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

PROGRAM GUIDANCE MEMORANDUM

FISCAL YEAR 2016

FLOOD CONTROL OPERATION & MAINTENANCE GRANT PROGRAM

July 31, 2015

At their July 2015 meeting, the Texas State Soil and Water Conservation Board (State Board) approved changes to the way the Flood Control Operation and Maintenance (O&M) Grant Program will be run for the 2016 fiscal year (September 1, 2015 – August 31, 2016).

The State Board approved a statewide allocation of \$1,000,000 for the upcoming fiscal year. This is the amount that was allocated the last two times (2013 & 2015) O&M funds were budgeted by the State Board.

In past years, the State Board has approved individual allocation amounts to specific sponsors (usually the local soil and water conservation district). These allocation amounts were based on the total amount of funding allocated across the state, and the reported needs of each sponsor through a survey.

As a result of many comments from sponsors relating to the existing allocation process, as well as concerns regarding the speed at which sponsors were utilizing the funds, lapsed funds, and the accuracy of survey results, the State Board accepted a staff recommendation to make a change.

The State Board approved a process where **no specific allocations will be made to individual sponsors**. The new process involves placing all \$1,000,000 into a statewide fund which would be available to all sponsors through proposals.

The new process involves sponsors submitting a proposal for specific O&M work on flood control dams. Sponsors will be able to submit one proposal at a time for up to \$20,000 (for multiple activities on multiple dams), unless the proposed work is for a single dam, in which case the amount may exceed \$20,000.

Once the work under an approved proposal is completed, the sponsor may submit another proposal. Additionally, if a sponsor certifies through a separate form that the current proposal is 75% of the way complete, the sponsor may submit another proposal, although work may not begin until the previously proposed work is complete and a reimbursement form has been

submitted to Texas State Soil and Water Conservation Board Staff (TSSWCB). This is to accommodate sponsor concerns regarding contractor retention on back-to-back jobs. The subsequent proposal may be approved, giving the sponsor the ability to assure their contractor that funds have been allocated for the next job.

Submitted proposals will be accepted in the order in which they are received. If the sponsor has exhausted all funds remaining from previous fiscal year allocations, the proposed work is eligible under the program rules, and is proposed for an eligible dam, then the TSSWCB will approve the proposal and the sponsor may proceed with acquiring contractors and commence work.

The proposal must include an intended start date and intended completion date. **All work must be completed within 90-days of TSSWCB approval.** The TSSWCB may approve extensions for work that has already commenced but is not completed. Additionally, if estimated costs appear as though they may exceed what was indicated on the proposal, an exception may be granted as well.

Proposals for FY2016 funding may be submitted starting August 1, 2015, however, work may not begin until the TSSWCB has approved the proposal, and most importantly, **no work with FY2016 funds can begin until September 1, 2015.**

If all work is not complete by the proposed date, and an exception to the 90-day limit has not been approved, the funds may be placed back into the statewide fund and allocated to another proposal.

In cases where the sponsor wants to certify that the current proposal is 75% complete, the authorized representative of the sponsor, as well as a representative of the TSSWCB or the Natural Resources Conservation Service (NRCS) must sign the certification form. This is the same process that is used to certify *reimbursement requests* under the existing program.

The objectives of this new approach include:

- Allowing the more active sponsors the ability to access additional funds if they have exhausted their allocation and want to conduct more work
- Providing those sponsors that were receiving minimal allocations under the previous survey process an opportunity to access greater amounts of funds
- Providing an emphasis on earlier expenditure of funds during the fiscal year
- Minimizing the possibility of lapsed funds

If any funds are remaining toward the end of FY2016, the TSSWCB will request that those funds be forwarded to the FY2017 fiscal year, and the process will continue into the next year. Toward the end of the FY2017 fiscal year, forwarded FY2016 funds and any remaining FY2017 funds may be contracted through grant notifications to the sponsors that have demonstrated a track record of utilizing the funds expeditiously. This will allow those remaining funds to be used for up to another two years. A cut-off date for the acceptance/approval of FY2017 proposals will be determined at a later date.

Proposals must be submitted on the official form provided by the TSSWCB (included).

Requests to certify 75% completion of a proposal must be submitted on official forms as well (included).

Reimbursement for work will be carried out on the existing forms in the existing process. Not all activities on a multi-dam proposal must be completed prior to requesting reimbursement, however, **all proposed activities for a single dam must be complete prior to requesting reimbursement.**

All the programmatic rules found at [31TAC529, Subchapter A](#), are still in effect and must be followed, including the 90%-State / 10%-Non State matching requirement. In-kind match may still be used, and should be reported on the existing forms. **Agency rules require that in-kind match used to match FY2016/FY2017 O&M reimbursements must be performed after September 1, 2015.** The agency will continue to keep track of in-kind match balances and utilize it to calculate the paid reimbursement amount. Administrative payments will continue to be made in the manner under the previous approach.

All forms, O&M activity codes for eligible practices, all National Inventory of Dams Identification (NID ID) Numbers for eligible dams, and links to program rules are available on the TSSWCB's website at: <https://www.tsswcb.texas.gov/en/floodcontrol>. FY2016 Reimbursement request forms and In-kind match reporting forms will be available prior to September 1, 2015.

Proposals will be accepted starting August 1, 2015. Completed and signed proposals should be submitted via email to: lmunz@tsswcb.texas.gov, faxed to (254) 773-3311-Attn. Lee Munz, or mailed to P.O. Box 658, Temple, TX 76503. **Proposals will be considered in the order in which they are received.** Each proposal will be date and time stamped immediately upon receipt.

If you have any questions, please don't hesitate to contact Lee Munz at (254) 773-2250, ext. 241, your Flood Control Program Specialist (Jared Bowen 325-248-1888 or Tony Resendez 979-676-6583), or your TSSWCB Field Representative.

As always, thank you for your dedication to this important program, and please let us know if there is any way we can be of assistance.

Sincerely,



JOHN FOSTER
TSSWCB Programs Officer

Cc: Rex Isom, TSSWCB Executive Director
TSSWCB Field Representatives
TSSWCB Flood Control Staff