

**RESTORATION IN TEXAS AREA TRUSTEE IMPLEMENTATION GROUP
of the
DEEPWATER HORIZON TRUSTEE COUNCIL**

In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of
Mexico on April 20, 2010,

Civil Action Nos. 10-4536; 10-04182; 10-03059; 13-4677; 13-158; 13-00123 (ED. La.)
MDL No. 2179

Resolution # TX-2021-005

**Resolution of the Texas Trustee Implementation Group
Approving Amendment to TX-2018-013 to Increase the
Budget and Modify the Implementation Plan for the
McFaddin Beach and Dune Restoration Project**

1. In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), the *Deepwater Horizon* (DWH) Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement (Final PDARP/PEIS), and the 2016 Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the DWH Oil Spill (TC SOPs), the undersigned representatives of the Texas Trustee Implementation Group (Texas TIG) hereby approve an increased allocation set forth below for the McFaddin Beach and Dune Restoration Project (The Project) under Resolution # TX-2018-013.
2. McFaddin (Portal ID 108) was selected and approved by the Texas TIG for implementation in the Texas TIG RP/EA # 1 with a finding of no significant impact. The General Land Office (Implementing Trustee) is designated by the Texas TIG as the Implementing Trustee for this project.
3. This Resolution amends Resolution # TX-2018-013 to increase the budget. A project change analysis memo, “Evaluation of Changes to the McFaddin Beach and Dune Restoration Project” (Change Memo), attached as **Exhibit A**, evaluates the change in the budget in accordance with the Trustee Council SOPs. In summary, the change does not impact the basis of the selection of the Project under Oil Pollution Act, does not change the assessment of the overall environmental consequences of the Project under National Environmental Policy Act, and will not change the applicable compliance requirements.
4. This Resolution authorizes commitment and disbursement of Wetlands, Coastal and Nearshore Habitats funds from the Restoration Fund not to exceed \$2,500,000.00. Disbursement is to the Implementing Trustee for Project Planning and Construction tasks and activities described in the TX-2018-013.

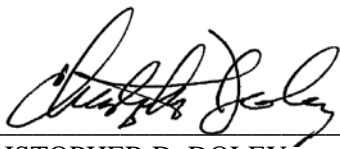
5. Funds transferred from the Natural Resource Damage Assessment and Restoration Fund (Restoration Fund) to the Implementing Trustee, as authorized by this Resolution may be used only for the tasks and activities authorized by Resolution # TX-2018-013 and approved existing implementation plan. Any other use of funds disbursed pursuant to this Resolution is prohibited. Any unauthorized use of disbursed funds must be reported to the full Texas TIG immediately upon discovery of unauthorized use.
6. As of the date of this Resolution, environmental compliance is complete. The Implementing Trustee will ensure that the terms and conditions of all federal, state, and local permits and consultations are complied with and agrees to perform the project as described in TX-2018-013 and approved existing implementation plan.
7. After review of the change memo, the Authorized Officials for the Texas TIG authorize the commitment and release of additional funds. The Authorized Officials further resolve that this resolution is the enforceable agreement the Texas TIG will abide by in the performance of the project. This Resolution may be authorized in counterparts and is effective date on the date of the last signature below.

RESTORATION IN TEXAS TRUSTEE IMPLEMENTATION GROUP

CARTER SMITH
Authorized Official, Texas Parks and Wildlife Department

STEPHANIE BERGERON PERDUE
Authorized Official, Texas Commission on Environmental Quality

MARK A. HAVENS
Authorized Official, Texas General Land Office



CHRISTOPHER D. DOLEY
Principal Representative, National Oceanic and Atmospheric Administration



MARY JOSIE BLANCHARD
Principal Representative, Department of the Interior

Handwritten signature of Homer L. Wilkes in black ink, written over a horizontal line.

HOMER L. WILKES

Primary Representative, U.S. Department of Agriculture

Handwritten signature of Mary Kay Lynch in blue ink, written over a horizontal line.

MARY KAY LYNCH

Alternate to Principal Representative, U.S. Environmental Protection Agency

DATE OF LAST SIGNATURE: September 3, 2021

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Resolution TX-2021-005

RESTORATION IN TEXAS TRUSTEE IMPLEMENTATION GROUP

CARTER SMITH
Authorized Official, Texas Parks and Wildlife Department

STEPHANIE BERGERON PERDUE
Authorized Official, Texas Commission on Environmental Quality

DocuSigned by:

8/30/2021
MARK A. HAVENS
Authorized Official, Texas General Land Office

CHRISTOPHER D. DOLEY
Principal Representative, National Oceanic and Atmospheric Administration

MARY JOSIE BLANCHARD
Principal Representative, Department of the Interior

Date: 08/20/2021

To: Texas Trustee Implementation Group for the Deepwater Horizon Oil Spill Natural Resource Damage Assessment (Texas TIG) Administrative Record

From: Texas TIG

Subject: McFaddin Beach and Dune Restoration Project Change

Evaluation of Increase in Budget for the Project “McFaddin Beach and Dune Restoration”

1. Introduction

Section 9.4.9 of the Trustee Council Standard Operating Procedures for Implementation of the Natural Resource Restoration for the Deepwater Horizon (DWH) Oil Spill (TC SOPs) provides that if changes are made to any selected project, those changes may require a re-evaluation of determinations made in existing environmental compliance documents. Section 9.5.2 of the TC SOPs provides that the Trustee Implementation Group (TIG) will conduct a project review to determine several factors. First, the TIG will determine whether any change to the project is consistent with the environmental review in the respective restoration plan/NEPA analysis. Second, the TIG will assess whether there are significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA analysis [40 CFR § 1502.9 (c)]. Third, the TIG will evaluate whether project changes affect their selection under the Oil Pollution Act (OPA).

The McFaddin Beach and Dune Restoration project (ID#108) (project) was a preferred alternative identified and selected in the Texas Trustee Implementation Group (TX TIG) 2017 Restoration Plan and Environmental Assessment (TX 2017 RP /EA), approved by the TX TIG in May 2017. The full project description can be found in the TX 2017 RP /EA Section 3.3.4. This document provides information about a proposed budget increase for this project.

The TX 2017 RP /EA was consistent with and tiered to the 2016 Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS), which was prepared by the Trustees to programmatically plan to fund and implement restoration projects across the Gulf. The PDARP/PEIS also analyzed the environmental impacts of the reasonable range of programmatic alternatives, including considerations associated with planning, feasibility studies, design engineering, and permitting on future restoration projects.

II. Project Background

The project's goals are to restore beach and dune habitats along approximately 17 miles of Gulf-facing shoreline in Jefferson and Chambers counties, Texas. Sediments will be transported from offshore borrow areas and placed along the shoreline to create a continuous beach and dune system. The dunes will be planted with native vegetation to stabilize the newly created dune system. The restored habitat will protect the largest continuous estuarine marsh complex in Texas, increasing ecological function and resiliency of the marsh complex.

The project combines funding from multiple sources, including the Coastal Erosion Prevention and Response Act program, GLO Surface Damage Funds, the Gulf of Mexico Energy Security Act, Jefferson County, the National Fish and Wildlife Foundation's Gulf Environmental Benefit Fund, U.S. Fish and Wildlife Service, and the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act.. The Texas Trustee Implementation Group (Texas TIG) is funding approximately \$15,874,000 of the estimated \$87,000,000 total project cost, supporting planting propagation coordination, beach nourishment, dune restoration, and monitoring.

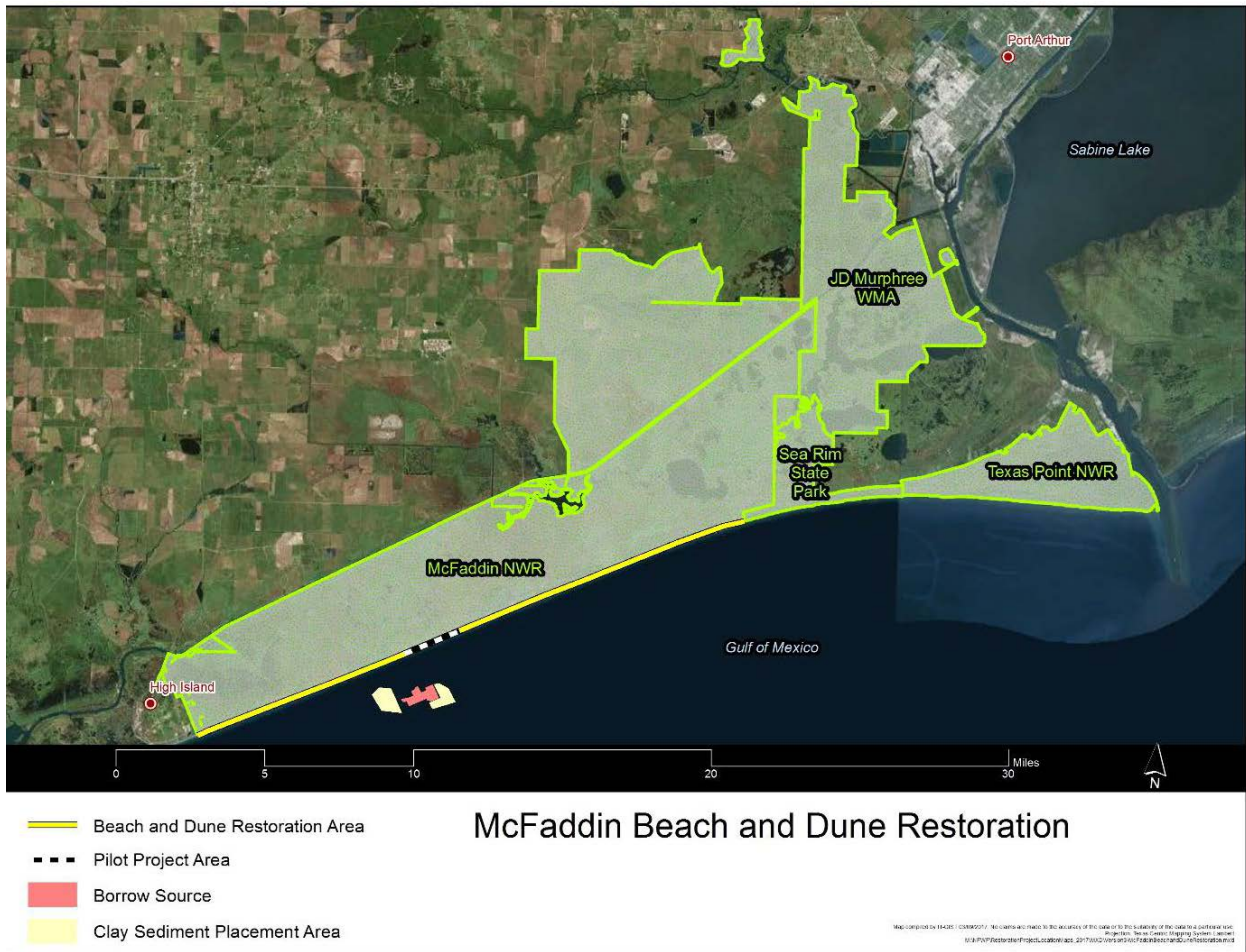


Figure 1. Project area highlighting shows the extent of the beach and dune restoration footprint.

Project Scope as Previously Analyzed

The project's activities as described in TX 2017 RP /EA Section 3.3.4.2 are summarized as follows:

Project Construction and Installation

The McFaddin Beach and Dune Restoration project would transport sediments from an identified offshore borrow area and place them along the shoreline. The sediments would then be sculpted to create dune and beach features. A pilot project to restore the sand beach and dune along approximately 3 miles of shoreline was completed in August 2017. Information from the pilot project will be used to inform the final designs of the remaining shoreline length. After construction is completed, approximately 1,004 acres of beaches and dunes along 20 miles of shoreline would be restored. Dune elevation would be increased and approximately 30-40 cubic yards of sandy sediments would be deposited per linear foot of shoreline.

Borrow Area

Only sand that meets the specification of the local beach quality would be used for beach and dune nourishment and maintenance activities. The borrow source area for this project contains roughly 4.1 million cubic yards of appropriate material and is located approximately 1.5 miles offshore of McFaddin NWR in waters over 18 feet deep. Within the borrow area, underwater surveys identified well heads and a pipeline-like structure. Buffer zones ranging from 100 to 500 feet surrounding these features were mapped and would be avoided during construction. The likelihood of contamination is acceptably low and therefore the material from the borrow area does not require any additional evaluation. A clay sediment layer overlaying the sandy sediment would be excavated from the borrow area in order to access sandy material that would be used for beach and dune nourishment. The clay sediments would be placed in one of two placement areas adjacent to the borrow area that have water depths ranging from 20-28 feet. The depth of the placement area minimizes the potential for re-suspension and therefore minimizes impacts from turbidity. Sediments would be dredged from the borrow area using a rotating cutter-head dredge attached to a suction pipe that would be lowered to the seafloor to pick up material. As the material is depleted in each section of the borrow area, the dredge would be moved forward using a combination of spuds, mooring wires, and tender tugs. Material entering the suction pipe would pass through the dredge pump and be transported to the shoreline via a submerged pipeline. Depending on the distance between the dredge and the discharge point on the beach, booster pumps may be required. Uniform, soft bottom substrate, and open gulf waters are located between the borrow area and the shoreline nourishment. The area contains no sensitive habitat.

Beach and Dune Construction

Once the pipeline reaches the shore, it would be run parallel to shore until it reaches the active construction area. The active construction area is anticipated to be up to 2,000 feet along the shore. The dredged material would be deposited at the beach as a slurry of sea water and sand. Machinery on the beach would distribute the dredged material and manage the pipe location and extensions. Heavy equipment would be used to create containment dikes which would channelize the flow exiting the dredge pipe to allow the maximum percentage of solids to settle within the construction corridor, thereby minimizing turbidity impacts to the adjacent Gulf of Mexico waters. As this slurry runs along the beach, sediment would settle out within the project area and water would return to the ocean. As the new sandy material builds up in front of the pipe, heavy equipment would grade the material to meet the design specifications of the beach

and dunes. Heavy equipment including bulldozers, graders, and other small and large tracked and wheeled vehicles may be used.

Vegetation Planting

Once the beach nourishment and sediment sculpting activities have been completed, the dunes would be planted with native dune species.

III. Description of Project Change

The proposed project change will increase the authorized budget by \$2,500,000 to complete the full beach fill template as designed. There are no physical changes to the actions proposed in the TX 2017 RPEA, only an increase to the budget. This project was selected in 2017 as a preferred alternative and the initial budget estimate was created without the benefit of full engineering and design work completed. In the four years since the original budget estimate was created, dredging and construction costs have increased. The engineering and design process resulted in an estimate that was more expensive than originally estimated in 2017; however, the accepted bid was lower than the latest engineer's Opinion of Probable Cost. The cost increase is based on the lowest bid received by the Texas General Land Office in June of 2021.

IV. Determination of Need of re-evaluation of the NEPA and OPA Analyses

The Texas TIG concludes that the increase in budget is not significant enough to affect the selection of this project under OPA, as there is no change in expected benefits and the costs remain reasonable based on the overall project budget and scope. As per Section III of this document, the increased project cost reflects general inflation between 2017 (when the project estimate was created) and 2021, and the higher cost is consistent with the latest Opinion of Probable Costs, the Trustees do not anticipate that a similar but different project would be any more cost-effective than this project. The increase in budget will not alter the original scope of the project as described in Section 3.3.4.1 of the TX 2017 RP/EA; therefore, the project remains consistent with the environmental review conducted in the 2017 Plan. The original analysis can be found in Section 4.4.2 of the TX 2017 RP/EA and is hereby incorporated by reference.

The Finding of No Significant Impact (FONSI), Appendix f of the TX 2017 RP /EA, summarized NEPA review of the project. No new activities are proposed. The only changes proposed are to increase the authorized budget to cover the bid for the project. Therefore, the original FONSI determination is still applicable.

VIII. Conclusions

The Trustees are required to evaluate budget changes to any selected restoration project. Trustees must also determine whether additional restoration planning and environmental review—

including opportunity for public comment—is necessary. The changes presented above have been evaluated by the Texas TIG in accordance with Trustee Council SOPs.

Outcome of Evaluation of Project review factors:

- The change to the project budget is consistent with the environmental review in the TX 2017 RP1/EA NEPA review and there are no substantial changes that are relevant to environmental concerns.
- Because there are no changes to the project proposed, there are no significant new circumstances or information relevant to environmental concerns not addressed in the impact analysis of the respective restoration plan/NEPA review [40 CFR § 1502.9 (c)].
- The Texas TIG evaluated whether the budget change affected the selection under OPA and determined they do not because the project remains consistent with the original evaluation and the costs remain reasonable considering the scope of the project.
- The Texas TIG evaluated whether the budget changes the scope of the project and whether it affects the need for additional consultations or reviews for environmental compliance. Based on review of the project description in the TX 2017 RP/EA, existing completed consultations remain valid.

The budget increase does not impact the overall project objectives or environmental consequences. The changes do not affect the selection of this project under OPA and the project is consistent with the environmental review conducted for the TX 2017 RP/EA. Therefore, no further analyses are necessary and modifications to the final restoration plan are not required. In addition, the original public comment period conducted for the TX 2017 RP/EA solicited public input on the project and comments were supportive of this project with no controversial issues identified. The public will be informed of the changes in costs with an update to the project DIVER budget and submission of the memo to the Administrative Record.