



**Mobile Bay National Estuary Program
Government Networks Committee
March 11, 2022, 8:00 am – 9:30 am**



Zoom Virtual Meeting

<https://disl.zoom.us/j/89326162003?pwd=bTVJQXZHb3ZVOHc0WGkybFhTaUFpZz09>

Meeting ID: 893 2616 2003

Passcode: 214761

Agenda

Meeting Objectives:

- a) Provide status of NFWF GEBF & RESTORE funding
- b) Overview Infrastructure funding opportunities
- c) Discuss proposed beneficial use wetland creation project

1. Welcome and Introductions

GNC Co-Chairs:

Commissioner Merceria Ludgood, Mobile County

Commissioner Billie Jo Underwood, Baldwin County

2. Review and Approval of Minutes

3. Old Business

- a) NFWF GEBF/RESTORE Update - ADCNR
- b) Watershed Planning Update – Christian Miller, MBNEP

4. New Business

- a) Infrastructure Investment Act – Chris Thomas, EPA Region 4
- b) Coastal Area Litter Traps – ADEM
- c) Upper Mobile Bay Beneficial Use Wetland Creation – Mary Beth Sullivan, Moffatt Nichol
- d) Other

5. Adjourn

Minutes

In attendance: Billie Jo Underwood, Baldwin County Commission; Merceria Ludgood, Mobile County Commission; William Puckett, Alabama Soil & Water Conservation Committee; Scott Bannon, ADCNR-MRD; McGlynn, ADEM; Jeff Collier, Town of Dauphin Island; Amy Hunter, ADCNR; Chris Thomas, EPA Region 4; Patty McCurdy, ADCNR-State Lands; Amy Hunter, ADCNR; Diane Burnett, SARPC; Jeff Kitchens, ADEM; Sherry Sullivan, City of Fairhope; City Council; Mike McMillan, City of Spanish Fort; Casey Rains, City of Spanish Fort; Matt Anderson, City of Mobile; Leslie Gahagan, City of Foley; Judith Adams, Alabama State Port Authority, Justin McDonald, US Army Corps of Engineers; Dan Bond, City of Gulf Shores; Matthew Jones, Mobile County; Clair Dorough, City of Bay Minette; Kim Burmeister, City of Fairhope; Elizabeth Roney, Office of Rep. Jerry Carl; Veronica Hudson, City of Saraland; Nicole Taylor, SARPC; Robin LeJune, City of Daphne; Mary Beth Sullivan, Moffatt & Nichol, Mike Sharp, NFWF

Staff: Roberta Swann, Bethany Hudson, Henry Perkins, Christian Miller

Takeaways

- Multiple funding opportunities through BP-related, and other streams, are available through ADCNR.
- The Bipartisan Infrastructure Law is increasing funding through State Revolving Loan Funds for a variety of drinking water, stormwater, wastewater, and other environmental projects
- ADEM received funding via GOMESA to install litter catchment devices in Mobile and Baldwin County and is seeking input on the best location for those devices
- Currently, the AL State Port Authority is seeking permitting approval and finalizing design to create 1,200 acres of marsh in Upper Mobile Bay through the beneficial use of dredge materials. The design seeks to maximize habitat value while eliminating any potential adverse impacts to surrounding environmental or cultural resources

The meeting was called to order at 8:05 A.M.

A motion to approve the minutes was made by Jeff Collier and seconded by Sherry Sullivan.

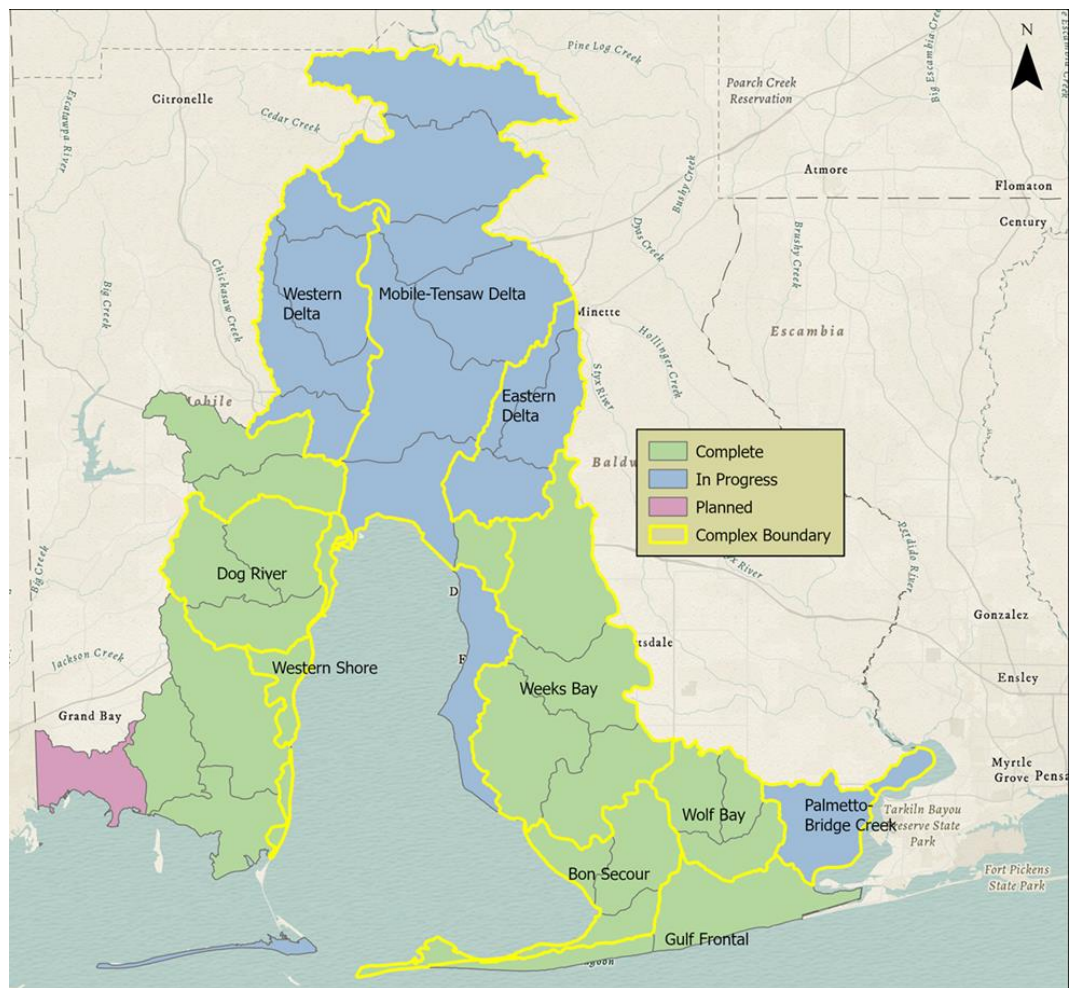
Next, Amy Hunter and Patty McCurdy with AL Dept. of Conservation and Natural Resources gave an update on the status of coastal restoration efforts on behalf of the State.

- Bucket 2 – regional water quality program, The State received a lot of quality project suggestions and expect to announce which projects will be funded sometime this summer.
- NFWF-GEBF – a few preproposals have been submitted, generally funding construction of previously funded Engineering & Design projects.
- The MBNEP's Lower Fish River Watershed Restoration project has been modified to include portions of Magnolia River which were determined to be a higher priority for restoration during the initial scouting and design efforts.
- AL Gulf Coast Recovery Council – State expenditure plan for Bucket 3 funds is out for public comment until April. There is no change in the scope of work/footprint but allows for additional funding to account for dramatic increases in construction costs. This will likely also happen for the Bucket 1 projects.
- GOMESA – finalizing agreements from the last round of projects, awarding \$40 million in funding to 17 projects. This program is a revenue sharing program set up by the Federal Gov't, and the amount of available funding is determined each year depending on the level of oil and gas production.

- Coastal Zone Management program, with funding from NOAA, is receiving project proposals. Generally, for coastal resilience, planning, nonpoint pollution control, habitat protection, and access.
- The coastal restoration program has migrated to the Outdoor Alabama website: [Alabama Coastal Restoration Program](#)
- The old site is still online for archival purposes, but current information and the project submission portal have been migrated to the new site.

Next, Christian Miller with the MBNEP gave an update on watershed planning.

- Completed plans: Western Shore, Gulf Frontal, and the update to D'Olive
- MTA Delta, Eastern Shore, and Dauphin Island are all in



development and expect to be wrapped up by the end of this Summer.

- Recently completed a financial analysis for the Dauphin Island plan that looks at costs/revenue associated with maintaining the West End of the Island. This information was critical for informing recommendations related to the long-term resilience and sustainability of the Island as a whole.
- Watershed plan development is just getting underway in the following watersheds: Perdido, Western Delta, and Eastern Delta.
- The last remaining RESTORE-funded watershed for planning is Grand Bay. There have been initial conversations with MS Dept. of Environmental Quality about partnering to cover the watershed on both sides of the State line.

Next, Chris Thomas with US Environmental Protection Agency, Region 4, gave an overview of State revolving fund provisions in the Bipartisan Infrastructure Law (BIL).

- BIL amended portions of the safe drinking water act and clean water act to allow additional funding to state revolving funds
- Reauthorizes existing base SRF programs and adds new funding streams
- Reauthorized at the following amounts: 2022- \$2.4 Billion, '23 - \$2.75 B, '24 – \$3.0B, '25 & '26- \$3.2 B
- Expands allowable forms of SDWA disadvantaged subsidy and provides other forms of loan forgiveness
- US Iron & Steel procurement requirement made permanent
- Build America, Buy America procurement requirement added
- In Alabama the SRF is administered by ADEM
- BIL added three additional pots of funding for three years: additional base funding, lead service line replacement funding, and funding for emerging contaminants.
- General Supplemental (CWSRF & DWSRF)
 - All SRF eligibilities
 - 10% state match in '22 and '23; returns to 20% in years '24-26
 - 49% of the capitalization grant amount must be given as additional subsidy (to any SRF eligible community)
- Lead Service Line Supplemental (DWSRF)
 - Eligibilities limited to DWSRF-eligible "lead service line replacement projects and associated activities directly connected with the identification, planning, design, and replacement of lead service lines."
 - No state match
 - 49% of the capitalization grant amount must be given as additional subsidy (to any DWSRF eligible community)
- Emerging Contaminants/PFAS Supplemental
 - Eligibilities limited to SRF-eligible projects that "address emerging contaminants in drinking water with a focus on perfluoroalkyl and polyfluoroalkyl substances"
 - No state match
 - 100% of the capitalization grant amount must be used as additional subsidy (to any DWSRF eligible community)
 - 3% of the funds may be used **by EPA** for "salaries, expenses, and administration" in '22; drops to 2% in '23-26
- Build America, Buy America Act is included in the BIL
 - Expands domestic preference requirements for both SRF programs and WIFIA, as well as adds domestic preference requirements to other infrastructure funding programs at EPA and other Federal-aid infrastructure programs.
 - Requires domestic production of iron/steel, manufactured products, and other construction materials
- BIL provides additional funding to four environmental programs: Geographic Programs (eg EPA's Gulf of Mexico Program receiving an additional \$53 million over 5 years), the National Estuary Program (MBNEP receiving an additional \$4.75 million over 5 years), Gulf Hypoxia Action Plan, and Class VI Permitting.
- There are 21 new grant authorities included in BIL that may be used to include additional funding in federal fiscal year funding for EPA.
- Opportunities from the BIL
 - Making a generational level investment in clean and safe drinking water
 - Single largest investment the federal government has ever made in water
 - Tackling complex compliance challenges
 - Using additional subsidy as an affordability tool to assist drinking water and wastewater

- systems most in need
 - Using set-asides to assist systems with applications and capacity-building activities
 - Identifying and removing lead service lines
 - Funding for emerging contaminants
- Implementation guidance is still being developed. There is an emphasis on targeting resources on disadvantaged and underserved communities. States and EPA are working together and each state will have a unique approach.
- CWSRF eligible project categories include wastewater treatment, stormwater management, water reuse, planning, Agricultural BMPs, contaminated site remediation, habitat and ecosystem restoration and source water protection.
- DWSRF eligible project categories include most items related to drinking water infrastructure needs – treatment, transmission, storage, source, planning & design
- State of Alabama contact for SRF is Brian Espy, Chief, General Services Branch, ADEM
 - srf@adem.alabama.gov
 - (334) 271-7711

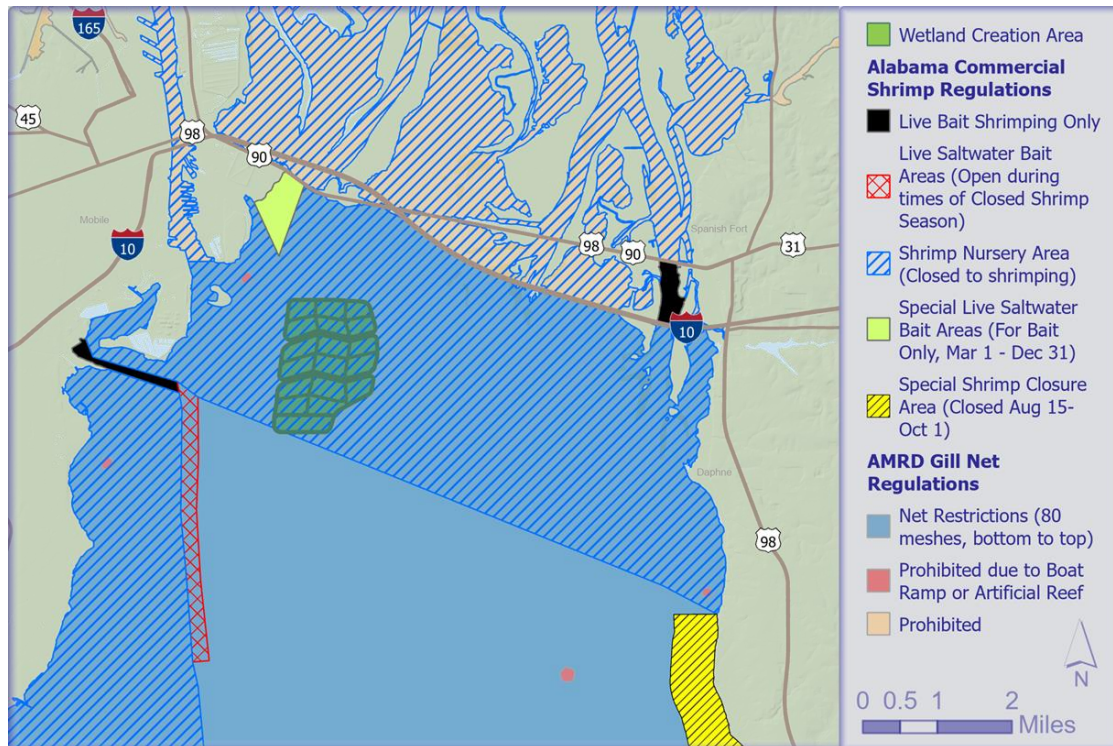
Next, Jeff Kitchens with ADEM spoke about coastal litter abatement

- Litter in public waterways is a major issue for both water and habitat quality
- Plastic breaks down into smaller particles (microplastics) that can be consumed or taken up by various animals.
- Social impacts – nobody likes to look at litter, it can be a vector for disease-causing insects, foul infrastructure, etc.
- ADEM has been working on several trash-related initiatives
 - Education geared to the public and for municipal staff
 - Added watershed signage along the interstates
 - Distributed “do not litter” signage (Available to municipalities through ADEM if interested)
 - Partnership with ALDOT to create sculptures that act as trash receptacles at rest stops throughout the State.
- ADEM has been awarded \$1 million through GOMESA to fund litter abatement in coastal AL
- Money will pay for installation and for litter traps in Mobile and Baldwin counties
- Potential to help fund operations and maintenance for an initial period
- ADEM is currently assessing where the best locations for the litter traps. Where are the hot spots?
- Focus on disadvantaged communities
- ADEM has had discussions with Osprey and is looking to partner with interested groups/municipalities in Mobile and Baldwin counties.
- If you are interested, contact James Carlson, Chief, Stormwater Management Branch
jhc@adem.alabama.gov (334)271-7974

Next, Mary Beth Sullivan with Moffat Nichol discussed the AL State Port Authority’s Upper Mobile Bay Wetland Creation project

- The goal of this project is the creation of 1,200 acres of wetlands in upper Mobile Bay through the beneficial use of dredge material.
- Annually, 350,000 cubic yards of sediment is removed from ASPA berths
- Upper Mobile Bay has lost over 10,000 acres of wetlands over the last century
- Expected project benefits include: increased wetland nursery habitat, increased commercial fisheries habitat, increased recreational opportunities, increased SAV habitat, improved water quality, reduced wave action and erosion, reduced dredging costs
- Initial construction is at 30% designs. Over 80 soil borings and 2,000 acres of bottoms have been surveyed.
- Cultural resources assessment and submerged aquatic vegetation mapping has been reviewed
- Environmental Resources criteria :

- Avoid cultural resources, avoidance methodology will be utilized
- Avoid SAV
- Maximise habitat diversity
- minimize negative impacts to fisheries
- maximize nursery habitat for fisheries
- incorporate regulatory agency requirements



- Design criteria
 - Determine wind and wave climate
 - Determine depth of water
 - What is target elevation of wetland habitats
 - What is the slope stability of the wetlands that will be created
- Conceptual design is ~1,200 acres located about 1 mile south of the causeway. This will be a phased construction over the course of ~20 years. New containment will be constructed as needed.
- Once a cell is closed, habitat construction will take place that includes gapping the containment and creating tidal creeks to allow for normal flow and connection to the Bay
- Currently in planning phase which will plan and permit all 1,200 acres through 2022
- Phase II is initial construction of 100 acres of wetland containment over the course of 5 years
- Over the next 20 years incremental expansions of the remaining 1,100 acres will take place
- Next Steps
 - USACE Application Submitted September 2021 and Public Notice issued (Closed Feb 3)
 - Receive feedback on design concept from this meeting
 - Design 100-acres of Wetland Creation
 - 2nd Public Meeting for Project Updates
 - Permit update for Dredge Material
 - Long-term Wetland Creation Plan
- Contact:
 - Project website: uppermobaywetlands.com
 - Email: uppermobaywetlands@alports.com

Meeting adjourned at 9:35 a.m.