



Texas State Soil and Water Conservation Board

*Texas House of Representatives Committee on Natural Resources -
Request for Information: Interim Charge #1*

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Regarding HJR 4, SB 7, and SB 8, which relate to statewide and regional flood planning and mitigation. Monitor the progress of the Texas Water Development Board (TWDB) and other entities to provide for the planning, development, and financing of drainage, flood mitigation, and flood control projects statewide to strengthen the state's infrastructure and resiliency to future floods.

Background:

The Texas State Soil and Water Conservation Board (TSSWCB) administers the state's soil and water conservation law. The TSSWCB is the lead state agency for the planning, management, and abatement of agricultural and silvicultural (forestry) nonpoint source water pollution in Texas. Specific responsibilities of the TSSWCB include being the state's lead agency relating to the abatement, management, and prevention of all agricultural and silvicultural nonpoint source pollution, conservation planning and implementation programs for protecting water quality and enhancing water supplies, and operation, maintenance, repair, and rehabilitation of flood control dams across the state. All of these responsibilities and programs are carried out through the assistance of 216 locally controlled Soil and Water Conservation Districts (SWCDs), each of which is governed by five landowners elected by their peers.

TSSWCB works to ensure that the State's network of over 2,000 flood control structures are protecting lives and property by providing operation, maintenance, and structural repair grants to local government sponsors. Texas Legislature appropriated funds to the TSSWCB for grants to local SWCDs beginning in 2010 for operation, maintenance, and structural repairs. These grants are administered through two programs, the Operation & Maintenance (O&M) Grant Program, and the Structural Repair and Rehabilitation Grant Program.

Over the past 70 years 2,041 floodwater-retarding structures, or dams, have been built by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) through federal programs in Texas. These dams' primary purpose is to protect lives and property by reducing the velocity of floodwaters, and thereby reducing flows to a safer rate. These are earthen dams that exist on private property, and they were designed and constructed by the USDA-NRCS, with the understanding that the private property owner would provide the land, the federal government would provide the technical design expertise and the funding to construct them, and then local sponsors would be responsible for maintaining them into the future. Local sponsors include SWCDs, cities, counties, water control improvement districts, river authorities, and other special purpose districts. These dams provide \$151 million of average annual benefits to the people of Texas.

Senate Bill 7

Section 15.538 of Water Code states that the Texas Water Development Board shall act as a clearinghouse for information about state and federal flood planning, mitigation, and control programs that may serve as a source of funding for flood projects.

The Texas State Soil and Water Conservation Board participates on the Flood Information Clearinghouse Committee monthly meetings to review and discuss applications for flood infrastructure funds and discuss other information for the public related to flood mitigation activities.

Senate Bill 8

Guidance Principals:

Sec.A16.061 (c) states that the Texas Water Development Board shall coordinate with the TSSWCB, and other state agencies, to adopt guidance principles for the state flood plan that reflect the public interest of the entire state. TSSWCB participated in two meetings hosted by TWDB in 2019 to assist in the development of guidance principles for the state flood plan.

Regional Flood Planning:

Section 16.062 (c) states that TSSWCB shall appoint a representative to serve as an ex officio member of each flood planning group. TSSWCB has appointed a staff member to serve as an ex officio member in each of the 15 flood planning groups.

Ten-Year Dam Repair and Maintenance Plan:

Senate Bill 8 states that the TSSWCB shall prepare and adopt a plan describing the repair and maintenance needs of flood control dams described by Agriculture Code Section 201.0227(c) and prepare and adopt a new plan before the end of the 10th year following the adoption of a plan.

The Ten-Year Dam Repair, Rehabilitation, and Maintenance Plan was created and approved by the TSSWCB Board on May 21, 2020 and delivered to TWDB on June 11, 2020. A copy of the plan may be downloaded from the TSSWCB website at: <https://www.tsswcb.texas.gov/sites/default/files/files/programs/flood-control/10-YEAR%20PLAN-SIGNED.pdf>

Failed Dam Report:

Senate Bill 8 states that TWDB, in coordination with the TSSWCB and the Texas Commission on Environmental Quality, shall prepare a report of the repair and maintenance needs of all dams that are not licensed by the Federal Energy Regulatory Commission; do not have flood storage; are required to pass floodwaters; and have failed.

TSSWCB was given the opportunity to review the Failed Dam Report and provide comments to the TWDB on July 2020. There are no dams that fall under the purview of the TSSWCB Flood Control Program that were included in this report.

Yearly Progress Report:

Senate Bill 8 states that each year, the TSSWCB shall deliver to the TWDB a report regarding progress made on items listed in the plan. If an update to the report or plan is necessary before the yearly report or before the end of the 10-year cycle, the state board must deliver to the water development board an amended report or plan.

TSSWCB will provide annual progress reports for the Ten-Year Dam Repair, Rehabilitation, and Maintenance Plan to TWDB, with the first annual report due June 1, 2021. Updates and amendments to the plan will also be provided as needed.

State Flood Plan Implementation Advisory Committee:

TSSWCB was designated as one of six members of the State Flood Plan Implementation Advisory Committee.