the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and the National Historic Preservation Act (NHPA) in coordination with the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and the Texas State Historic Preservation Office. 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 conditions listed in the Final RP/EA #2 and [the associated environmental compliance documents](#).

River Reintroduction into Maurepas Swamp

The Council is proposing to approve \$130,000,000 for implementation of the River Reintroduction into Maurepas Swamp project (Maurepas project), sponsored by Louisiana. In 2020, these implementation funds were budgeted for the Maurepas project in Category 2 of FPL 3a. The Council previously approved \$14,190,000 for planning, engineering and design, and permitting for the Maurepas project in FPL 1. In 2022, the Council approved an additional \$60,000,000 in implementation funds for the Maurepas project in an amendment to the Louisiana State Expenditure Plan, which is funded under the RESTORE Act Spill Impact Component (Bucket 3). Council approval of this proposed FPL 3a amendment would bring the total amount of RESTORE Act funds approved for implementation of this project to \$190,000,000.

The Maurepas project would restore natural processes that will enhance ecosystem health and reduce or minimize future loss of approximately 45,000 acres of bald cypress-water tupelo forest in coastal Louisiana by reintroducing Mississippi River water into the Maurepas Swamp. There are many ecological problems in this area, but probably the most significant is the current hydrologic regime, which is no longer conducive to sustain swamp forest habitat. Historically, the swamp received oxygenated water, sediment, and nutrient inputs from the Mississippi River during seasonal river flooding and via a smaller distributary, Bayou Manchac. That process was interrupted by the construction of local and eventually federal levees along the Mississippi River for flood control as well as the blockage of its connection with Bayou Manchac. This altered hydrologic regime has prevented natural connection of the swamp to the river's life-sustaining waters and resulted in oxygen-poor, stagnant water conditions that impair forest health and associated aquatic habitats. The reintroduction of river water would help revitalize the Maurepas Swamp by providing freshwater, nutrients, and sediments needed for healthy trees and long-term sustainability. This river reintroduction project (also known as a river "diversion") involves an intake and control structure on the Mississippi River, a channel to convey the river water to

the swamp, and “guide levees” along the channel to ensure the water gets to the intended location and to prevent flooding.

To comply with NEPA, the Council is proposing to adopt the 2022 U.S. Army Corps of Engineers (USACE) [Final Supplemental Environmental Impact Statement \(SEIS\) to West Shore Lake Pontchartrain \(WSLP\) Hurricane and Storm Damage Risk Reduction Study](#). The WSLP risk reduction project is in the vicinity of the Maurepas project, and portions of the two projects geographically overlap. For efficiency, the state is consolidating elements of the engineering, design, and construction of the overlapping portions. The WSLP SEIS addresses the environmental impacts of and alternatives to the Maurepas project in the context of required compensatory mitigation for the wetland impacts of the WSLP project. While a portion of the overall projected net ecological benefits of the Maurepas project will be used as such compensatory mitigation, no FPL funding would be used to accomplish this requirement. The compensatory mitigation portion of the Maurepas project is being entirely funded with \$60,000,000 approved for such purpose under the RESTORE Act Spill Impact Component (Bucket 3). FPL funding would be used only for the portion of the projected ecosystem restoration benefits that are in addition to and greater than the amount needed for WSLP compensatory mitigation. In addition to NEPA, the WSLP SEIS addresses the ESA, the MSA, the NHPA, Clean Water Act Section 404, and other relevant environmental laws. The Council has determined that the SEIS 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 conditions listed in WSLP SEIS 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.