

Gulf Coast Ecosystem Restoration Council Public Comment on Proposed Funding Approvals

The Gulf Coast Ecosystem Restoration Council (Council) is seeking public comment on proposals for multiple ecosystem restoration activities located in Texas under its [2021 Funded Priorities List 3b \(FPL 3b\)](#). Specifically, the Council is planning to vote on whether to approve the following:

Proposed FPL 3b Amendment for the [Texas Coastal Water Quality Program](#):

- \$266,931 in planning funds to complete necessary water quality planning components (originally budgeted for water quality program implementation).
- \$1,000,000 in implementation funding for the Improving Baffin Bay Water Quality project (originally budgeted for water quality program implementation).

Proposed Reallocation of Unspent [Initial FPL](#) funds to FPL3b [Texas Chenier Plain Ecosystem Restoration Program](#):

This proposed reallocation would utilize a total of \$1,446,270.17 in savings from the Initial FPL that was originally approved for Texas projects (the Matagorda Bay System Priority Landscape Conservation, Bayou Greenways, Bahia Grande Coastal Corridor, and Texas Beneficial Use/Marsh Restoration projects). These Initial FPL projects were completed under budget, and the savings is proposed to be reallocated to the FPL 3b Texas Chenier Plain Ecosystem Restoration Program.

- Reallocation of \$1,000,000 in previously-approved Initial FPL funding to the previously-approved FPL 3b McFaddin National Wildlife Refuge Shoreline Breakwater project for implementation.
- Reallocation of \$446,270.17 in previously-approved Initial FPL funding to the previously-approved FPL 3b J.D. Murphree Wildlife Management Area Levee project for implementation.

These proposed funding approvals are independent of each other; the Council may vote to approve all of the proposed amendments listed above, a subset of them, or none. Background on these proposed approvals is provided below. Before voting on whether to approve funding, the Council is publishing these proposed FPL amendments for a 30-day public comment period beginning on September 25, 2025 and concluding at 11:59 pm (CST) on October 27, 2025. You may submit comments using one of the two methods below:

By Email: To restorecouncil@restorethegulf.gov
Email submission of comments ensures timely receipt.

By U.S. Mail: Gulf Coast Ecosystem Restoration Council

Attn: TX FPL 3b Amendment Comments

500 Poydras Street, Suite 1117

New Orleans, LA 70130

Mail must be posted no later than October 27, 2025 to be included in this public comment period.

Background:

Pursuant to the *Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012* (33 U.S.C. § 1321(t) and *note*) (RESTORE Act), the Council is responsible for administering portions of *Deepwater Horizon* oil spill civil penalty funds for the purpose of restoring the environment and economy of the Gulf coast. The Council administers two RESTORE Act funding programs, one of which is the Comprehensive Plan Component, or “Bucket 2.” Under Bucket 2, the Council votes to approve Gulf ecosystem restoration projects and programs proposed by the Council members. Bucket 2 projects and programs approved for funding by the Council are included in what is referred to as a Funded Priorities List (FPL).

FPLs include activities in two categories. Category 1 activities are approved for Bucket 2 funding. Such approval requires a Council vote as set forth in the RESTORE Act. To be approved in Category 1, a project or program must have documentation demonstrating that all applicable environmental laws have been addressed. For example, a construction project would need documentation demonstrating compliance with the National Environmental Policy Act (NEPA) and other applicable laws.

Category 2 activities are Council priorities for potential future funding, but are not currently approved for funding. As appropriate, the Council reviews the activities in Category 2 in order to determine whether to move the given activity to Category 1 and approve it for funding via a Council vote. Such funding approvals are done via amendments to the FPL containing the given project(s) or program(s). FPL amendments are also required for other changes to listed projects (e.g., material changes in scope or cost, transfer of sponsorship to another Council member).

Description of Proposed Implementation Projects

The Council is proposing to approve funding for both planning and implementation activities under FPL amendments for two Texas FPL 3b restoration programs. Within these programs, there are three specific projects under consideration by the Council for approval of restoration implementation funds. Project descriptions for these proposed implementation activities and relevant supporting environmental compliance documentation are provided below.

Improving Baffin Bay Water Quality project (Texas Coastal Water Quality Living Program)

The Council is proposing to approve a total of \$1,000,000 in implementation funding for the Improving Baffin Bay Water Quality project, which is part of the Texas Coastal Water Quality Program sponsored by the Texas Commission on Environmental Quality (TCEQ). Since the

publication of FPL 3b, all environmental compliance necessary for a Council vote to approve implementation funding for the Improving Baffin Bay Water Quality project has been completed.

The Improving Baffin Bay Water Quality project will provide funding to the Texas State Soil Water Conservation Board (TSSWCB) to implement agriculture nonpoint source best management practices (BMPs) to improve water quality in the Baffin Bay watershed in Texas. The TSSWCB will use their Water Quality Management Plan Program (WQMP) to implement these conservation BMPs on farms and ranches to address nutrient and fecal bacteria pollution that poses a significant threat to Baffin Bay, degrading water quality and contributing to long-term ecological harm. Excessive nutrient loading, or eutrophication, of bays, estuaries, and their watersheds is a chronic threat that can lead to hypoxia, harmful algal blooms, habitat degradation, and fish kills. Additionally, several tributaries in the Baffin Bay watershed fail to meet the water quality standard for contact recreation, due to elevated bacteria levels. These issues will also be addressed through WQMP implementation.

To comply with the NEPA, the Council is proposing to use multiple United States Department of Agriculture Natural Resource Conservation Service (USDA/NRCS) Categorical Exclusions (CEs) including 7 CFR 650.6 (d)(1), 7 CFR 650.6 (d)(4), 7 CFR 650.6 (d)(8), 7 CFR 650.6 (d)(9), 7 CFR 650.6(d)(11), 7 CFR 650.6(d)(19), and 7 CFR 650.6(d)(20). A programmatic environmental evaluation (EE) was conducted on this program to examine the effect of implementing the program on the environment. To ensure that applicable permits are obtained and consultations are conducted, including a review for extraordinary circumstances, each site will also undergo a site-specific EE and the results will be documented. Compliance with other environmental laws including the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act and the Endangered Species Act (ESA) are addressed in the programmatic EE and will also be considered in the site-specific EEs. USDA has a prototype programmatic agreement with the Advisory Council on Historic Preservation and programmatic agreements with the State Historic Preservation Officers (SHPOs) relative to Section 106 of the NHPA. Environmental compliance coordination was completed for the ESA in coordination with the U.S. Fish and Wildlife Service (USFWS). The project will not adversely affect Essential Fish Habitat as designated by the Magnuson-Stevens Act (MSA) or ESA resources under jurisdiction of the National Marine Fisheries Service (NMFS). The Council has reviewed the applicable environmental compliance documentation. To ensure compliance with NEPA, Fish and Wildlife Coordination Act (FWCA), ESA, MSA, NHPA, and other relevant laws, the Council will require that the sponsor of the project adhere to all applicable conditions in the USDA CEs and [associated environmental compliance documentation](#) and through completion of the EE process.

McFaddin National Wildlife Refuge Shoreline Breakwater Project (Chenier Plains Ecosystem Restoration Program)

The Council is proposing to approve \$1,000,000 in additional implementation funding for the McFaddin National Wildlife Refuge (McFaddin NWR) Shoreline Breakwater Project, which is part of the Texas Chenier Plain Ecosystem Restoration Program sponsored by TCEQ. This

funding was originally approved but not spent for the Initial FPL and is proposed to be reallocated to support implementation of the McFaddin NWR breakwater project. The proposed reallocation would bring the total amount of RESTORE implementation funding approved for the McFaddin NWR breakwater project to \$5,237,070.

Since the publication of FPL 3b, all environmental compliance necessary for a Council vote to approve implementation funding for the project has been completed. This project will involve the construction of approximately one mile of segmented rock breakwaters within the McFaddin NWR located along the shoreline of the Gulf Intracoastal Waterway in Chambers County and Jefferson County, Texas. The constructed breakwaters will prevent shoreline erosion and further loss of coastal emergent wetlands and allow for sediment accretion and re-establishment of emergent wetlands in previously eroded areas, thus protecting adjacent coastal marsh and prairie grasslands.

To comply with NEPA, the Council previously adopted the Anahuac & McFaddin National Wildlife Refuges GIWW Breakwaters Final Environmental Assessment (EA) dated October 2022 (Finding of No Significant Impact signed December 6, 2023) on July 17, 2025. The USFWS has received authorization for the project under permit SWG-2020-00644 pursuant to Section 404 of the Clean Water Act and 10 of the Rivers and Harbors Act of 1899. Additional environmental compliance coordination was completed for the FWCA, ESA, MSA, and NHPA in coordination with the USFWS, NMFS, SHPO, and the Texas Historical Commission (THC). The Council has reviewed the applicable environmental compliance documentation. To ensure compliance with relevant environmental laws, the Council will require that the sponsor of the project adhere to all applicable conditions in the EA, U.S. Army Corps of Engineers permit, and the [associated environmental compliance documents](#).

J.D. Murphree Wildlife Management Area Levee Project (Chenier Plains Ecosystem Restoration Program)

The Council is proposing to approve \$446,270.17 in additional implementation funding for the J.D. Murphree Wildlife Management Area (WMA) Levee Project, which is part of the Texas Chenier Plain Ecosystem Restoration Program sponsored by TCEQ. This funding was originally approved but not spent for the Initial FPL. The proposed reallocation would bring the total amount of RESTORE implementation funding approved for the J.D. Murphree levee project to \$4,008,500.17.

This project will involve regrading/rebuilding levees and maintaining interior ditches within the Big Hill Unit of the J.D. Murphree WMA located south of Port Arthur, in Jefferson County, Texas. The purpose of the project is to allow the Texas Parks and Wildlife Department (TPWD) to better manage water levels within the wetland compartments to benefit wildlife, fish, amphibians, and reptiles with more sustained water levels. Refurbished levees will be more resilient during storms and higher tides. The project will be implemented by Ducks Unlimited in partnership with TPWD and the Salt Bayou Watershed Working Group.

TPWD received authorization under Section 404 of the Clean Water Act under the Department of USACE permit SWG-2024-00349 to conduct the proposed maintenance activities within the J.D. Murphree WMA under Nationwide Permit 3. To comply with NEPA, the Council previously adopted the environmental assessment included in the [2021 Nationwide Permit 3 - Final Decision Document](#) on July 17, 2025. Additional environmental compliance coordination was completed for the FWCA, ESA, MSA, and NHPA in coordination with the USFWS, NMFS, SHPO, and the THC. The Council has reviewed the applicable environmental compliance documentation. To ensure compliance with relevant environmental laws, the Council will require that the sponsor of the project adhere to all applicable conditions in the USACE permit and the [associated environmental compliance documents](#).

To learn more about the RESTORE Council visit us at www.restorethegulf.gov or send questions to restorecouncil@restorethegulf.gov.