

Project Implementation Committee Meeting – Sept. 2023



Please sign-in out in
the hallway and in
the chat

This presentation provides minutes of the September 28, 2023, Project Implementation Committee. Additional notes are added as needed.

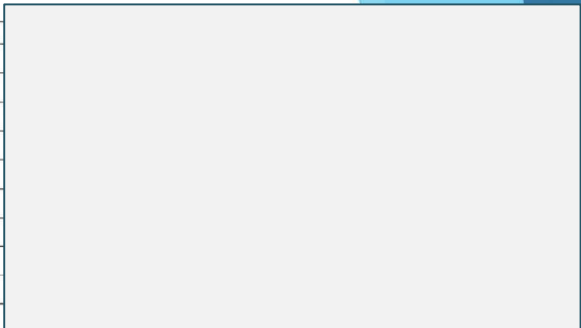


Mobile Bay National Estuary Program
SIGN IN SHEET
Project Implementation Committee
Five Rivers, September 28, 2023



NAME	ORGANIZATION	E-MAIL ADDRESS	PHONE #
Andrew James	Volkert, Inc.		
MARY MULLINS REDDITT	MPACT		
Stephen Otteus	Thompson Eyr		
Don Bismiller	Moffatt & Nichol		
Gregg Ramsdell	Moffatt & Nichol		
Gregg Ruesch	CSA		
Benji E Imore	AL Forestry Comm.		
Ross Howell	Anchor OEA		
Emma Calman	City of Mobile		
Lance Sadler	Cann		
Zachary Taylor	City of Mobile		
Nick Combs	Thompson Engineering		
Cade Burdick	Thompson Engineering		
Jane Hendon (Christina Carter)	So. AL Land Trust		
Admiral Dacht	NRECS		
Benji Pace	Volkert		
Jacob Bolin	AFC		
Samuel Shotts	State Lands		
Jermiah Kalk	State Lands		
Mike Furbrecht	Thompson Eyr		
Jes Coaring	Mobile Baykeeper		
Ashley Campbell	Baldwin County		

NAME	ORGANIZATION
Lephi Gahagan	City of Foley
Casey Fulford	AMCD
Tommy H. H. H.	EMERSON
Jay Estes	Alton ES
Jesi Ward	City of Daphne
Anna Sawyer	Mobile County
Lee J. J.	
Walter Ernest	Police and Const.
Mary Kate Brown	TNC



VIRTUAL :	
Cody Aloi	
Roberta Swann	
Bradley Williams	
Chris Wain	
Suzanne Sweetser	
Autumn Nitz	
Scott Phipps	
Carl Fenaro	

Project Implementation Committee Agenda



Welcome and Call to Order:

Co-Chairs: Judy Haner, The Nature Conservancy, & Patric Harper, U.S. Fish and Wildlife Service

Review and approval of June 2023 minutes

Old Business:

Management Conference Committee Updates

New Business:

- Committee Input Session
- Project Updates and Discussion
- MBNEP Watershed Planning and Project Implementation Updates
- Next Meeting TBD



The meeting was called to order at 1:05pm

Minutes from the June 2023 meeting were distributed for review prior to the meeting. Andy James motioned to accept the minutes; Steve O'Hearn seconded the motion.

Old Business: MBNEP staff provided updates for the other Management Conference committees.

- Community Actions Committee – met September 14, discussed updates on coastal Alabama volunteer monitoring activities, Dr. Ruth Carmichael shared information about improving community health using microbial source tracking, and the committee provided responses to the impact survey.
- Business Resources Committee – met September 21, committee provided responses to the impact survey. Also, developing a workplan.
- Science Advisory Committee – met September 22, Baykeeper provided an overview of their strategic plan related to oyster work for feedback. State of the Bay updates were shared. A new report is in early development. The Fowl River Marsh Health Study is being refined into a manuscript for publication.
- Finance Committee – met September 27, new co-chairs are being recruited and committee by-laws were updated.
- Government Networks Committee – have not met yet this quarter. Their next meeting is

September 29.

New PIC Co-Chairs – nominations currently open for one of two co-chair positions. A representative of the State will hold one position, per changes to the MBNEP by-laws approved by the Executive Committee.

Project Implementation Committee Agenda



- Committee Input Session – Mary Mullins, MPACT



PollEv.com
MARYMULLINSREDDITT600

- WOTUS Final Rule Amendments – Tom Hutchings, EcoSolutions

Live Polling Committee Input Session – to inform new CCMP

- Mary Mullins Redditt led a Project Implementation Committee organizational assessment survey. This survey was conducted across all management conference committees. The questions posed to each committee were originally posed to the management conference in 2005. This was done to see how opinions have changed over that time and to inform development of the new CCMP which will be taking place over the next two years.
- A formal report of the survey findings will be made available in the future to all members of the management conference.

SCOTUS
Waters of the United States

RECENT RULING DISCUSSION

Project Implementation Committee (PIC)
Mobile Bay National Estuary Program

Tom Hutchings
Lee Yokel
EcoSolutions, Inc.
September 28, 2023



Mr. Tom Hutchings Ms. Lee Yokel with EcoSolutions provided an update for a recent ruling to the Waters of the United States 2023 Rule (WOTUS) that could have impacts to management of wetlands.

Rulings Effecting
Federal Jurisdiction Over Wetlands

Clean Water Act 1972 sect 404

SWANCC 2001

Rapanos 2006

Obama Administration Clarification 2015

Trump Administration Rollback of Obama Rules 2020

Biden Administration 2022

Sackett 2023

Timeline for rulings effecting Federal jurisdiction over wetlands.

No guidance received regarding changes from the Mobile District of the Army Corps of Engineers. Tom shared that the ruling does not put into question what classifies as wetlands, but what are jurisdictional wetlands as considered by the regulatory authority.

Sackett 2023 - 5-4 decision by the Supreme Court.

**Alabama Power's Theodore wetland
project restores critical, coastal pine
savannah 2023**



<https://alabamane.wscenter.com/2023/04/25/alabama-powers-theodore-wetland-project-restores-critical-coastal-pine-savannah/>

Pine savannah are one of the most threatened habitats that provide wetland function. Other habitats according to Tom that are under attack are pitcher plant bogs and interdunal swales.

Splinter Hill Bog

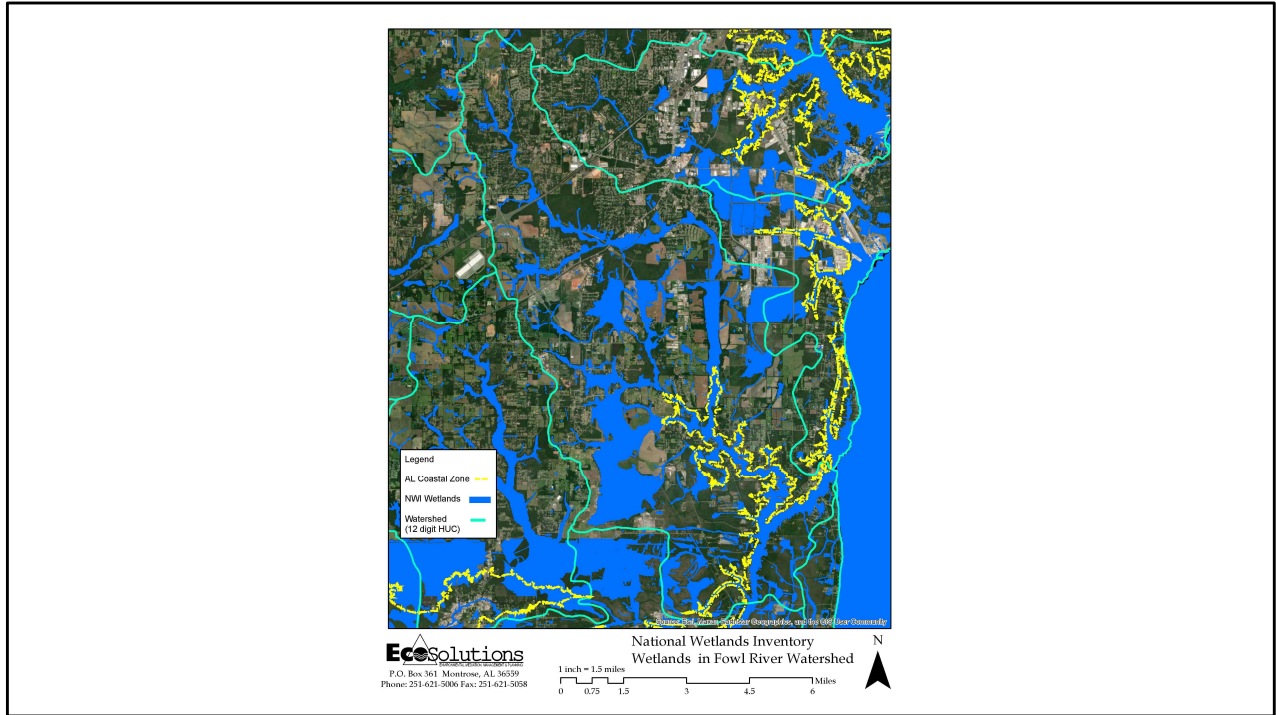


[Facebook.com/thenatureconservancy](https://www.facebook.com/thenatureconservancy)

Coastal Interdunal Swale

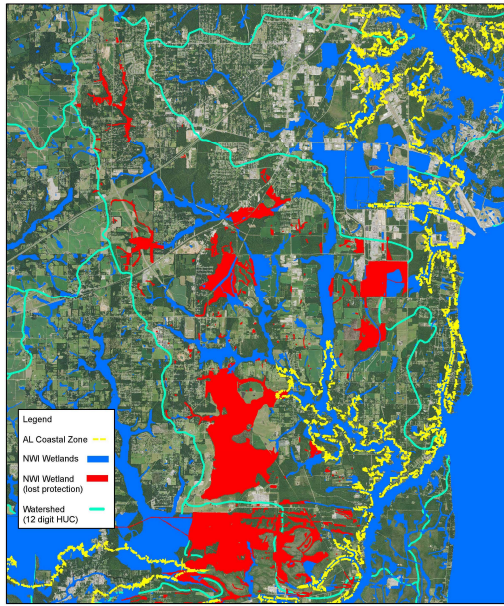


NOAA



What is considered a jurisdictional wetland?

Blue represents wetlands currently on the national inventory. On the following slide, the red polygons highlight wetlands that have potentially lost federal regulation protection because of changes to WOTUS.



EcoSolutions
 P.O. Box 361 Montrose, AL 36539
 Phone: 251-621-3086 Fax: 251-621-3058

1 inch = 1.5 miles
 0 0.75 1.5 3 4.5 6 Miles

Wetlands that lost protection due to
 Sackett in Fowl River Watershed

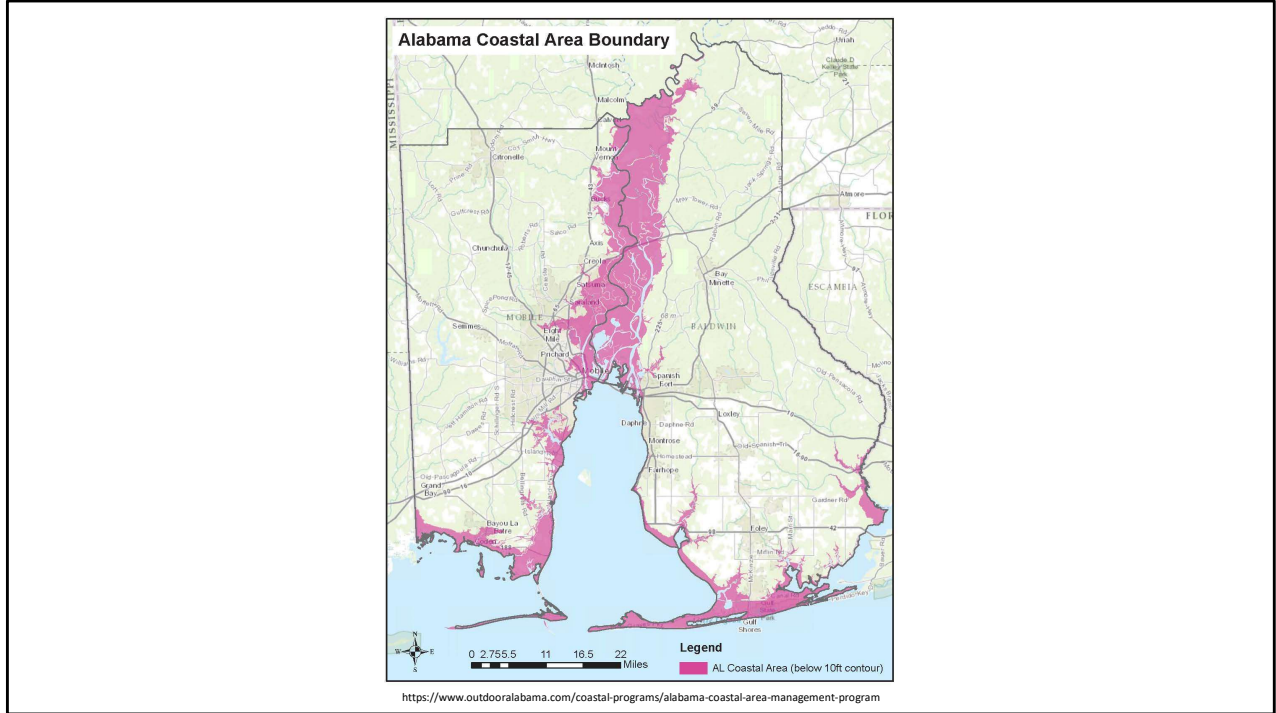


Most existing local wetland protection measures refer to jurisdictional wetlands as determined by the US Army Corps of Engineers

Continuous surface water connection to traditional navigable waters can be interpreted widely considering levees or other manmade structures. This will add risk to management and preservation of headwater streams.



Green – rely on federal jurisdiction.
 Yellow – limited local wetland authority.
 Blue – states that have their own state wetland protection.



Alabama has jurisdiction below the 10-foot contour as regulated by the Alabama Department of Environmental Management.

Take Action

Protection of wetlands not subject to federal jurisdiction

- Bring protection to the state level
 - ADEM statewide wetland regulations
 - ADEM statewide wetland delineator certification
- Bring protection to the local level
 - Mobile and Baldwin County ordinances
 - Update to municipal ordinances
- Avenues to protection
 - Wetland protection ordinances
 - Stormwater management
 - Land disturbance ordinances
 - Subdivision regulations
 - Floodplain and nuisance flooding requirements
 - Zoning
 - Building codes and regulations
 - Other?



Speaker recommendation to the committee if they are interested in acting to improve wetland protection.



EcoSolutions, Inc.
Tom Hutchings
Tom@ecosolutionsinc.net

P.O. Box 361
Montrose, AL 36559
251-621-5006
mail@ecosolutionsinc.net
www.ecosolutionsinc.net

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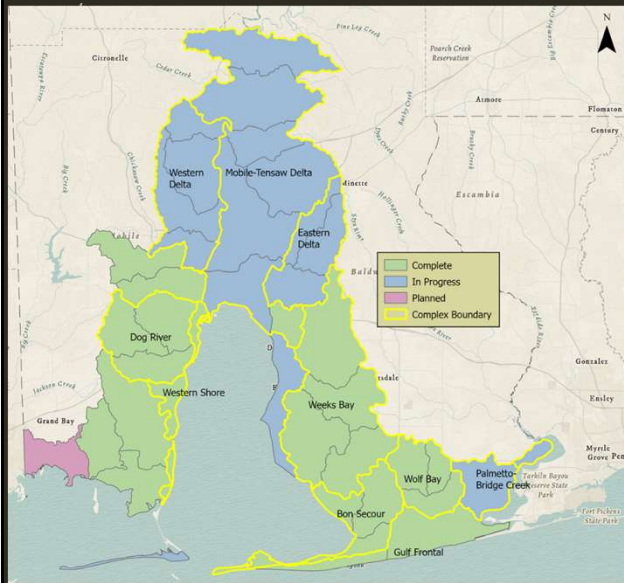
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Prior to adjourning, MBNEP staff provided program activities implementation updates.

Watershed Planning Update



Watershed	Status
MTA Delta	Complete
Eastern Shore	Complete
Dauphin Island	Complete
Perdido	Wrapping Up
Western Delta	In Progress
Eastern Delta	In Progress
Grand Bay	RFQ released
Eight Mile Creek	Update In Progress

Mr. Christian Miller provided a status of completed and ongoing watershed management plan activities in coastal Alabama.

MBNEP Restoration Update



- **D'Olive**
 - Landowner access secured
 - Permit application submitted
- **Lower Fish River**
 - Marlow - warranty and maintenance
 - Magnolia River Watershed - Magnolia River and Schoolhouse 60% and permit underway
- **Fowl River**
 - Draft permit received; procurement to follow
- **Three Mile Creek**
 - 12-Mile Warranty
 - Apple snail treatment continues
- **Deer River**
 - NTP Issued



- The Pine Run project is moving forward with anticipated construction spring 2024.
- The Marlow project continues to perform as designed. Planned projects at Schoolhouse Branch and on the Magnolia River continue to move forward through design and permitting. Planned construction spring 2024.
- The Fowl River Spits project permit, after nearly two years, is almost in hand. Next steps will be procurement of a construction contractor.
- Three Mile Creek – wrapping up warranty on the 12-Mile project. The project continues to perform as designed. Invasive species activities continue.
- Deer River project – a contractor was secured after rebidding the project. Notice to Proceed was issued and we expect substantial completion spring 2024.

- City of Mobile provided an update on 12-Mile Creek stabilization: Phase I – University to Museum drive – should be substantially complete in 4-6 weeks. Phase II – East Drive to University is at 80% completion.

Meeting was adjourned at 2:45pm.