# EXECUTIVE SUMMARY

On April 20, 2010, the Deepwater Horizon (DWH) mobile drilling unit exploded, caught fire, and eventually sank in the Gulf of Mexico, resulting in a massive release of oil and other substances from BP Exploration and Production's (BP's) Macondo well and causing loss of life and extensive natural resources injuries. Initial efforts to cap the well following the explosion were unsuccessful, and for 87 days after the explosion, the well continuously and uncontrollably discharged oil and natural gas into the northern Gulf of Mexico. Approximately 3.19 million barrels (134 million gallons) of oil was released into the ocean (US DOJ 2016). Oil spread from the deep ocean to the ocean surface and nearshore environment from Texas to Florida. Extensive response actions, including cleanup activities and actions to try to prevent the oil from reaching sensitive resources, were undertaken to try to reduce harm to people and the environment. However, many of the response actions had collateral impacts on the environment and on natural resource services.

As part of a 2016 settlement, BP agreed to pay a total of $8.1 billion in natural resource damages (inclusive of Early Restoration funding[1]) over a 15-year period, and up to an additional $700 million for adaptive management or to address natural resources injuries that are presently unknown but may become apparent in the future. The settlement allocated a specific sum for restoration within specific Restoration Areas and across restoration types (described in more detail below).

The Texas Trustee Implementation Group (Texas TIG) is responsible for restoring natural resources and their services that were injured by the DWH oil spill within the Texas Restoration Area. The purpose of restoration, as discussed in the *Deepwater Horizon Oil Spill Texas Trustee Implementation Group Final Restoration Plan/Environmental Assessment #2: Restoration of Wetlands, Coastal, and Nearshore Habitats; Nutrient Reduction; Oysters; Sea Turtles; and Birds* (RP/EA #2) and in more detail in the *Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement* (Final PDARP/PEIS) (DWH Trustees 2016a), is to make the environment and the public whole for injuries resulting from the spill. This will be achieved by implementing restoration actions that return injured natural resources and services to baseline conditions and compensate for interim losses in accordance with the Oil Pollution Act of 1990 (OPA) and associated natural resource damage assessment (NRDA) regulations. The Final PDARP/PEIS and record of decision are available at www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan/.

The Texas TIG prepared the RP/EA #2 to address injuries to natural resources in the Texas Restoration Area resulting from the spill. In the Final PDARP/PEIS, the DWH Trustees adopted a portfolio of 13 restoration types that address the diverse suite of injuries that occurred at both regional and local scales (DWH Trustees 2016a). The RP/EA #2 is focused on five restoration types: Wetlands, Coastal, and Nearshore Habitats; Nutrient Reduction; Sea Turtles; Birds; and Oysters.

The purpose of the Final RP/EA #2 is to 1) inform the public about DWH NRDA restoration planning efforts 2) analyze projects that address specific restoration types, and 3) document and respond to public comments on the DRAFT RP/EA #2.

[1] BP agreed to provide up to $1 billion toward Early Restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the DWH oil spill in the Early Restoration Framework Agreement. Early Restoration proceeded in phases, with each phase adding additional projects to partially address injuries to nearshore resources, birds, fish, sea turtles, federally managed lands, and recreational uses. Sixty-five projects with a total cost of approximately $877 million were selected through the five phases of Early Restoration planning.

The project alternative screening process developed by the Texas TIG for the purpose of preparing the RP/EA #2 was initiated via issuance of a notice of solicitation to the public on October 1, 2020, to request submission of project ideas. The Texas TIG screened project ideas through a four-step process, described in Chapter 2 of the RP/EA #2. This process resulted in a reasonable range of alternatives in the RP/EA #2 that were evaluated under OPA NRDA regulatory criteria (15 CFR Section 990.54) and the National Environmental Policy Act (NEPA).

The Texas TIG includes three Texas State Trustee agencies and four federal Trustee agencies: Texas Commission on Environmental Quality; Texas Parks and Wildlife Department; Texas General Land Office; National Oceanic and Atmospheric Administration, on behalf of the U.S. Department of Commerce; U.S. Department of the Interior, represented by the U.S. Fish and Wildlife Service, National Park Service, and Bureau of Land Management; U.S. Department of Agriculture; and U.S. Environmental Protection Agency.

The U.S. Environmental Protection Agency is the lead federal Trustee for preparing the RP/EA #2 pursuant to NEPA and its own NEPA implementing procedures. The other federal and state agencies of the Texas TIG are acting as cooperating agencies for the purposes of compliance with NEPA in the development of this document (40 CFR Section 1501.8 and 1508.1(e)). Each federal cooperating agency reviewed RP/EA #2 for adequacy in meeting its own NEPA implementing procedures. Adoption of the Final RP/EA #2 is complete via signature on the Finding of No Significant Impact (Appendix F).

On February 25, 2022, the Texas TIG published the Draft RP/EA #2, and encouraged the public to review and comment on the Draft RP/EA #2 during the comment period that closed on March 28, 2022. The Texas TIG used several approaches to notify the public of the availability of the Draft RP/EA #2 and the opportunity to comment on the document including a public webinar on March 9, 2022, notice on multiple state and federal websites,[2] an email announcement via gulfspill.restoration@noaa.gov, and publication in the *Federal Register.* The Draft RP/EA #2 Executive Summary, Overview Fact Sheet, and the script used for the public webinar were translated into Spanish and Vietnamese. Public comment was accepted through a web-based comment submission to the Department of the Interior's Planning, Environment, and Public Comment database, the webinar, and a mailing address. Information provided at the public webinar is available at: https://www.gulfspillrestoration.noaa.gov/2022/04/information-texas-second-draft-restoration-plan-webinar-available. The Draft RP/EA #2 was also distributed to local libraries.

During the public comment period, the Texas TIG received and reviewed 202 submissions from private citizens, non-governmental organizations, local governments, and agencies. Of these, 170 (84%) represented identical or variations of a form or "campaign" letter that was supportive of the Galveston Island Habitat Acquisition project.

After the comment period closed, the Texas TIG considered all public comments and revised the RP/EA #2, as appropriate. A summary of comments and the Texas TIG's responses, where applicable, are included in Chapter 7 of this document.

This RP/EA #2 selects 13 preferred alternatives for implementation. Table ES-1 identifies the reasonable range of alternatives evaluated in the RP/EA and which of those alternatives are preferred for implementation.

[2] Websites used to notify the public of the availability of the Draft RP/EA #2 comprised the following: https://www.restorethetexascoast.org/category/nrda/#texas-trustee-implementation-group-releases-second-draft-restoration-plan; https://tpwd.texas.gov/landwater/water/environconcerns/damage_assessment/deep_water_horizon.phtml; and https://www.gulfspillrestoration.noaa.gov/2022/02/texas-trustee-implementation-group-releases-second-draft-restoration-plan.

**Table ES-1. The Reasonable Range of Restoration Alternatives Evaluated in the RP/EA #2 by Restoration Type**

| Reasonable Range of Restoration Alternatives | Preferred/Not Preferred | Preferred Alternative Cost | Not Preferred Alternative Cost |
|---|---|---|---|
| **Wetlands, Coastal, and Nearshore Habitat Alternatives** | | | |
| Bird Island Cove Habitat Restoration - Construction | Preferred | $5,000,000 | |
| Bahia Grande Channel F Hydrologic Restoration | Preferred | $1,500,000 | |
| Follets Island Habitat Acquisition Phase 2 | Preferred | $3,300,000 | |
| Galveston Island Habitat Acquisition | Preferred | $1,120,000 | |
| Matagorda Peninsula Habitat Acquisition | Not preferred | | $1,300,000 |
| **Nutrient Reduction (Nonpoint Source) Alternatives** | | | |
| Petronila Creek Constructed Wetlands Planning (engineering and design only) | Preferred | $450,000 | |
| Petronila Creek Watershed Nutrient Reduction Initiative | Preferred | $4,300,000 | |
| Petronila Creek Crooked Ditch Restoration | Not preferred | | $6,500,000 |
| **Oyster Alternatives** | | | |
| Landscape Scale Oyster Restoration in Galveston Bay | Preferred | $9,500,000 | |
| St. Charles Bay Oyster Reef Restoration | Not preferred | | $2,500,000 |
| **Sea Turtle Alternatives** | | | |
| Upper Texas Coast Sea Turtle Rehabilitation Facility | Preferred | $2,500,000 | |
| Reducing Sea Turtle Mortality through Removal of Illegal Fishing Gear | Preferred | $2,220,000 | |
| Kemp's Ridley Sea Turtle Nest Protection | Not preferred | | $2,200,000 |
| **Bird Alternatives** | | | |
| Laguna Vista Rookery Island Habitat Protection | Preferred | $2,100,000 | |
| Jones Bay Oystercatcher Habitat Restoration | Preferred | $2,300,000 | |
| San Antonio Bay Bird Island | Preferred | $1,500,000 | |
| Texas Breeding Shorebird and Seabird Stewardship | Preferred | $3,400,000 | |
| Gulf Cut Bird Islands Restoration | Not preferred | | $13,000,000 |
| **Total cost of preferred alternatives** | | **$39,190,000** | |