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**TEXAS STATE SOIL AND WATER CONSERVATION BOARD**  
*Protecting and Enhancing Natural Resources for Tomorrow*

**PROGRESS REPORT FOR FISCAL YEAR 2023**  
**TSSWCB FLOOD CONTROL PROGRAM**  
**TEN-YEAR DAM REPAIR, REHABILITATION, AND MAINTENANCE PLAN**  
**August 1, 2023**

**Introduction**

The TEN-YEAR DAM REPAIR, REHABILITATION, AND MAINTENANCE PLAN (the “PLAN”) was prepared to address the needs of flood control dams designed and built by the USDA-Natural Resources Conservation Service (NRCS), as required by Senate Bill 8 enacted by the Texas Legislature during the 86<sup>th</sup> Legislative Session. According to this bill, the “state board” (TSSWCB) “shall prepare and adopt a plan describing the repair and maintenance needs of flood control dams described by Subsection (c) and prepare and adopt a new plan before the end of the 10th year following the adoption of a plan.” SB 8 also required that “Each year, the state board shall deliver to the water development board 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.”

The PLAN was developed, adopted by the TSSWCB board on May 21, 2020, and provided to the Texas Water Development Board on June 11, 2020. The first Progress Report for FY 2020 and FY 2021 was provided to the TWDB in June 2022. The second progress report for FY 2022 was provided to TWDB on March 9, 2023. This report describes accomplishments for fiscal year 2023. Neither an update nor an amendment to the PLAN is needed at this time. However, after structural repair applications are received for the FY 2024 funding cycle, TSSWCB will update and revise the PLAN.

As expected, the number of high hazard dams in Texas has increased because of urban development. The current count is 659 high hazard dams, with 536 needing upgrade or rehabilitation to meet current safety criteria. However, funding has been provided and agreements have been signed for upgrade or rehab of 21 dams. Assuming all of these projects are completed, the remaining number of high hazard dams needing upgrade/rehab is 515.

**State Funding**

During the 86<sup>th</sup> Legislative Session, \$150 million was provided to TSSWCB through Senate Bill 500 for repair, rehabilitation, and upgrade of the USDA-NRCS flood control dams throughout the state. These funds were Economic Stabilization Funds (ESF) with a 2-year obligation period, and 4 years to expend. About \$8 million of general revenue was also provided in fiscal years 2020, 2021, 2022 and 2023. About \$5 million per year of the general revenue was provided for dam operation and maintenance (O&M) activities in 2020 and 2021.

In FY 2022 and 2023 the amount provided for O&M was reduced to \$2 million each year. The remainder of GR was used to match federal rehabilitation funds and to cover high bids caused by inflation on previously obligated projects which had inadequate funding.

No new dam repair or upgrade projects were funded in FY 2023. However, matching funds were provided for two new federal rehabilitation projects (agreements for one of the projects are currently being processed). One dam upgrade project (funded with ESF) was cancelled in FY 2022, and those obligated funds were transferred to other previously obligated ESF projects in 2022 and 2023 to cover funding shortages.

Prior to this year, dam repairs were cost-shared at 95% state and 5% local sponsor, and high hazard dam upgrades were cost-shared 98.25% state and 1.75% sponsor. Federal rehabilitation projects were cost-shared 65% federal, 33.25% state, and 1.75% sponsor.

Based on recommendations by the Sunset Commission, TSSWCB changed program rules this year so that the sponsor would have no required matching cost for state funded repair, upgrade, and rehabilitation. TSSWCB will pay 100% on state funded dam repair and upgrade and will pay the full 35% required local match for federal rehabilitation projects.

**Federal Funding**

At the end of FY 2023, agreements were in place for USDA-NRCS to provide about \$78.5 million of federal funds to TSSWCB for engineering services and construction costs for rehabilitation of high hazard dams. TSSWCB is using these funds to contract with private engineers for planning, design, and construction inspection, and to sign agreements with sponsors for construction costs. Construction is underway on eight federal rehabilitation projects. Engineering services costs for federal rehabilitation projects are 100% federal.

**Staffing and Resource Needs**

TSSWCB lost two Flood Control Program staff during FY 2023. The agency is beginning the process of filling both positions.

The current 5-year Indefinite Delivery Indefinite Quantity (IDIQ) contract with five engineering firms will expire in 2023. TSSWCB has begun the process of setting up a new 5-year IDIQ contract to start in FY 2024.

**Obligation of Funds**

*State General Revenue and Federal Funds Obligated in FY 2023:*

1. Dam Operation and Maintenance: \$2,000,000
2. Federal Dam Rehabilitation:
  - a. Federal construction funds for 2 dams: \$14,771,036
  - b. State matching funds for 2 dams: \$7,600,000

The remainder of unobligated federal funds are being held in TSSWCB accounts for projects that are not yet ready for construction.

**Construction Projects in Progress (all anticipated to be completed by June 2025)**

Federal Rehabilitation Projects

1. Lower East Fork Laterals 10 (Kaufman County)

2. Chambers Creek 10 (Ellis County)
3. Chambers Creek 11 (Ellis County)
4. Cedar Creek 87A (Kaufman County)
5. Lower Plum Creek 28 (Caldwell County)
6. Lower Running Water Draw 4 (Hale County)
7. Plum Creek 10 (Hays County)
8. Plum Creek 21 (Hays County)

State Funded High Hazard Dam Upgrade

1. Big Sandy Creek 44 (Wise County)
2. Chambers Creek 1 (Ellis County)
3. Chambers Creek 7 (Ellis County)
4. Chambers Creek 9 (Ellis County)
5. Chambers Creek 15 (Ellis County)
6. Chambers Creek 129 (Navarro County)
7. Elm Creek (Centex) 23 (Bell County)
8. Elm Creek (Centex) 39 (Falls County)
9. Lower East Fork Laterals 3 (Kaufman County)
10. Plum Creek 2 (Hays County)
11. Upper Cibolo Creek 4 (Kendall County)
12. Upper East Fork Laterals 5C (Rockwall County)

State Funded Dam Repair

1. Chambers Creek 100 (Ellis County)
2. Chambers Creek 113 (Ellis County)
3. Chambers Creek 115 (Ellis County)
4. Chiltipin-San Fernando Creek 2 (Duval County)
5. Mountain Creek 11 (Ellis County)
6. Upper Lake Fork Creek 2 (Hunt County)

**Accomplishment of Plan Projects**

During fiscal year 2023, the following projects were completed:

3 Dam Repairs

1 High Hazard Dam Upgrade

The following table lists the projects completed in FY 2023, and the amount and source (state or federal) of funding expended.

<b>TSSWCB FLOOD CONTROL PROGRAM COMPLETED PROJECTS - FY 2023</b>							
<b>BUDGET ITEM</b>	<b>COUNTY</b>	<b>STATE FUNDING</b>	<b>SPONSOR'S COST</b>	<b>FEDERAL FUNDING</b>	<b>TOTAL PROJECT COST</b>	<b>STATUS OR COMPLETION DATE</b>	<b>COMMENTS</b>
Salary and Overhead		821,000			821,000		
Dam Operation & Maintenance		2,000,000	222,222		2,222,222		
<b>Dam Repair</b>							
Lake Creek 2	Anderson	1,254,264	0		1,254,264	11/7/2022	COMPLETED
Lake Creek 3	Anderson	622,482	0		622,482	10/31/2022	COMPLETED
San Diego/Rosita Creek 2	Duval	233,832	11,721		245,553	11/2/2022	COMPLETED
Subtotal - Dam Repair		2,110,578	11,721	0	2,122,299		
<b>Federal High Hazard Dam Rehabilitation</b>							
None completed							
Subtotal - Federal Rehab		0	0	0	0		
<b>State High Hazard Dam Upgrade</b>							
Lower Brushy Creek 18	Williamson	4,083,247	70,611		4,153,858	10/4/2022	COMPLETED
Subtotal - State Upgrade		4,083,247	70,611	0	4,153,858		
<b>TOTAL FUNDING</b>		<b>9,014,825</b>	<b>304,554</b>	<b>0</b>	<b>9,319,379</b>		