

Bipartisan Infrastructure Law
Equity Strategy for the
Mobile Bay National Estuary Program



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BACKGROUND

On November 6, 2021, Congress passed the Infrastructure Investment and Jobs Act, known as the Bipartisan Infrastructure Law (BIL), a significant investment in the nation's infrastructure and resilience. The BIL specifically identifies the National Estuary Programs (NEP) as crucial partners for implementation, providing additional funding to these programs. BIL funding offers a historic investment for the NEPs by doubling the current base annual funding. The BIL contributes an additional \$26.4 million at \$909,800 annually over five years to the NEPs. BIL funding occurs in fiscal year (FY) 2022 through FY2026. NEPs have access to BIL funding until fully expended.

A core emphasis of the BIL funding for NEPs is accelerating environmental and community restoration goals within the NEP's Comprehensive Conservation and Management Plan (CCMP). The substantial increase in NEP funding appropriated in the BIL shall significantly enhance NEPs' capacities to achieve CCMP goals. The NEPs' bolstered capabilities shall enable the NEPs to develop and strengthen partnerships necessary to use these new funds effectively.

Addressing Environmental Justice (EJ) and climate change are critical Environmental Protection Agency (EPA) priorities in the Agency's FY2022–2026 EPA Strategic Plan. EPA is embedding these goals in its programs, policies, and activities, including implementing BIL funds provided to NEPs. To this extent, NEP projects funded through BIL shall:

1. Accelerate and More Extensively Implement CCMPs: The significant and multi-year expansion of funds through the BIL provides an opportunity for NEPs to execute long-term projects within the communities they serve, leverage additional resources, and work with their management conferences and other key stakeholders to advance a wide range of projects identified in CCMPs.
2. Build the Adaptive Capacity of Ecosystems and Communities: NEPs have long been at the forefront of addressing climate change impacts in their watersheds, working with federal, state, and local partners, often using green infrastructure and nature-based solutions. NEPs are encouraged to use BIL resources to continue expanding resilience activities, including protecting and restoring critical habitats that increase resiliency and carbon sequestration.
3. Ensure that Benefits Reach Underserved Communities: The BIL is a transformational opportunity to ensure that the benefits of federal investments are shared equitably by communities benefiting from estuary program projects. In identifying priority actions, management conferences should prioritize projects with benefits that flow to historically underserved communities. The BIL NEP funds fall under the Justice40 Initiative. The national program aims to ensure that at least 40% of the benefits from the BIL flow to underserved communities.

To ensure NEP BIL expenditures prioritize implementing the Justice40 initiative, each NEP shall develop an Equity Strategy outlining its approach to contribute to the nationwide NEP Justice40 target. The Equity Strategy aims to demonstrate how each NEP will review potential projects using BIL funds through the lens of equitable and fair access to the benefits of environmental programs for all communities. The Equity Strategy shall outline how BIL funding utilization to sustain and increase investments in overburdened, underserved, and tribal communities and the benefits that flow to them. The NEP's Equity Strategy intends to meet the goals of:

1. Justice40 under Executive Order (E.O.) 14008 of Jan. 27, 2021., and
2. EPA's Equity Action Plan under E.O. 13985 of Jan 20, 2021.

Justice40 and the EPA's Equity Action Plan call for expedient action by organizing and deploying the total capacity of government agencies to combat the climate crisis by implementing a government-wide approach that:

1. reduces climate pollution in every sector of the economy,
2. increases resilience to the impacts of climate change,
3. protects public health,
4. conserves our lands, waters, and biodiversity,
5. delivers environmental justice, and
6. spurs well-paying union jobs and economic growth through innovation, commercialization, clean energy technologies, and infrastructure deployment.

Successfully meeting these challenges will require the Federal Government to pursue a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including state, local, and tribal governments.

The NEPs shall establish the following aspects of the Equity Strategy to meet the goals of Justice40 and the EPA's Equity Action Plan:

1. Government Overview: NEPs shall explain how they operate, their authorities, their core goals, and how the NEP already integrated EJ into their work.
2. Definition of Underserved Communities or Alternative Term(s): NEPs shall define underserved communities or use an alternative description and criteria to map potentially underserved communities in the program's study area or region.
3. Baseline Analysis of Underserved Communities: NEPs shall determine the baseline analysis of underserved communities, laying the foundation for how NEPs identify underserved communities and how benefits to communities are tracked and measured in future years.
4. Numeric Targets (Justice 40): NEPs shall set a numeric target for activities supporting underserved communities that contribute to achieving a target at or above 40% of benefits and investments to such communities for the national program over the lifespan of total NEP BIL funds.
5. Key Activities: NEPs shall outline the path to achieving the new goal/numeric target, including projects, activity locations, milestones, training and outreach/engagement needs, and capacity building.

GOVERNANCE STRUCTURE OF THE MOBILE BAY NATIONAL ESTUARY PROGRAM

Clean Water Act (CWA) Section 320

In 1972 the U.S. Congress enacted the Clean Water Act (CWA) to restore and maintain the chemical and biological integrity of the Nation's Waters to support the protection and propagation of fish, shellfish, wildlife, and recreation in and on the water. In 1987, the U.S. Congress amended the CWA to create the National Estuary Program (NEP). The legislative purpose of this amendment is to identify, restore, and protect nationally significant estuaries. The CWA, under Title 3, Section 320, Public Law 94-117, or 33 U.S.C. 1330, authorizes the formation of NEPs. The goal of the NEP is to protect and restore the water

quality and estuarine resources of estuaries and associated watersheds designated by the EPA Administrator as estuaries of national significance.

A hallmark of the NEP is establishing and convening a “Management Conference” (MC). The MC is critical to its ability to facilitate collaborative efforts. Section 320 of the CWA outlines that NEPs are required to:

1. establish an MC,
2. develop a CCMP, and
3. ensure its implementation by stating in part the purposes of the MC.

The purpose of any MC convened for a NEP under CWA Section 320 is to:

1. assess trends in water quality, natural resources, and uses of the estuary;
2. collect, characterize, and assess data on toxic materials, nutrients, and natural resources within the estuarine zone to identify the causes of environmental problems;
3. develop the relationship between the in-place loads and point and non-point loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;
4. develop plans for the coordinated implementation by the federal, state, tribal, and local agencies participating in the conference; and
5. develop a CCMP recommending priority corrective actions and compliance schedules addressing:
 - a. point and non-point sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including,
 - b. restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish, and wildlife,
 - c. recreational activities in the estuary, and
 - d. assure the designated uses of the estuary are protected.

The Management Conference: How the MBNEP Operates

The Mobile Bay National Estuary Program (MBNEP) was recognized as a program in 1995 at the request of then-Governor Fob James. It is one of the 28 federally authorized NEPs administered and funded by the U.S. Environmental Protection Agency (EPA). When first established as a program, the MBNEP was governed by an MC consisting of a 19-member Policy Committee, a 36-member Management Committee, and technical workgroups to help identify issues and develop action plans for addressing needs. In 2006, MBNEP initiated a reorganization of the MC to provide a better combination of private and public policymakers, private and public implementers, and grassroots community groups and citizens. The reorganization expanded support for CCMP implementation, identification, and engagement of emerging issues related to CCMP objectives. This reorganization aimed to increase the ability to function as a community capacity builder and provide improved public services in the environmental area to our coastal communities.

The current MC now consists of seven central committees:

1. Science Advisory
2. Project Implementation

3. Government Networks
4. Business Resources
5. Community Action
6. Finance, and
7. The Executive Committee

The Executive Committee consists of members from each of the other listed committees and functions as the representative body of the conference by:

1. adopting policies on issues and funding for the program,
2. approving work plans and planning amendments,
3. providing a forum for exchanging information among the standing committees, and
4. providing other actions necessary to sustain and expand the program.

A vital MC principle is coordinating and cooperating with other ongoing resource management activities to avoid unnecessary duplication. In this regard, the program office significantly coordinates estuary projects and outreach activities, thus providing an extensive and comprehensive benefit than simply CCMP project management.

Comprehensive Conservation and Management Plans: What Guides MBNEP Operations

The first CCMP was completed and approved in April 2002. It consisted of primary objectives and sub-objectives with specific steps or Action Plans for accomplishing each sub-objective. The 2002 CCMP contained 29 specific goals with 101 implementable steps on the “Path to Success.” As of September 30, 2011, of the 101 actions identified in the plan, 11 were complete, 88 were implemented in varying capacities, and three were under reconsideration.

In 2011, the MBNEP initiated a process for updating the first CCMP. The MBNEP took three key actions to update the CCMP. First, MBNEP identified that citizen input was crucial for creating “ownership” of the new plan through a concerted effort to gather community input using surveys and community meetings to assess environmental attitudes. MBNEP identified six values important to living in coastal Alabama. These assessments guided which environmental issues must be addressed in the next CCMP. Second, the first CCMP Was analyzed to evaluate which implemented areas of the plan were successful. This analysis was based on the following:

1. an inventory of ongoing or completed activities,
2. what gaps in implementation exist, and
3. what areas required further study and action.

Third, an analysis of the historical balance of habitats in the area was conducted to assess which habitat types had been most severely impacted by community growth. These three sets of information formed the foundation of the second CCMP. Therefore, ensuring the actions outlined in the plan resonated with the community, were achievable and realistic, and based on science.

MBNEP’s Vision, Mission, Purpose, Goals, and Guiding Principles

The MBNEP’s vision is for Alabama’s estuaries, or “where the rivers meet the sea,” to remain healthy and support ecological functions and human uses. MBNEP’s Mission is to achieve this goal by promoting the wise stewardship of the water quality and living resources of Alabama’s estuaries and coast. The

MBNEP's service area covers all of Mobile and Baldwin counties, from the Florida border on the east, encompassing all of coastal Alabama to the Mississippi border to the west. MBNEP's Purpose is to:

1. catalyze the actions of estuary stakeholders,
2. build community organizational capacity for sound resource management, and
3. leverage commitment and investment to ensure the estuary's sustainability.

The overarching goals of MBNEP are:

- Improving understanding and knowledge about environmental conditions.
- Improving the management of coastal watersheds to increase ecologic functions.
- Enhancing the capacity of communities to conserve a highly cherished coastal way of life.
- Increasing citizen engagement in environmental protection.

MBNEP established the following Guiding Principles with an aim to maximize effectiveness in promoting estuary health:

1. Those that live it know it - Citizens, fishermen, boaters, scientists, businesses, industries, tribes, underserved- all have unique insights into the environmental challenges we face, what works, and what doesn't. Community input is vital to developing long-term solutions to local challenges.
2. Economic opportunities must be available - Our coast is an economic engine, creating significant wealth for our state each year through activities such as trade through the Port of Mobile, recreational, and commercial fishing, tourism, hunting, and coastal construction. Many jobs depend on our area's water quality, healthy populations of fish and wildlife, and a mosaic of habitats providing essential natural functions and quality of life.
3. It happens in the river, in the sea, and on the street - Residents, towns, cities, counties, business and industry, academia, community developers, and social services all have a vested interest in preserving the quality of life derived from Alabama's estuaries and coast. Involvement of citizens in watershed planning and implementation secures the community ownership necessary to protect the long-term health and vitality of the Mobile estuary.

MBNEP's Longstanding Commitment to Equitable Program Delivery

The MBNEP has been a longtime leader in implementing comprehensive watershed management across Alabama's two coastal counties to improve environmental conditions, function, and services contributing to community health, well-being, and quality of life. This watershed approach was first initiated in the Eight Mile Creek watershed in 2004 with funding from the EPA Gulf of Mexico Program and in partnership with the Alabama Department of Environmental Management (ADEM) and the South Alabama Regional Planning Commission (SARPC). The initiative focused on removing Eight Mile Creek and Gum Tree Branch from the Alabama 303(d) impaired waters list.

MBNEP follows EPA's prescribed watershed planning process, which strives to engage disadvantaged communities throughout the development and implementation of the Watershed Management Plan (WMP). MBNEP employs multiple methods to involve disadvantaged communities throughout the planning process, including:

- Outreach and Engagement: MBNEP conducts targeted outreach efforts to ensure disadvantaged communities know the planning effort's purpose, goals, and objectives and have opportunities to participate. Outreach efforts may involve community meetings, workshops, community input surveys, and materials translated into different languages when necessary.
- Collaboration and Partnership Building: MBNEP collaborates with community-based organizations, non-profits, and local leaders with strong connections to disadvantaged communities. These partnerships help ensure that the perspectives and concerns of these communities integrate effectively into the planning process.
- Capacity Building: WMP development often includes technical assistance, training, and resources to build the capacity of disadvantaged communities to participate in WMP development actively. This support helps empower these communities to voice their concerns and contribute to decision-making.
- Environmental Justice: WMP development considers environmental justice principles, weighing the disproportionate impact of pollution and environmental degradation on disadvantaged communities. This approach helps ensure that the planning process addresses and mitigates existing inequities.

A significant portion of the Eight Mile Creek Watershed comprises traditionally underserved, low-income, predominantly minority communities in Prichard, Alabama, disproportionately affected by poverty and pollution. MBNEP will use BIL funding to update this WMP and weave it into a regional planning effort along the western side of the Mobile Tensaw Delta, which is currently underway. MBNEP will follow its publication with future BIL fund investments to jumpstart improved environmental protection across this area by updating the plan and rebuilding partnerships throughout the watershed.

Eight Mile Creek and Gum Tree Branch are in Mobile County, with most of its 37 square mile watershed located within Mobile, Prichard, and Chickasaw. The downstream portion of the watershed, including the Gum Tree Branch, is heavily urbanized, with approximately two-thirds of the tributary flowing within Prichard's city limits. In 1998, Eight Mile Creek and Gum Tree Branch were added to the State of Alabama's 303(d) list of impaired waters due to high levels of pathogen pollution (fecal coli form) from urban runoff and storm sewers and sanitary sewer collection system failure. Eight Mile Creek is listed as impaired for a length of 3.2 miles. The downstream/ upstream locations associated with this creek are AL Highway 45 and Highpoint Blvd. Gum Tree Branch is listed as impaired for a length of 2.2 miles. Its downstream/upstream locations are Eight Mile Creek and its source.

The first phase of this project consisted of ADEM collecting samples and compiling monitoring information from the Eight Mile Creek and Gum Tree Branch watersheds. Data from the monitoring effort was analyzed and compared to Alabama's numeric water quality criteria. The second phase of this project consisted of SARPC working with ADEM to collect, assimilate and compile information about various existing conditions of the water bodies into an ArcView Geographic Information Systems (GIS) project. The third phase included collecting, assimilation, and compiling information about various potential sources of pollutants discharging into the Eight Mile Creek and Gum Tree Branch watersheds. Information on sources was largely anecdotal, except for observed sanitary sewer overflows by ADEM. Due to data collection difficulty due to inaccessibility, unidentifiable locations, unknown conditions, or other situations, the report provided extensive information about potential sources as a starting point for further investigation.

With this information, MBNEP entered an ongoing partnership with the City of Prichard to provide planning, technical assistance, resource development, project management, and outreach and education to the City of Prichard via the vast resource network the MBNEP employs. Although MBNEP has supported further study through infrared mapping of septic system failures and has supported septic pump-out workshops over the years, it has yet to truly secure the funding necessary to impact conditions in this watershed.

HOW UNDERSERVED COMMUNITIES ARE DEFINED IN COASTAL ALABAMA

The MBNEP Service Area

The MBNEP's service area covers all of Mobile and Baldwin counties. The two counties are home to multiple underserved communities facing various economic, social, and health-related challenges linked to the surrounding environment. The geographic area of the service area extends from the Florida border on the east, across coastal Alabama to the Mississippi border to the west, including the Mississippi Sound, west to the Mississippi/Alabama border, and Perdido Bay, east to the Florida state line. Major waterways include the following:

- Tombigbee River
- Spanish River
- Tensaw River
- Apalachee River
- Blakeley River
- Escatawpa River
- Mobile River
- Alabama River
- Dog River
- Fowl River
- Fish River
- Magnolia River
- Bon Secour River
- Perdido River
- Chickasaw Creek
- Norton Creek
- Three Mile Creek
- Eight Mile Creek
- Wolf and Perdido bays
- Little Lagoon
- Mississippi Sound, and
- Intercoastal Waterway.

Factors Used to Target Underserved Communities

The term "disadvantaged communities" refers to groups or populations systematically deprived of power, rights, or privileges, often due to social, economic, or political factors. Disadvantaged communities can manifest in various forms, limiting the ability to participate fully in society and affecting access to resources, opportunities, and decision-making processes.

Disadvantaged communities often face disproportionate environmental burdens and challenges that can have detrimental effects on their well-being and quality of life. These include, but are not limited to:

- Increased incidences of environmental pollution.
- Reduced availability of clean air and water.
- Vulnerability to impacts associated with climate change.
- Displacement due to development and artificial or natural disasters.
- Limited access to green spaces and recreational opportunities.

Addressing environmental injustices disadvantaged communities face involves promoting environmental equity, advocating for fair and inclusive environmental policies, and ensuring access to clean air, water, and healthy environments for all. These efforts include reducing pollution, increasing community engagement in decision-making processes, promoting sustainable development, and addressing systemic disparities contributing to environmental injustices.

EPA's EJScreen tool (Figure 1) provides information and supports analysis necessary to identify communities within the MBNEP's program area that meet specific criteria designating them as disadvantaged. EJScreen integrates environmental and demographic data to identify areas that environmental hazards and social vulnerabilities may disproportionately burden.

Please note: Territory data (except Puerto Rico) is not available as comparable to the US. It is only comparable to the territory itself by using the 'Compare to State' functionality. Likewise, some of the indicators may not b

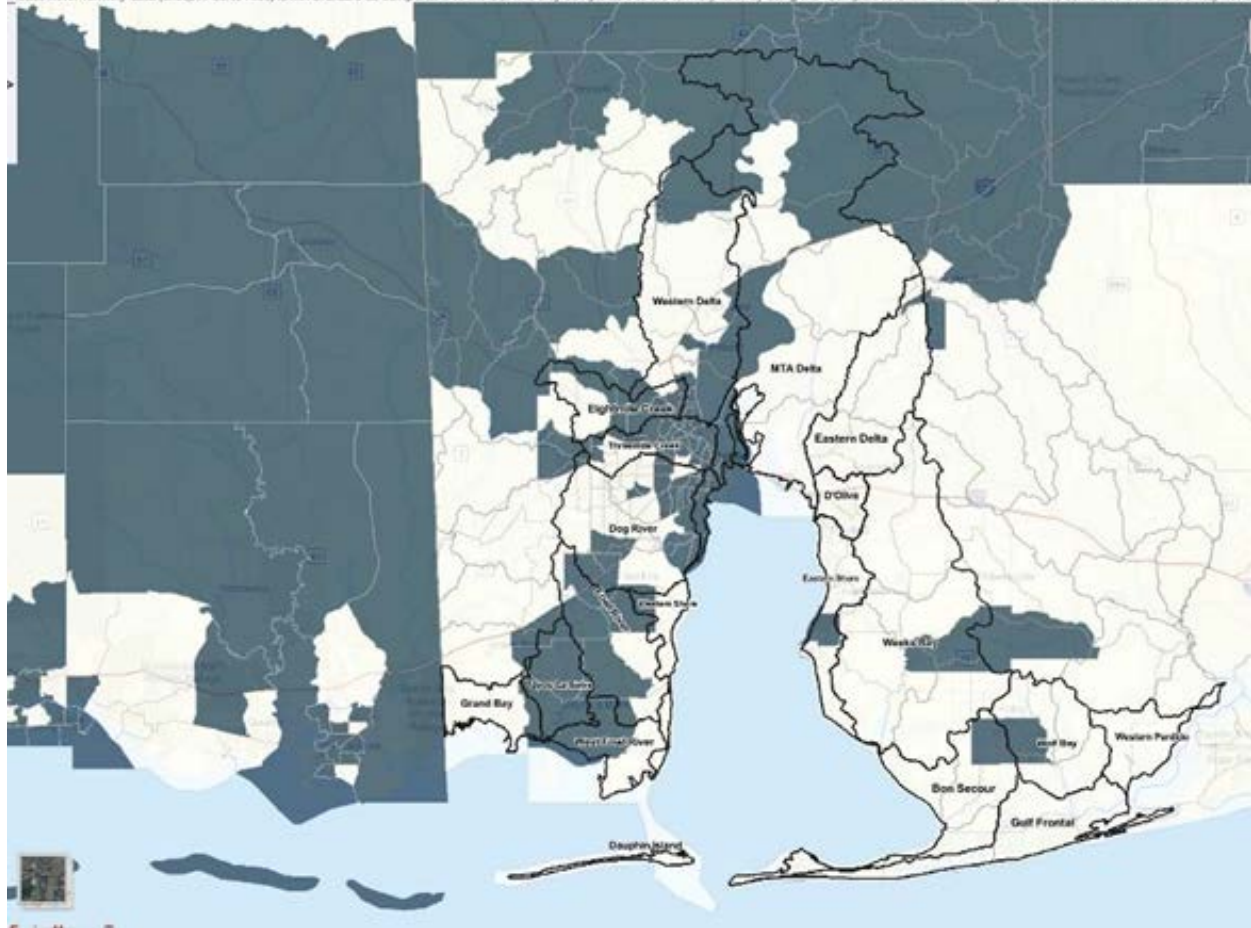


Figure 1 | MBNEP utilized EPA's EJScreen tool to help identify target communities for Justice40 BIL-funded projects.

EJScreen combines various environmental and demographic indicators to assess and designate disadvantaged communities. All measures in EJScreen are reported at the Census block group level, using percentile scores. Indicators utilized by EJScreen provide insights into the environmental quality and social vulnerability of different areas. Indicators used include:

1. **Environmental Indicators:** EJScreen incorporates multiple environmental factors to evaluate the potential exposure to pollution and environmental hazards. These indicators may include data on air quality, water quality, releases of toxic substances, proximity to hazardous waste sites, and proximity to industrial facilities.
2. **Demographic Indicators:** EJScreen incorporates demographic data to assess social vulnerability and identify potentially disadvantaged communities. These indicators may include information on population characteristics such as race, ethnicity, income level, education level, linguistic isolation, age, and housing conditions. These factors are considered because specific populations, such as minority communities or low-income households, may face disproportionate environmental burdens.

To combine these indicators and assess environmental justice, EJScreen typically uses a cumulative impact approach. The tool assigns weights to each indicator based on relative importance and integrates

them into composite indexes or scores. These indexes are used to designate areas that may be disproportionately burdened or disadvantaged.

The specific methodology used to calculate these indexes may vary. Still, the general approach involves assigning higher scores or rankings to areas with higher environmental hazards and social vulnerabilities. The scores can be mapped and visualized to highlight areas of concern and identify potential environmental justice hotspots. We utilized the EJScreen web tool (Figure 3) to help identify target communities within MBNEP's watershed planning complexes. Communities are considered disadvantaged if they fit one of the two criteria: (1) located in Federally Recognized Tribes, (2) census tracts meet established threshold for one or more categorical burdens.

In addition to EPA's EJScreen, MBNEP utilized the Executive Office of the President's Council on Environmental Quality's (CEQ) Climate and Economic Justice Screening Tool (CEJST) to identify disadvantaged communities in Mobile and Baldwin counties (Figure 2). Criteria used to define and map these communities include:

1. Land within Federally Recognized Tribes
2. Census tracts meeting thresholds for at least one of the following categories of burden:
 - A. Climate Change
 - i. at or above the 65th percentile for low income, and
 - ii. at or above the 90th percentile for expected agriculture loss rate, expected building loss rate, expected population loss rate, projected flood risk, or projected wildlife risk.
 - B. Energy
 - i. at or above the 65th percentile for low income, and
 - ii. at or above the 90th percentile for energy cost or particulate matter.
 - C. Health
 - i. at or above the 65th percentile for low income, and
 - ii. at or above the 90th percentile for asthma, diabetes, heart disease, or low life expectancy.
 - D. Housing
 - i. at or above the 65th percentile for low income, and
 - ii. at or above the 90th percentile for housing cost, lack of green space, lack of indoor plumbing, or lead paint.
 - E. Legacy Pollution
 - i. at or above the 65th percentile for low income, and
 - ii. have at least one abandoned mine land or formerly used defense sites, or
 - iii. at or above the 90th percentile for proximity to hazardous waste facilities, proximity to Superfund sites, or proximity to Risk Management Plan facilities.
 - F. Transportation
 - i. at or above the 65th percentile for low income, and
 - ii. at or above the 90th percentile for diesel particulate matter exposure, transportation barriers, or traffic proximity and volume.
 - G. Water and Wastewater
 - i. at or above the 65th percentile for low income, and

- ii. at or above the 90th percentile for underground storage tanks and releases or wastewater discharge.
- H. Workforce Development
 - i. at or above the 90th percentile for linguistic isolation, low median income, poverty, or unemployment, and
 - ii. over 90% of people ages 25+ do not have a high school education.

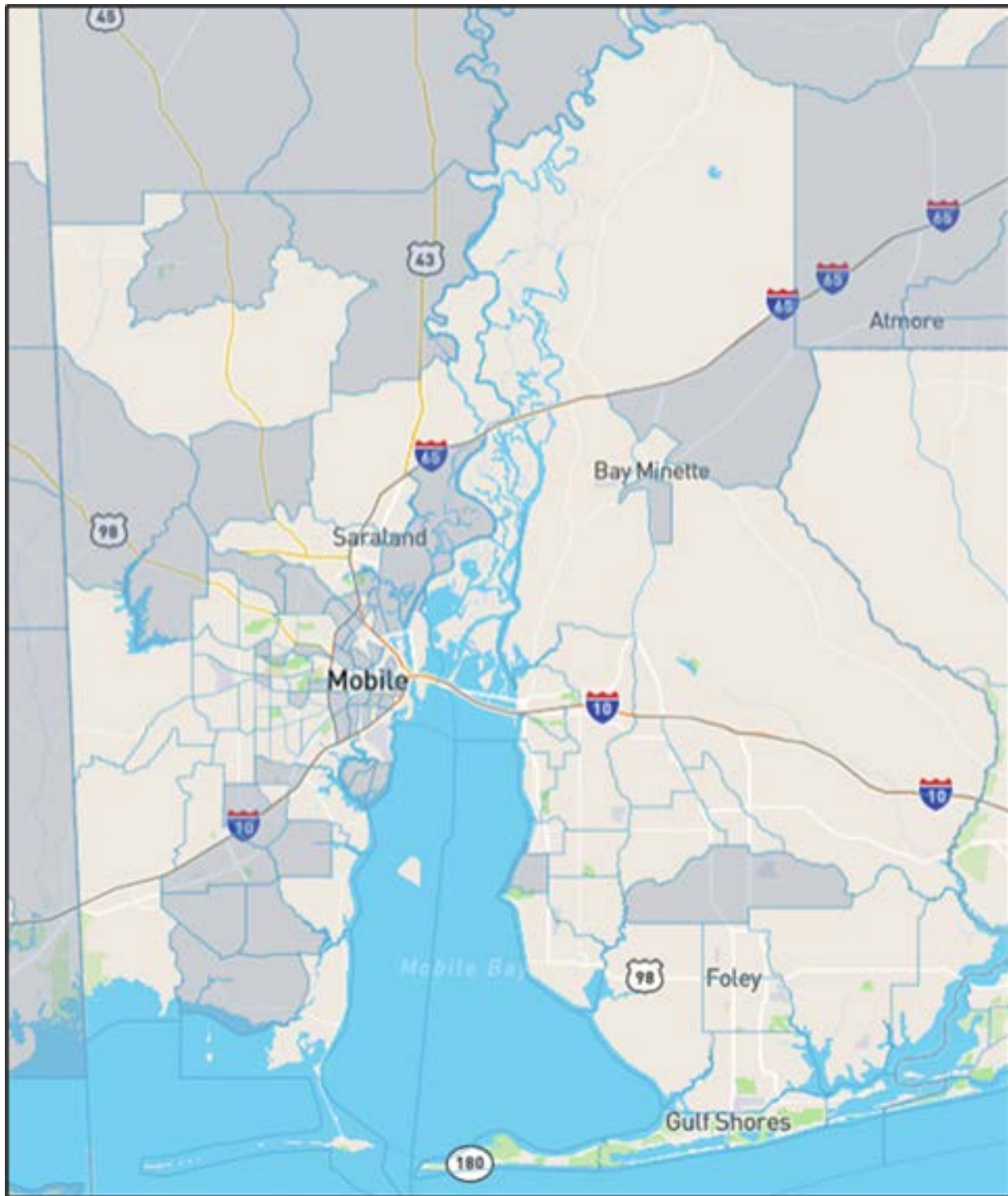


Figure 2 | MBNEP utilized CEQ's CEJST to help identify to identify disadvantaged communities in MBNEP's service area.

Baseline Analysis of Disadvantaged Communities

In 2013, the MBNEP embarked upon a holistic, watershed-based approach to guide coastal ecosystem restoration and protection measures through watershed management planning in tidally influenced basins in Mobile and Baldwin counties. The MBNEP's five-year Ecosystem Restoration and Protection

strategy in its CCMP initiated this novel approach. It prescribes the development of WMPs for drainage areas, not political jurisdictions, to ensure restoration projects and components of an overall management program are scientifically defensible. The goals of watershed planning are to:

1. Improve water quality.
2. Improve habitats.
3. Protect continued customary uses of biological resources.
4. Improve watershed resilience.
5. Expand opportunities for community access.

These WMPs identify problems threatening the quality of receiving waters (waterbodies to which a watershed drains) and recommend prioritized solutions to those problems. They provide a vehicle to ensure a sustainable quality of life for coastal residents by setting goals focused on the six common values most important to those living in coastal Alabama:

1. Access to the water and open spaces.
2. Healthy beaches and shorelines.
3. Robust populations of fish and wildlife.
4. Celebration and promotion of community heritage and culture.
5. Environmental and community resilience.
6. Swimmable and fishable waters.

Comparing those tracts identified as “overburdened and underserved” by CEJST to their locations across coastal watersheds and cross-referencing priority issues identified in WMPs provides additional context on current conditions challenging disadvantaged communities in MBNEP’s program area (Figure 2). The following summarizes conditions described in coastal WMPs containing significant areas of underserved tracts as described by CEJST.

MBNEP Watershed Planning Complexes

Western Delta: A large watershed complex on the western side of the Mobile-Tensaw Delta, multiple areas within the cities of Mobile, Prichard, Chickasaw, Saraland, Satsuma, and unincorporated Axis contain underserved CEJST tracts. As part of ongoing WMP development, community engagement has identified legacy contaminants associated with prevalent heavy industrial uses as a primary concern. Additionally, water quality, stormwater management, and flooding are critical issues. Many watershed constituents also strongly desire to provide and enhance recreational access opportunities and preserve and promote areas of cultural significance.

Eight Mile Creek: This Watershed comprises portions of the cities of Prichard, Mobile, and Semmes with CEJST-designated tracts throughout. The primary focus of communities in the Watershed is improving stormwater and wastewater infrastructure and the resultant flooding and water quality impacts (primarily pathogenic bacteria associated with failing sanitary sewer and septic systems). Widespread flooding has also impacted highly urbanized areas in the City of Prichard.

Three Mile Creek: CESJT designated tracts in the Watershed lie primarily along the lower reaches of Three Mile Creek, an area known as “the Bottom” in the City of Mobile, and along Toulmin’s Spring Branch in the City of Prichard. The WMP indicated flooding, rising sea levels, litter, and failing sanitary sewer and stormwater infrastructure are primary concerns in these communities. Ongoing outreach and

engagement efforts in the Watershed have focused on litter abatement, reducing stormwater runoff, and improving recreational access opportunities.

Dog River: Dog River and its associated tributaries drain large urban areas in the City of Mobile. Primary community concerns involve stormwater management and associated water quality impacts, including sedimentation, nutrient enrichment, and repeated sanitary sewer overflows. Litter is also pervasive in this Watershed, and a concerted effort has been made to tackle this issue strategically.

Bayou La Batre: Draining directly into Mississippi Sound, a focus on environmental and community resilience to rising sea levels and flooding underlies other critical issues in the Watershed, including improving stormwater and wastewater management, litter abatement, reducing inputs of sediment and nutrients into local waters, preserving traditional uses of ecological resources, and conserving priority wetland and riparian habitats.

Weeks Bay: The community of Marlow falls within a CEJST tract and has been the focus of recent stream restoration work to improve water quality flowing into Fish River. This Watershed is the focus of intense development pressure as natural habitats, and agricultural lands are rapidly transitioning to urban/residential uses. This development has increased sediment, nutrient, and pathogenic bacteria degradation to tributaries and receiving waters.

Eastern Shore: The Twin Beech community is an unincorporated area of Baldwin County's Eastern Shore Watershed south of the City of Fairhope, falling within a tract designated as underserved by the CEJST. Priority concerns of the community detailed in the Eastern Shore WMP deal primarily with flooding and stormwater management. The failing wastewater infrastructure also negatively affects water quality.

Wolf Bay: Rapid development associated with the city of Foley has impacted habitat and water quality throughout the basin. The underserved community of Beulah Heights within the City of Foley has experienced significant stormwater-borne flooding issues. Critical issues in the Watershed also focus on conserving priority habitats, community, and environmental resilience and improving water quality feeding into Wolf Bay, a designated Outstanding Alabama Water.

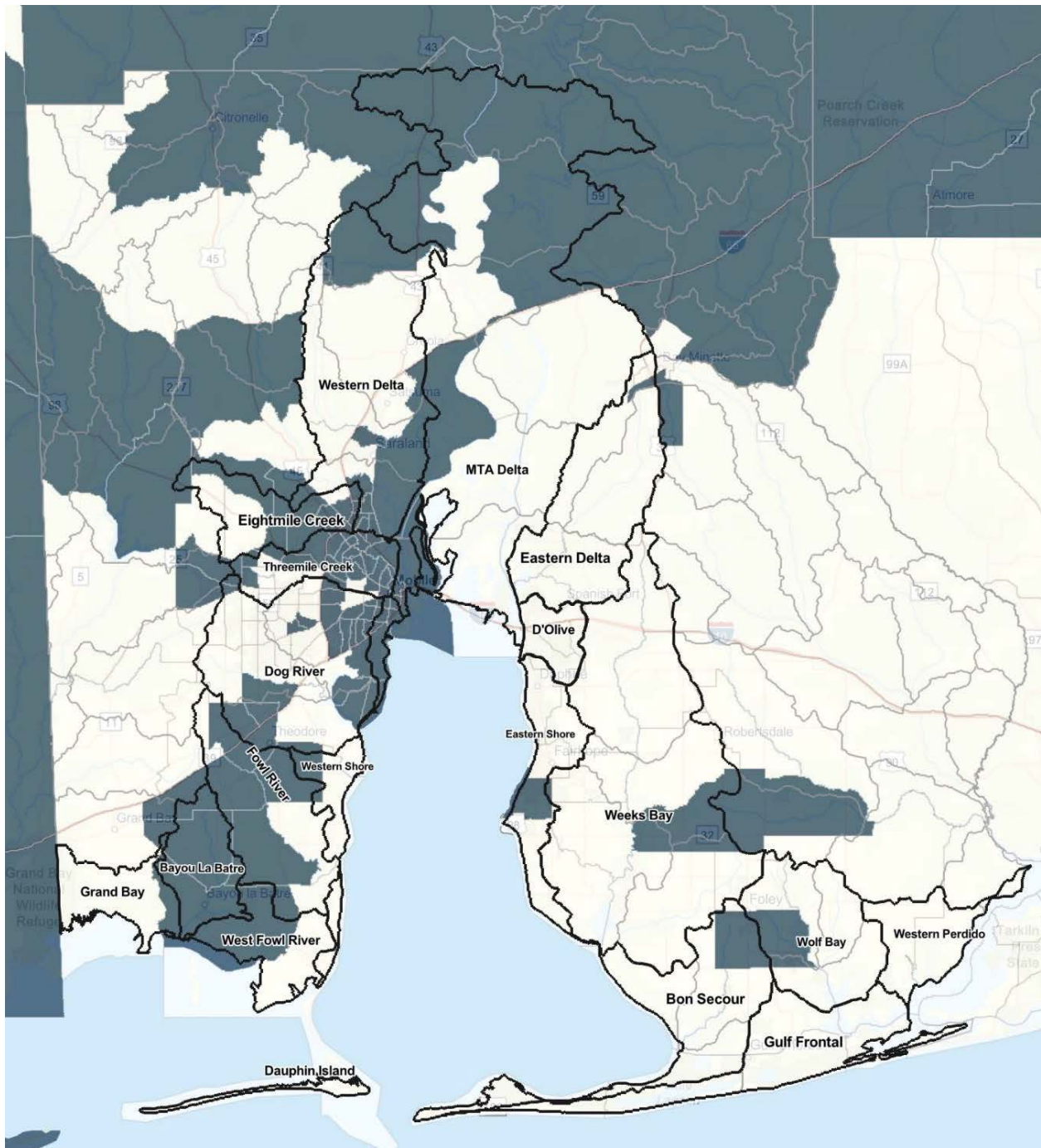


Figure 3 | EIScreen (v 2.2) Map of MBNEP's Watershed Planning Complexes outlined in black over the Justice40 filter showing disadvantaged communities shaded in blue-gray.

Baseline Analysis of MBNEP Investment in Underserved Communities

EPA Headquarters has provided Justice40 baseline information for all NEPs using existing NEPORT data to serve as a consistent methodology accounting for investments nationwide in disadvantaged communities (Table 1). This baseline assessment shows the number of habitat projects and the

percentage of investment in pre-BIL funding within Justice40 communities. It should be noted that although this methodology was chosen to be widely applicable across the National Estuary Program, it is not inclusive of the total investments MBNEP has made in disadvantaged communities across the Alabama coast.

YEAR	# of Habitat Projects in Disadvantaged Communities	Total Habitat Projects	% of Habitat Projects in Disadvantaged Communities	\$320 Funds Invested in Disadvantaged Communities through Habitat Projects (\$)	Total \$320 Funds used in Habitat Projects (\$)	% of \$320 Funds Invested in Disadvantaged Communities through Habitat Projects	Habitat Project Costs Invested in Disadvantaged Communities (\$)	Total Habitat Project Costs (\$)	% of Habitat Project Costs Invested in Disadvantaged Communities
2017	3	21	14.29	\$0	\$132,015	\$0	\$1,010,000	\$16,155,123	6.25
2018	0	18	0.00	\$0	\$0	\$0	\$0	\$61,390,412	0.00
2019	1	16	6.25	\$0	\$150,000	\$0	\$13,753	\$2,881,625	0.48
2020	4	14	28.57	\$0	\$444,955	\$0	\$21,198,600	\$28,671,141	73.94
2021	1	20	5.00	\$0	\$0	\$0	\$25,000	\$7,111,699	0.35
Total	9	89	10.11	\$0	\$726,970	\$0	\$22,247,353	\$116,210,000	19.14

In addition to the baseline analysis conducted by EPA HQ, the MBNEP has included additional environmental planning, restoration, and outreach efforts which have directly benefited disadvantaged communities (Table 2) throughout the program area over the same period. These benefits include significant investments in developing WMPs for the MTA Delta, the Eastern Shore of Mobile Bay, and Wolf Bay. Additional funding has been directed to the Three Mile Creek Watershed focused on invasive species management, trash abatement, and community engagement through a rain barrel program to reduce stormwater runoff in the Toulmin’s Spring Branch subwatershed. Other efforts have focused on restoring a tributary to Fish River in the community of Marlow in the Weeks Bay Watershed.

NUMERIC TARGETS FOR ACTIVITIES TO SUPPORT JUSTICE 40 COMMUNITIES IN COASTAL ALABAMA

The Mobile Bay National Estuary Program plans to direct at least forty percent of total BIL funding into disadvantaged communities in Mobile and Baldwin counties. According to the CEJST, multiple areas across coastal Alabama meet their definition of underserved communities. To spur investment in green infrastructure in these areas, MBNEP will use BIL funds to incentivize local governments to improve environmental conditions, reduce flooding, and improve stormwater management in disadvantaged communities. MBNEP already carries out projects with multiple local partners working to improve conditions in disadvantaged communities across the Alabama coast. For the first two years of BIL funding, we project that at least \$837,000 out of \$1.8 million will target disadvantaged communities, which is forty-six percent of the total investment.

MBNEP has inherent strengths that will allow us to meet this target. Foremost, WMPs provide a comprehensive picture of critical issues impacting coastal Alabama, including those disproportionately affecting disadvantaged communities in Mobile and Baldwin counties. These plans allow MBNEP to mitigate issues directly impacting disadvantaged communities efficiently. Additionally, each of these watershed planning efforts has convened a diverse group of constituents to inform plan development and prioritize recommended actions based, in part, on community input. Watershed planning has provided a list of priority actions to meaningfully address issues of concern in disadvantaged communities, including flooding, water quality degradation, failing stormwater and wastewater infrastructure, and lack of recreational access opportunities. Established partnerships with county and municipal government, regulatory authorities, public housing authorities, and civic and community

organizations will ensure BIL funding is effectively directed towards improving environmental conditions in disadvantaged communities.

MBNEP foresees several potential challenges to implementing BIL-funded projects in disadvantaged communities. A primary concern is the willingness/capacity of local municipalities to participate and manage projects of the scope and scale envisioned. Many local governments serving these communities need more resources and staff capacity to manage complex watershed-scale restoration efforts adequately. In such cases, MBNEP has worked with other local partners, including county government, regional planning commissions, and professional services contractors, to implement projects in disadvantaged communities. Although MBNEP has associations with a robust base of partners to draw from, it will be necessary to continue to identify and cultivate relationships with respected leaders from within identified disadvantaged communities to implement BIL work plan activities successfully.

To ensure the successful implementation of BIL-funded objectives, MBNEP will collaborate with partners from disadvantaged communities, encourage their participation in Management Conference activities, maintain open communication, and incorporate community goals in project development.

KEY ACTIVITIES TO SUPPORT JUSTICE 40 COMMUNITIES IN COASTAL ALABAMA

The following narrative provides an overview of MBNEP’s proposed projects and activities to support activities implementing the Program’s CCMP and its mission with funds from the Bipartisan Infrastructure Law, Pub. L. No. 117-58 (BIL). Through the BIL, the MBNEP has an unprecedented opportunity to promote the wise stewardship of Alabama’s estuarine and coastal natural resources while making communities more resilient to climate change impacts.

The MBNEP’s Comprehensive Conservation and Management Plan (CCMP) is divided into four overarching goals for improving the management of Alabama’s estuaries and coast:

1. Improving knowledge about Alabama’s estuaries’ environmental status and trends in conditions (EST).
2. Improving best practices for environmental management focused on ecosystem restoration and protection (ERP).
3. Improving the capacity of local and state governments to manage environmental resources through the provision of technical assistance (TAC).
4. Improving citizens’ abilities to be wise stewards of our coastal environment through community engagement, education, and involvement (EPI).

The MBNEP’s goals for the expenditure of BIL funds are to:

1. expand environmental monitoring infrastructure to better track changing environmental conditions, including those related to climate change stressors (EST),
2. improve the resilience of shorelines through stabilization measures that re-establish ecological functions and services; (ERP) and
3. improve environmental conditions in watersheds where disenfranchised communities are located by implementing green infrastructure and re-establishing ecological function and services (ERP).

How MBNEP Equity Goals Relate to J40 Targets

The Biden-Harris Administration created the Justice40 Initiative to address decades of underinvestment in underserved communities. The initiative will bring resources to communities most impacted by climate change, pollution, and environmental hazards. All identified actions have potential equity and environmental justice considerations, either through consideration of alternative implementation locations or which communities are beneficiaries, the selection of project partners, collaborators, and implementors.

Aligning BIL Activities with CCMP Goals and Objectives

1. Estuary Status and Trends: “How We Monitor Environmental Conditions.” MBNEP will expand environmental monitoring to better understand and address pollutant loading and contamination across our two coastal counties.
 - EST-1: Increase availability and use of data on how coastal ecosystems and their services respond to man-made stresses.
 - EST-1.2: Maintain or improve the existing level of monitoring and data analysis of coastal ecosystem health.
 - EST-1.3: Promote consistent system-wide monitoring to assess trends in coastal ecosystem health.
 - BIL Objective: Expand monitoring in a minimum of six (6) streams to track environmental trends related to climate change and other factors, including but not limited to higher water temperatures, increases in nutrient loading, reductions in dissolved oxygen, and increasing risks of bacterial contamination in freshwater and brackish systems.

Summary of BIL Funded Activities

- Coastal Environmental Monitoring Program: MBNEP will pilot a watershed monitoring protocol to improve data collection and transparent reporting of environmental conditions by developing a community communications program using EPA’s How’s My Waterway in Baldwin County and replicating in at least five (5) other streams throughout Mobile and Baldwin Counties. In addition, MBNEP will use BIL funding to reestablish a real-time monitoring station at the Middle Bay Lighthouse in Mobile Bay to track changes in the bay due to climate change factors. This station is used extensively by local fishermen and resource managers.
2. Ecosystem Restoration and Protection: “How We Manage Coastal Shorelines.” This strategy for using BIL funds includes improved and better-coordinated shoreline management to strengthen the resilience of our first line of defense against rising seas and more intense and frequent storms resulting from climate change.
 - ERP-2: Implement comprehensive watershed management plans focusing on priority habitats.
 - ERP – 2.1b: Implement projects identified in watershed management plans consistent with recommendations in the Coastal Alabama Habitat Restoration Plan, focusing on beaches, shorelines, and dunes.

- BIL Objective: A Shoreline Resilience Fund will be developed to implement shoreline stabilization and restoration actions recommended in the Western Shore WMP and prioritized by developing a Comprehensive Shoreline Resilience Plan.
- ERP-3: Improve ecosystem function and resilience through protection, restoration, and conservation along shorelines of coastal Alabama beaches.
- ERP-3.1: Develop a comprehensive regional shoreline plan for stabilization and protection.
 - BIL Objective: Develop and implement a Comprehensive Shoreline Resilience Plan for Coastal Alabama to stabilize and adaptively manage shorelines using nature-based methods.

Summary of BIL Funded Activities

- Shoreline Resilience Plan: Artificial alterations of our waterways for development, industry, transportation, navigation, and shoreline armoring have exacerbated pressures along Alabama’s coast, threatening its ability to recover and adapt to environmental changes and resulting in the loss of 1) valuable intertidal fishery habitat, 2) infrastructure protection, and 3) property. To ensure these shorelines' long-term resilience and ability to provide a first line of defense for the flora, fauna, people, and industries who depend on it, a Shoreline Resilience Plan will be developed for the Western Shore of Mobile Bay.
- Shoreline Resilience Fund: Funds used to create a Shoreline Resilience Fund will provide an incentive to waterfront property owners to engage as partners for the long-term resilience and protection of Alabama’s coastal shorelines by actively collaborating on restoration strategy development, prioritization of impacted shorelines, and determination of match allocation sufficient to incentivize action.

3. Technical Assistance and Capacity Building: “How We Build the Environmental Management Capacity of Local Governments to Serve Underserved Communities Who Are Marginalized, Underserved, and Overburdened by Pollution.” This strategy for using BIL funds includes installing green infrastructure in underserved areas to counter chronic flooding and other stormwater management challenges facing underserved communities.

- TAC-4: Advocate integration of environmental protection into community and economic development.
- TAC-4: Advocate incorporating watershed management plan recommendations into local policies, ordinances, and plans.
 - BIL Objective: Build the capacity of local government to implement green infrastructure in areas where disadvantaged communities of Mobile and Baldwin counties reside, as recommended in comprehensive watershed management plans.

Summary of BIL Funded Activities

- Eight Mile Creek Watershed Plan: A significant portion of the Eight Mile Creek Watershed comprises traditionally underserved, low-income, largely minority communities of Prichard, Alabama, disproportionately affected by poverty and pollution. BIL funding will be used to update this WMP and weave it into a regional planning effort along the western side of the Mobile Tensaw Delta, which is currently underway. MBNEP will follow its publication with

future Infrastructure fund investments to jumpstart improved environmental protection across this area by updating the plan and rebuilding partnerships throughout the watershed.

- Eight Mile Creek Watershed Plan Implementation: BIL funds will be used to install green infrastructure locations to be determined during planning. Project selection will be prioritized based on return on investment for benefitting the watershed and community regarding the installation's ability to reduce pollutant loading into Eight Mile Creek.
- Justice40 Green Infrastructure Initiative: MBNEP will solicit interest from local government and public housing authorities and use information compiled in existing WMPs to guide project development. Up to three different underserved communities and areas will be selected to focus implementation of green infrastructure and low-impact development stormwater management projects. MBNEP will solicit, through a Request for Qualifications procurement process, a team of engineers to create and implement stormwater plans for transforming selected locations into low-impact development and nature-based solutions-oriented demonstration sites.

TRACKING BENEFITS

The MBNEP intends to adhere to the nationally consistent reporting and metrics established by EPA HQ to track benefits to disenfranchised communities across the Alabama coast. Standard performance tracking practices utilized by MBNEP include the use of an in-house database to track project status, Standard accounting practices from our host institution (Marine Environmental Sciences Consortium), oversight from MBNEP's in-house grants manager, and regular reporting required as part of our annual grant with U.S. EPA.

STAKEHOLDER ENGAGEMENT PLAN

Mobile Bay NEP continuously engages with local stakeholders through our Management Conference Committees. Our Management Conference comprises six working committees: Government Networks, Project Implementation, Finance, Business Resources, Science Advisory, and Community Action Committees.

Our working committees are an avenue through which MBNEP's Management Conference includes diverse stakeholders. These committees meet four times yearly and work on specific goals, objectives, and activities with MBNEP's staff. Each MBNEP staff member serves as a committee facilitator. MBNEP stakeholders include various private and public partners who collaborate with members of disadvantaged communities through working committees. The chart below displays a sample of our current partners like federal, state, tribal, and local government agencies.

MBNEP is the backbone organization, connecting local communities with partners and prioritizing environmental collective impact changes in our coastal communities —including disadvantaged communities. MBNEP maintains an active presence via social media (including [Facebook](#) and [LinkedIn](#)) and the [MBNEP webpage](#). Local communities may contact us or remain informed about watershed events or meetings through these online resources.

MBNEP's Outreach Strategy, EPA approved as part of our 2019-2023 CCMP update, can be accessed here: www.mobilebaynep.com/assets/uploads/Appendix_A-Communications_Strategy_8.8.19.pdf

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POTENTIAL BIL PROJECT PARTNERS

Group/Partner/ Community Name	Geographic Locale	Type of Engagement Anticipated	Rationale for Engagement	Timing/Regularity of Engagement
MBNEP Executive Committee	Local	Public Meetings, Information Distribution	Programmatic support for Estuary Program workplans, budgets, and projects	4x/year
Mobile Housing Authority	Local	Meetings, Information Distribution	Key Stakeholder	As needed
Foley Housing Authority	Local	Meetings, Information Distribution	Key Stakeholder	As needed
Bay Minette Housing Authority	Local	Meetings, Information Distribution	Key Stakeholder	As needed
City of Mobile	Local	Meetings, Information Distribution	Key Stakeholder	As needed
City of Prichard	Local	Meetings, Information Distribution	Key Stakeholder	As needed
City of Foley	Local	Meetings, Information Distribution	Key Stakeholder	As needed
Mobile County	Local	Meetings, Information Distribution	Key Stakeholder	As needed
J40 Advisory/Steering Committee	Local	Meetings, Consultations, Information Distribution	Key Stakeholder	As needed
Mobile Environmental Justice Action Coalition (MEJAC)	Local	Meetings, Information Distribution	Key Stakeholder	As needed
Africatown-CHESS (Clean, Healthy, Educated, Safe & Sustainable Community)	Local	Meetings, Information Distribution	Key Stakeholder	As needed
NSpireU (media)	Local	Meetings, Information Distribution	Key Stakeholder	As needed

POTENTIAL BIL PROJECT PARTNERS

Group/Partner/ Community Name	Geographic Locale	Type of Engagement Anticipated	Rationale for Engagement	Timing/Regularity of Engagement
City of Chickasaw	Local	Meetings, Information Distribution	Key Stake holder	As needed
City of Saraland	Local	Meetings, Information Distribution	Key Stake holder	As needed
City of Semmes	Local	Meetings, Information Distribution	Key Stake holder	As needed
City of Satsuma	Local	Meetings, Information Distribution	Key Stake holder	As needed
City of Citronelle	Local	Meetings, Information Distribution	Key Stake holder	As needed
City of Creola	Local	Meetings, Information Distribution	Key Stake holder	As needed
City of Bay Minette	Local	Meetings, Information Distribution	Key Stake holder	As needed
Baldwin County	Local	Meetings, Program and Project Consultation	Key Stake holder	As needed
U.S. Environmental Protection Agency (EPA)	National	Meetings, Grant Administration, Program and Project Consultation	Programmatic support from grant administrator	As needed
USDA-NRCS	National	Meetings, Information Distribution	Key Stake holder	As needed
Alabama Department of Environmental Management (ADEM)	State	Meetings, Program and Project Consultation	Key Stake holder	As needed
Alabama Department of Conservation and Natural Resources	State	Meetings, Information Distribution	Key Stake holder	As needed
Dauphin Island Sea Lab	State	Meetings, Information Distribution	Key Stake holder	As needed