March 9, 2022 Texas Trustee Implementation Group Webinar Presentation Script

SLIDE 1

Thank you for your time today. My name is Allison Fischer and I work for the Texas General Land Office. A little while later, Jamie Schubert with NOAA will speak to give me some small breaks. He'll introduce himself then. We also welcome our sign language interpreters today. I will provide an overview of the Texas Trustee Implementation Group, otherwise known as the "TIG," and our most recently released restoration plan *Draft Restoration Plan/Environmental Assessment #2: Wetlands, Coastal, and Nearshore Habitat; Nutrient Reduction; Oysters; Sea Turtles; and Birds*. Today we will discuss the Texas TIG's allocation of funding, the Trustees' review of proposed project ideas, describe the projects proposed in this Draft Restoration Plan, and after the presentation the Texas TIG will take your comments.

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One main purpose of this meeting is to accept public comment. If you are already prepared to submit your comment to the Texas TIG tonight, you can go ahead and use the questions box in GoToWebinar. There is no rush, I'll cover how to submit comments in more detail later. While we will be reviewing the comments submitted while we prepare the final restoration plan including those made tonight, we will not be responding to comments in during this webinar.

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The things we will be talking about today are all related to the Natural Resource Damage Assessment, or "NRDA," from the Deepwater Horizon oil spill. I have an overview timeline laid out here to bring you up to date.

As this timeline shows, the oil spill began in April 2010 and federal and state Trustee agencies began the injury assessment right away.

In April 2011, BP contributed $1 billion for 'early restoration' before the injury assessment was complete. From 2011 to 2016, the Trustees approved 5 restoration plans which included projects throughout the Gulf of Mexico to restore marshes, beaches, seagrasses, oysters, fish and wildlife, and recreational uses.

The Trustees' 2016 Final Programmatic Damage Assessment and Restoration Plan (PDARP) includes overarching goals for restoration of the Gulf ecosystem and identifies restoration types that guide development and selection of restoration projects.

And in April of 2016, a settlement was reached with BP for approximately $20.8 billion.

Of the $20.8 billion, up to $8.8 billion (including $1 billion in early restoration) will go to restoration across the Gulf – with $238 million for restoration in the Texas Restoration Area, which is managed by the Texas Trustee Implementation Group.

The Texas TIG released its first post-settlement restoration plan in 2017 which funded 13 projects to restore wetlands, coastal, and nearshore habitat, and oysters. We've made substantial progress in implementing those projects.

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When an incident like an oil spill takes place, NRDA directs that federal and state Trustees be identified and form a Trustee Council. The Trustee Council is responsible for compensating the public for injured natural resources by restoring those resources. A Trustee Council is composed of federal and state trustees and may include other Trustees with an interest in the natural resources. The Trustees respond to spills, assess the injuries to natural resources and the public, work on remediation, and eventually take on restoration.

Since this is the largest restoration effort in the US, the Trustee Council established seven TIGs and the monitoring and adaptive management workgroup. These TIGs are responsible for implementing restoration in different restoration areas. This structure provides flexibility and accountability.

Today we're focusing on the work of the Texas TIG.

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The Texas TIG includes representation from three State and four Federal Trustees.

The State Trustees are the Texas Department of Parks and Wildlife, the Texas General Land Office, and the Texas Commission on Environmental Quality.

The Federal Trustees are the Department of Interior, the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the Department of Agriculture.

The individuals who represent each of these agencies on the Texas TIG are in attendance tonight.

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Funds for the Texas TIG are subdivided into five Restoration Categories. The largest allocations are for projects that restore and conserve habitat and replenish and protect living coastal and marine resources. Other categories are Monitoring and Adaptive Management, Recreational Use, and Nutrient Reduction. The shaded areas show how much has been spent within each of the Restoration Types.

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This slide shows the process the TIG used to screen proposed projects. The factors considered included the project categories described in the request for proposals, the requirements of the Oil Pollution Act, and other specific criteria. Project review and screening took place in several stages. The diagram shows the number of projects that remained at the end of each stage. Chapter Two of the Draft Restoration Plan describes how the projects were screened.

The Texas TIG reviewed more than 120 restoration ideas. These ideas were submitted to the Restore the Texas Coast website and the NOAA Gulf spill Restoration web portal. Project ideas came from citizens, non-governmental organizations, and government agencies. A project list was created and sorted by the Restoration Types identified in the Final Programmatic Damage Assessment and Restoration Plan & Environmental Impact Statement, otherwise known as the "PDARP/PEIS." Projects were considered for funding in more than one Restoration Type where appropriate.

Projects were screened, sorted, and narrowed down to a Reasonable Range.

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The Draft Restoration Plan evaluates 18 restoration project alternatives in five different Restoration Types. Of those, the TIG proposes 13 preferred alternatives. These alternatives would cost roughly $39 million to implement. The projects span the Texas coast, their locations are pictured here. Tonight, we will give you an overview of each proposed project by Restoration Type.

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There are four Preferred projects in the Wetlands, Coastal, and Nearshore Habitat Restoration Type. One project protects habitat, one restores habitat, and two preserve habitats through acquisition. Each project will have a monitoring plan so progress towards project goals can be tracked; corrective actions can be identified; and the data collected can be used to inform the Trustees and the public of ways to improve future projects. This will be true of all of the projects described, not just those in this restoration type.

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The Bird Island Cove Habitat Restoration - Construction project would protect marshes from ongoing erosion in West Galveston Bay, at the mouth of Ostermayer Bayou, and in front of Shell Island Point, Bird Island Cove, and McAllis Point. The project would construct a breakwater approximately nine thousand feet long.

This project builds upon the Bird Island Cove Habitat Restoration Engineering project approved in the 2017 Plan. That project completed initial engineering and design steps to address the erosion. $5 million of funding is proposed in this plan for the construction project. The estimated project cost is $7.5 million dollars, and the difference would come from other sources.

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The Bahia Grande Channel F Hydrologic Restoration project is located within the Laguna Atascosa National Wildlife Refuge between Bahia Grande and Laguna Vista, Texas. This region is a federally protected 10,000-acre coastal ecosystem. The ecosystem served as a natural nursery for fish, shellfish, wildlife, and waterfowl in South Texas. Modifications to the basin by placement of dredged sediments and construction of Highway 48 left the Bahia Grande System a vast salt flat.

Reestablishing freshwater flow into Laguna Larga would restore this part of the system's function as nursery and wildlife habitat. This proposed project complements several projects that are working to restore the region's natural flow of water.

Reconnecting the watershed north of Highway 100 to Laguna Larga would restore roughly 800 acres of wetlands and shallow open waters. This would be done using culverts, modifying existing ditches, creating new ditches, and using existing wetland sloughs.

This project builds on engineering and design work funded by other Deepwater Horizon restoration funds. $1.5 million in funding would be provided by the Texas TIG with additional funds of $2.4 million coming from other sources.

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The Follets Island Habitat Acquisition Phase 2 project is located on Follets Island, in Brazoria County on the upper Texas coast. The area is adjacent to Drum Bay and the Christmas Bay Coastal Preserve.

Follets Island supports a diversity of wildlife within its various habitats. The island includes many important foraging, roosting, and nesting habitats for multiple federally protected species. This project builds on the Follets Island Habitat Acquisition project approved in the 2017 Plan.

This project would conserve approximately 350 acres of wetland, coastal, and nearshore habitats on Follets Island, Texas. It would be managed by TPWD as a Coastal Management Area.

Of the approximately 2500-acre authorized boundary of the Follets Island coastal management area, TPWD has already acquired over 1,171 acres. The project would include due diligence and purchase of properties. The estimated project cost is $3.3 million.

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The Galveston Island Habitat Acquisition project is located on Galveston Island, adjacent to Starvation Cove and Mentzel Bayou. Galveston Island is a barrier island that acts as protection for coastal wetland and nearshore habitat. The island also supports many bird species throughout the year by providing breeding and foraging grounds and migratory stopover habitat.

This project proposes to add approximately 142 acres of barrier island habitat to an existing 1,250-acre conservation network on Galveston Island, Texas. The project covers the costs of acquisition and placement of the property under a conservation easement. If approved, the Texas TIG would provide $1.12 million of the $6.12 million needed to fund all the land acquisition costs. This project would only be implemented if the project is fully funded through other sources.

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There are two Preferred projects in the Nutrient Reduction Restoration Type. The 2017 Plan funded planning activities to evaluate approaches to reduce pollution associated with excessive nutrients in coastal Texas waters. That project report identified three target watersheds that would benefit from nutrient reduction efforts. Petronila Creek, which flows into Baffin Bay, is one of those priority

watersheds because it has nonpoint sources of nutrients associated with pastures, grassland, and cropland. Studies of Baffin Bay also indicate periodic poor water quality, including harmful algal blooms, due in part to factors such as water depth, inflows, tides, and nutrient loads.

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The Petronila Creek Constructed Wetlands Planning project is a planning, engineering, and design only project. The proposed project is on a 240-acre tract adjacent to Petronila Creek, located within the Nueces-Rio Grande Coastal Basin. Petronila Creek drains approximately 543 square miles of this basin. Petronila Creek is fed by several tributaries that drain agricultural cropland and is one of the three major tributaries to Baffin Bay.

This project would complete a feasibility study to convert the 240-acre agricultural tract into constructed water treatment wetlands. If the first part of the study determines the rest of the project is feasible, 30% design documents and permit applications would be prepared. The ultimate goal of the project is to design a construction project that diverts waters from Petronila Creek through the constructed wetland, improving the water quality before it enters Baffin Bay. The estimated cost of this proposed feasibility, engineering and design project is $450,000.

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The Petronila Creek Watershed Nutrient Reduction Initiative alternative is also located in Nueces and Kleburg counties.

This alternative funds the use of conservation practices that reduce nutrient and sediment runoff from agricultural lands within the greater Baffin Bay - Petronilla Creek watershed. These conservation practices would target agricultural fields and produce measurable decreases in nutrients and sediments in downstream receiving water bodies. Activities would include education and outreach to landowners, conservation planning, engineering and design, environmental compliance, and implementation. Financial and technical assistance would be provided to property owners whose agricultural lands are vulnerable to nutrient and sediment runoff. The landowners, with project support, would implement conservation practices designed to reduce erosion and slow rainfall runoff, thus decreasing nutrient and sediment loadings into the creek and bay. The estimated cost of this proposed alternative is $4.3 million dollars.

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In the 2017 Plan, the Trustees allocated funds to investigate the most effective means of restoring oysters in Galveston Bay. The Draft Restoration Plan includes one Oyster Restoration Type project which builds on that work.

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The Landscape Scale Oyster Restoration project is located in the Galveston Bay system. This project would restore approximately 50 acres of subtidal and intertidal oyster reefs, contributing to the expansion and creation of a network of reef complexes in Trinity Bay and Upper Galveston Bay.

The network of reef complexes would include subtidal and intertidal reefs. Specific sites and reef geometries would be determined in a suitability analysis.

These reefs would rely on natural larval recruitment and would be positioned so predominant currents would transport larvae throughout the reef complexes. This should lead to a more sustainable and resilient oyster population and maximize benefits to oyster fisheries through larval supply and transport.

This project would include site assessment, engineering, permitting and construction. The estimated cost of this proposed project is $9.5 million.

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Texas has foraging and nesting habitat for the sea turtles that live in the Gulf of Mexico. Migratory pathways are also just offshore in Texas's coastal waters. To help restore the sea turtle populations, two Sea Turtle projects are proposed in the restoration plan. These projects use two different techniques to reduce mortality.

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The first sea turtle project is The Upper Texas Coast Sea Turtle Rehabilitation Facility. It would facilitate the construction of a new sea turtle rehabilitation facility on the campus of Texas A&M University at Galveston. Facilities like this one are important so injured sea turtles can recover from illness and injury, and then possibly be released back into the wild, helping preserve the wild stock of these threatened and endangered species.

The new facility would replace the rehabilitation facility that recently closed on Galveston Island. Without the proposed facility, we lose rehabilitation capacity on the upper Texas coast, resulting in increased transportation time to reach another rehabilitation facility, and compromising the capacity to save turtles recovered on the upper Texas coast.

The cost of the project is estimated to be $10.5 million. The Texas TIG would contribute $2.5 million dollars. The rest of the funding has already been secured through the Regionwide TIG and other sources.

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The second sea turtle restoration project that seeks to reduce sea turtle mortality is the Lancha Sea Turtle Mitigation Plan project. This project would fund TPWD law enforcement patrols to enforce existing regulations that focus on illegal fishing activities that are currently being conducted by foreign fishing vessels in US waters. TPWD law enforcement will increase patrols with the intent to disrupt these illegal fishing activities and remove fishing gear being used to illegally fish in US waters. To help conduct

the offshore patrols, the project would include the purchase of long-range vessels capable of extended trips, and the expansion of appropriate dock space.

In recent years, there has been an increase in foreign fishing vessels illegally fishing in Federal and Texas State waters out to approximately 50 miles offshore, between the US-Mexico border and Corpus Christi, Texas. These illegal vessels are often referred to as lanchas. These vessels use long line fishing gear and gill nets to target red snapper and sharks, accidentally catching and killing sea turtles. Ultimately this project enhances the ability to prevent illegal activities that cause injury and death to threatened and endangered sea turtles.

The Texas TIG would contribute $2.2 million dollars, and any remaining costs would be funded by other sources.

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The Gulf of Mexico coastal region supports a diversity of coastal bird species throughout the year, as nesting grounds during breeding periods, as a stopover for migrating species in the spring and fall, and as wintering habitat for numerous species. The fifth and final Restoration Type is Birds, and there are four projects identified as Preferred Alternatives. Three of the projects would enhance bird habitat by creating or protecting existing bird islands and the fourth would protect birds by enhancing bird stewardship on the Texas coast.

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The Laguna Vista Rookery Island Habitat Protection project proposes to restore an 11-acre island known as Spoil Island, which is about three miles north-northwest of Laguna Vista, in Cameron County, Texas. The Laguna Vista Project would benefit colonial waterbirds, including brown pelicans, terns, skimmers, and wading birds by protecting existing habitat and increasing the habitat available for nesting and feeding. This project would complete engineering and design, and construct roughly 2,250 linear feet of living shoreline which would minimize erosion and restore the shoreline along the perimeter of the island.

The island currently is an active colonial waterbird rookery island. Wind and wave erosion are threatening the island. The shoreline is eroding approximately ten feet per year on the north side of the island. That sloughed off material settles on nearby seagrasses and oysters, compounding the overall environmental loss.

This alternative would build on a previous project funded by the US Fish and Wildlife Service and the State's Coastal Erosion Planning and Response program, which included 70% construction design and environmental permitting. This alternative would remove derelict pipes, construct an elevated breakwater, grade of portions of the island, and plant vegetation. The estimated cost is $2.1 million.

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The Jones Bay Oystercatcher Habitat Restoration project would restore habitat to support American oystercatcher nesting and foraging habitat in Jones Bay, approximately a half a mile west of the community of Tiki Island in Galveston County.

In Texas, oystercatchers nest primarily on small bay islands where disturbance and predation are low, near intertidal reefs. Over several decades, many island sites have suffered from erosion and decreased elevation relative to tide levels. Many of the once suitable islands in the Bay are now submerged. This loss of nesting habitat is one of the primary threats to American oystercatchers in Texas.

The project would support at least eight additional nesting pairs of oystercatchers and their young. The project would restore about one acre of nesting habitat on five small existing islands, create six intertidal reef sites, and may construct a breakwater.

A of $2.3 million in funding would be provided under this alternative; remaining funding for the estimated project cost of $3.7 million would come from other secured sources.

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The San Antonio Bay Bird Island alternative would create an up to four-acre island in San Antonio Bay to replace nesting habitat that was historically provided by Seadrift Rookery Island. This proposed alternative would be located approximately 500 feet north of the Seadrift Boat Channel and 300 feet east of the former Seadrift Rookery Island.

Nesting populations of colonial waterbirds have declined due to reduced island nesting habitat. Human disturbance and predators have also been identified as factors in population declines. Creating or restoring nesting islands is one way to offset these declines.

This alternative would build upon previous work and include completion of final engineering and design, and construction of the island.

A protective berm made of stone or suitable material would be constructed around the perimeter of the island which would then be filled with earthen material. A shallow water beach opening would be included at the northwestern side of the island protected by a shallow constructed reef.

$1.5 million would be provided under this project; remaining funding for the required $6 million project would come from previous financial commitments from the Regionwide TIG and other sources.

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The Texas Breeding Shorebird and Seabird Stewardship Project would protect breeding bird habitat and reduce human disturbance to nesting shorebirds and other bird species during the nesting season along the Texas coast. Counties involved in this project would include, but may not be limited to, Galveston, Brazoria, Matagorda, Nueces, and Cameron Counties.

Project partners would use methods that reduce disturbances and predation on nesting birds to improve egg and chick survival. Methods include intervention techniques such as temporary fencing, nest patrols, and working with site managers to reduce the frequency of disturbances. This will improve nest

production and therefore result in more fledglings. Intervention methods may be seasonal, and the benefits are expected to accumulate annually by producing more birds.

Additional intervention methods may include predator-proof fencing (in areas where such fencing is allowed), live trapping, or other techniques specific to the predator threat. Each designated site would also be monitored to document nesting success, document factors that affect reproductive success, and assist the site manager with adaptive management. Targeted bird species would also be banded to assist in identifying and tracking them.

The estimated cost is $3.4 million.

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The opportunity to provide comments to this plan will end March 28. We encourage you to submit constructive comments. We are responsible for restoring your resources injured by this event. The Texas TIG will review your comments, make any necessary adjustments to this plan and its proposed projects. We expect to issue public notice on the final Restoration Plan in August 2022. A decision on whether to move forward with these proposed projects will be made. All projects selected will complete all required environmental reviews and receive all necessary permits before being implemented.

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The restoration plan and environmental assessment can be viewed or downloaded at the NOAA gulf spill restoration website, which can be found at gulfspillrestoration.noaa.gov/restoration-areas/texas and at some local public libraries noted on this slide.

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The website and the hard copies contain instructions for submitting comments either online or by mail. Please note that today we will not respond to any comments or questions that members of the public submit, but all comments and questions submitted by the public here will be recorded and considered along with any comments received in writing. The comment deadline is March 28, 2022.

We appreciate your input.

I'll now hand it over to our moderator Lena, a contractor with DOI, for the public comment portion of this meeting. Thanks for your interest in Texas's draft Restoration plan.

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Hi everybody. Please take a look at the 'Questions' box at the bottom of the GoToWebinar control panel that is shown on this slide. If you have a comment you would like to share with the Trustees, please type it into this box and we will read as many comments as we can in the time allotted. Also, we received a few comments during the registration process. If any of you would like to expand upon those initial comments, please feel free to use the questions box. I know the interface had a rather short character limit.

I will now hold for a few moments to allow for public comment. The comments will be read aloud and become part of the record in the final plan; however, there will not be a response to comments on this webinar.

[Comments from the public.]

Thanks everybody for your comments. I'll turn it back to Allison to wrap up the webinar.

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Again, here is the information on submitting public comments. Visit parkplanning.nps.gov/txrp2. That site also contains instructions for submitting comments either online or by mail to this address. Thank you for listening.