POLICY AND PROCEDURES MANUAL

FLOOD CONTROL STRUCTURAL REPAIR GRANT PROGRAM

Effective September 1, 2025

Texas State Soil and Water Conservation Board

(Approved by TSSWCB Board on (July 17, 2025)

Purpose of This Manual

The purpose of this manual is to provide policies and procedures for staff of the TSSWCB Flood Control Program (FCP) to follow when administering structural repair grants and contracts awarded through the Program. This manual can be used for both training new employees and/or keeping existing staff updated on procedural changes.

The policies and procedures in this manual comply with state and federal statutes. Adherence to these policies and procedures ensures that the TSSWCB administers the FCP grant program in a manner that is consistent, accountable, and compliant with grant management requirements. Requests for waivers of the policy contained in this document will be considered, with appropriate documentation and justification, on a case-by-case basis.

Information Resources

Additional information about the FCP may be found on the TSSWCB web page at the following address: https://www.tsswcb.texas.gov/index.php/programs/flood-control-program

Overview and Goals

The Texas State Soil and Water Conservation Board is designated by the Texas Legislature as the state agency responsible for conserving soil and related resources of this state. Within this context, the State Board is charged with controlling and preventing soil erosion, controlling floods, preventing the impairment of dams and reservoirs, assisting in maintaining the navigability of rivers and harbors, and thereby protecting and promoting the health, safety, and general welfare of the people of this state. Consistent with this authority, it is the policy of the Texas State Soil and Water Conservation Board to administer a grant program through local soil and water conservation districts and other flood control dam sponsors that provides financial assistance for structural repair activities on United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) assisted flood control dams.

The overall goals of the FCP Structural Repair Grant Program are:

- maximizing the federal contribution to any dam project
- prioritizing any work required for high hazard dams over other dams
- rehabilitation or upgrade of all eligible dams in need
- maintaining a substantive and two-way communicative process with all eligible dam sponsors

The Ten-Year Plan

The *Ten-Year Plan* was developed upon the request of the Texas Legislature for an assessment of all known dam repair, upgrade, and rehabilitation needs of USDA-NRCS assisted dams in Texas. The purpose of the Plan was to determine funding needed to address a substantial portion of those needs over a 10-year period. The priority and ranking of projects in the *Ten-Year Plan* will be implemented in accordance with the Policy and Procedures Manual effective for the funding cycle.

Applications

When TSSWCB determines that sufficient funding is available for new projects, sponsors will be notified of the funding cycle and application period. Instructions and timelines for the grant program applications will be sent to all sponsors. Criteria for acceptance of applications is given in the following sections of this document.

TSSWCB staff will accept applications up to the posted deadline and will rank all applications based on this guidance. Late applications may be considered only after all on-time applications have been funded. Applications for essential projects, with adequate documentation, may be accepted by TSSWCB outside of the established application time frame. Applications are to be scanned and submitted by email. Hard copies will be accepted only if district or sponsor staff do not have the capabilities to submit the application package as a pdf and via email. All applications must be complete and received by TSSWCB

within the specified time frame to be considered for funding. Sponsors must not submit applications for more projects than they can complete within the specified funding cycle. If sponsors wish to apply for both repair and upgrade on the same dam, separate repair and upgrade applications must be submitted for that dam.

All applications will be reviewed, scored, and ranked by TSSWCB within a 90-day period after the end of the application period. Each application will be scored and ranked within its category by a minimum of 2 TSSWCB staff. If individual scores from each staff member are different for a specific project, the scores from all staff participating in the ranking process will be averaged for that project. All scores will be documented, and projects selected for funding based on available funding and best available project cost data. All sponsors will be notified of how all projects ranked and which projects will be funded for the funding cycle. The results will also be published on the TSSWCB web page.

In the event the applicant disagrees with the TSSWCB ranked score, the applicants' representative may provide a written request justifying a reevaluation of the ranked score and provide any additional supporting information that was not previously provided in the original application submission. TSSWCB will make the determination if a rescore is warranted. However, protection of life and property (in that order) will be major deciding factors in any deviation from the ranking score system.

Priority and Ranking of Applications

TSSWCB has established this policy to aid in ranking eligible dam rehabilitation, repair, and upgrade projects for grant funding opportunities for sponsors. This guidance will be used to rank applications submitted to TSSWCB and to prioritize projects for each funding cycle and/or when administratively required. The general priority order for all projects will be as follows:

1. Providing state matching funds for federal Watershed Rehabilitation or Emergency Watershed Protection projects.
2. Projects deemed to be "essential" projects.
3. Dam repair projects ranked and prioritized in a previous funding cycle for which designs have been prepared but construction funds were not available in the previous cycle.
4. High hazard dam repair projects ranked and prioritized in the current funding cycle.
5. High hazard dam upgrade projects ranked and prioritized in a previous funding cycle for which designs have been prepared but construction funds were not available in the previous cycle.
6. High hazard dam upgrade projects ranked and prioritized in the current funding cycle.
7. Low and significant hazard dam repair projects ranked and prioritized in the current funding cycle.

Funding may be provided for design of the highest priority high hazard dam upgrades in the current funding cycle, but these projects may not be ready for construction funding for about 2 years. When ready for construction, "general priority 5" shown above will be followed to fund construction.

If an application is submitted for state funded upgrade of a dam, and before designs are started that dam receives federal funding to begin the federal rehabilitation process, that dam will no longer be eligible for state funded upgrade. However, when the dam receives federal funding for construction, it will be included in "general priority 1" and prioritized with other federally funded projects to receive matching state funds for construction.

Funding is allocated to dams in the priority order shown above. If the next dam in priority order to receive funds has an estimated cost which exceeds available funds, this dam will be skipped over to fund a lower cost dam for which available funds are adequate. This could occur within a single category, or among several categories.

Exception Clause

The TSSWCB will utilize this project ranking guidance to maintain consistency when ranking applications. However, certain events and situations may trigger a reevaluation of project priorities to be funded. When required, TSSWCB may administratively revise the project priority based on fiscal deadlines, requirements for project completion, and other situations that may not be specifically addressed herein but will offer a high public safety benefit and/or more efficient use of taxpayer funds. This situation could occur anytime throughout the TSSWCB funding cycle. Staff may identify and evaluate opportunities that could be implemented towards the end of a fiscal cycle or as projects are deemed administratively complete and unused funds are available. Sponsors will be notified when exceptions cause a change in priority order.

Project Ranking Criteria for Structural Repair Grants Program

Applications will be prioritized based on the following categories (priority order):

1. Federal Rehabilitation: TSSWCB will give first priority to providing matching state funds for federal Watershed Rehabilitation or Emergency Watershed Protection projects. If there is insufficient State cost-share funding to support all federal projects within the funding cycle, the State portion (percentage) of funding will be reduced equally to all cost-sharing agreements for federal projects. This will require the sponsor to provide additional funding prior to moving forward with the project. All affected sponsors will be notified of this situation. If a sponsor chooses to cancel or postpone their project, the funds allocated to that project will be re-distributed to the remaining projects or used for other purposes within the funding cycle.

2. Essential Project**:** A project will be deemed an Essential Project if the Executive Director, or designated representative, determines there is a need for immediate repair or upgrade action. A few situations that may be considered for an Essential Project include, but are not limited to, the following:
   - 2.1. An imminent dam related threat to human life or primary residence(s).
   - 2.2. Indications of an imminent or potential dam breach or other structural failure, supported by documentation from a certified professional (e.g., Professional Engineer, Professional Geologist, NRCS or TCEQ dam safety personnel, etc.) having expertise in that area.
   - 2.3. Observed failure of embankment structural integrity.
     - 2.3.1. Piping, seepage, or boil is observed in the dam embankment or downstream areas.
     - 2.3.2. Earth movement
     - 2.3.3. Uplift
     - 2.3.4. Severe sinkholes and/or cracking in embankment
   - 2.4. Failure of conduits (i.e., collapsed and/or plugged PS that cannot be addressed with O&M).
   - 2.5. Imminent water supply loss to an existing multi-user system.
   - 2.6. The project was funded in a previous funding cycle, but additional funds are required in the current funding cycle in order to complete the project (includes establishing vegetation).
   - 2.7. Other conditions, when justifiable.

3. Repairs:
   - 3.1. Requirements for acceptance of dam repair applications:
     - 3.1.1. Submittal within specified time frame of legible and complete application forms with all questions answered and data fields filled, with supporting documentation included if required. If a data field does not apply, enter "N/A".
     - 3.1.2. Four photographs of each repair need to justify scoring. Photographs shall include written detail to identify the issue and the location (e.g. northwest view of slope slide taken from top of dam, etc.). Include an overview diagram of the whole dam (e.g. hand sketched, satellite image overlay, etc.) that clearly marks the area(s) where the issues are in relation to the dam, location of provided photos and any other pertinent detail that will be important

in reviewing the applications. Applicants should keep in mind that these images and descriptions help tell the story of whatever damage or repairs are needed when staff perform the review.

3.1.3. Signature of all sponsors with responsibility for operation and maintenance of the dams.

3.1.4. Failure to complete the above requirements will result in rejection of the application.

3.2. Current TCEQ Hazard Class/Status (see TAC 299.12):

	Description	Score
H	High	10
S	Significant	5
L	Low	0

3.3. Emergency Action Plan (EAP) Status, when required (see TAC 299.61):

Criteria	Score
EAP has received TCEQ administrative approval (w/ annual review checklist provided)	10
EAP has been submitted to TCEQ but has not yet been approved	5
EAP has not been prepared, or has not been submitted to TCEQ	0

3.4. Repair Type (score is accumulative):

	Description	L	S	H
A	Embankment: Slope slides, sink holes, cracks (lime treatment, slope flattening, removal & replacement of dam embankment)	8	14	20
B	PS repair – Pipe/Vertical inlet replacement (i.e., pipe collapse, damaged shape)	7	12	18
C	PS repair – Liner installation (i.e., pipe in original hydraulic configuration)	6	10	16
D	Auxiliary Spillway repair (earthwork/vegetation, armoring of spillway)	5	8	15
E	Armored plating of embankment for wave erosion prevention or repair	4	7	14
F	Impact basin or plunge pool armored plating installation	3	6	12
G	Wave erosion repair on embankment (earthwork and establishing vegetation)	2	4	10
H	Drain system installation/repair OR all other repairs not listed above	1	2	8

3.5. Multiple Benefits (MB) (As defined by 390 NWPM Section 500.3.B i through viii):

MB Criteria	Score
Multi-Purpose (Single Purpose plus any project defined in 390 NWPM 500.3.B iii-vii)	10
Single Purpose (Flood prevention(i) and watershed protection(ii))	0

3.6. The scores from Sections 3.2, 3.3, 3.4, and 3.5 are added together to determine the total score for ranking the project for funding.

4. State Upgrades:

4.1. Requirements for acceptance of dam upgrade applications:

4.1.1. Submittal within specified time frame of legible and complete application forms with all questions answered and data fields filled, with supporting documentation included if required. If a data field does not apply, enter "N/A".

4.1.2. The dam currently has a High (H) hazard TCEQ classification.

4.1.3. NRCS application for Federal Watershed Rehabilitation grant for the dam has been submitted and accepted by NRCS.

4.1.4. A Dam Assessment has been completed by NRCS, OR Risk Index Evaluation has been completed by a professional engineer. See section 4.4.

4.1.5. Four photographs of each repair need (if repair is needed) to justify additional scoring. Photographs shall include written detail to identify the issue and the location (e.g. northwest view of slope slide taken from top of dam, etc.). Include an overview diagram

of the whole dam (e.g. hand sketched, satellite image overlay, etc.) that clearly marks the area(s) where the issues are in relation to the dam, location of provided photos and any other pertinent detail that will be important in reviewing the applications. Applicants should keep in mind that these images and descriptions help tell the story of whatever damage or repairs are needed when staff performs the review.

4.1.6. Signature of all sponsors with operation and maintenance responsibility for the dams.

4.1.7. Failure to complete the above requirements will result in rejection of the application.

4.2. Upgrade project that also needs repair. Repair needs will be scored with criteria in Section 3.4.

4.3. Emergency Action Plan (EAP) Status, as required by TAC 299.61:

Criteria	Score
EAP has received TCEQ administrative approval (w/ annual review checklist provided)	50
EAP has been submitted to TCEQ but has not yet been approved	25
EAP has not been prepared, or has not been submitted to TCEQ	0

4.4. Total Risk Index value from NRCS Evaluation of Potential Rehabilitation Projects. The values can be obtained from the NRCS Dam Assessment report, or a Risk Index Evaluation prepared by a professional engineer.

4.5. Multiple Benefits (MB) (As defined by 390 NWPM Section 500.3.B i though viii):

MB Criteria	Score
Multi-Purpose (Single Purpose plus any project defined in 390 NWPM 500.3.B iii-vii)	10
Single Purpose (Flood prevention(i) and watershed protection(ii))	0

4.6. The scores from Sections 4.2 (repair score), 4.3, 4.4, and 4.5 are added together to determine the total score for ranking the project for funding.

SPONSOR NOTES: Prior to beginning the construction phase of dam upgrade and federal rehabilitation projects, sponsors must complete the following items:

1. TCEQ administrative approval of the EAP (provide copy of TCEQ approval letter to TSSWCB).
2. Certification by sponsors, with attorney's opinion, of the adequacy of land rights for the project.
3. US Army Corps of Engineers 404 permit approval, or documentation of no need for 404 permits.

Failure to complete the above items within appropriate time frames could result in funds being re-allocated to other projects that have met requirements.

Priority score tiebreaker: If multiple applications within the respective category (repair, upgrade) receive the same total priority score, the date and time the application is received by TSSWCB will be used as a tiebreaker. The earliest application receives priority.

Funding Structural Repair Projects

1. The FCP program manager determines the amount of available funding for the funding cycle.

2. Following the prioritization and ranking process, decisions are made in consultation with FCP staff on which projects to begin implementation activities within the allowable budget. Funding will be allocated for the construction phase on some projects, and/or provided to begin the planning and design phase on others.

3. All sponsors will be notified of which projects are allocated funding, and this information will also be posted on the TSSWCB website.

Preparing Contracts and Agreements

1. Contracts (Work Orders) are developed between TSSWCB and engineering firms for the initial planning or design phase of each project. Additional contracts are also developed for construction oversight during the construction phase.

2. Agreements are developed between TSSWCB and flood control sponsors to provide funding for the construction phase of each project. Sponsors then advertise for bids and award a construction contract.

3. Contracts and agreements are prepared and sent to the performing entity for signature. After the document is fully executed by TSSWCB, a copy of the executed document is sent to the performing entity. A second copy of the executed document is kept for TSSWCB files.

4. All contracts and agreements that exceed $1,000,000 must be approved by the TSSWCB board before execution.

5. The Flood Control Program manager or staff will create an electronic contract/agreement file of all related materials on the server, or load all material into the Dams Database. All electronic documents, including correspondence, will be maintained in the contract/agreement's electronic folder or Dams Database throughout the life of the contract/agreement.

6. All contract/agreement records must be retained by the performing entity and the TSSWCB in accordance with record retention requirements. TSSWCB creates and maintains electronic files. A list of all contracts and agreements for the year are included in the Annual Report.

7. Contracts and agreements are amended when needed by FCP staff, following the same procedures used during the initial contract or agreement development. Amendments are generally needed for the following types of activities (not exclusive):
    a. Change in the scope of work or to clarify tasks;
    b. Change in the completion date; or
    c. Change in the funding amount.

Processing Reimbursement Requests

1. The performing entity should send a monthly or quarterly reimbursement request (invoice) to the TSSWCB. The invoice should include a request for reimbursement and a financial status report.

2. FCP staff should review the invoice to ensure the following:
    a. Expenditures are associated with tasks in the contract/agreement;
    b. Backup documentation to justify expenditures is included with the invoice;
    c. Expenditures are deducted from appropriate budget categories;
    d. Expenditures do not exceed remaining balance within each budget category; and
    e. All calculations are correct.

3. If any discrepancies are found, FCP staff contacts the performing entity to clarify and/or correct the invoice.

4. When the invoice is determined to be accurate, stamp and sign for approval. Work with the Accounting Department to process the payment. Accounting Department will file the payment record and invoice in the contract/agreement file.

Closing a Contract/Agreement

1. The final invoice should be marked "Final" by the performing entity and should include a final status report.

2. FCP staff review and approve the final reimbursement request according to the procedures for reimbursement requests. Provide approved invoice to the TSSWCB Budget and Accounting Department to process/pay. Inform Accounting Department that it is the final reimbursement, and the contract/agreement is being closed. Any remaining funds that cannot be re-allocated to other projects will be lapsed.

3. Prepare close-out letter for FCP manager's signature and send to the performing entity.

Definitions:
Rehabilitation or Rehab: Federally funded upgrade of NRCS floodwater retarding structure, or dam; updates the dam to meet current safety criteria for a high hazard dam. This activity usually applies to dams designed and built to meet safety criteria for low or significant hazard classification but may also apply to dams originally designed and built to meet high hazard criteria that do not meet current safety criteria.
Upgrade: State funded upgrade of NRCS floodwater retarding structure, or dam; updates the dam to meet current safety criteria for a high hazard dam. This activity usually applies to dams designed and built to meet safety criteria for low or significant hazard classification but may also apply to dams originally designed and built to meet high hazard criteria that do not meet current safety criteria.
Repair: Projects that only require repair(s) to a floodwater retarding structure, or dam. This project type only repairs the dam as originally designed, makes improvements to correct deficiencies in the original design, or to provide other beneficial improvements that would not be classified as a Rehab or Upgrade project.
FCP: TSSWCB Flood Control Program.
Auxiliary Spillway (AS): the overflow structure(s) designed to handle storm events greater than the principal spillway is designed to carry safely.
Principal Spillway (PS): the principal discharge structure(s), usually a pipe spillway, that is/are designed to handle specific storm events.
Hazard Classification: The hazard classification that TSSWCB uses is based on the criteria identified by TCEQ. Designated as High (H), Significant (S), or Low (L).