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

PROGRESS REPORT FOR FISCAL YEAR 2022
TSSWCB FLOOD CONTROL PROGRAM
TEN-YEAR DAM REPAIR, REHABILITATION, AND MAINTENANCE PLAN
March 10, 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 86th 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. This report describes accomplishments through the end of fiscal year 2022. Neither an update nor an amendment to the PLAN is needed at this time. Future progress reports will be provided shortly after the end of each fiscal year.

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 86th 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, and 2022. About \$5 million of the general revenue was provided for dam operation and maintenance (O&M) activities in 2020 and 2021. In 2022 the amount provided for O&M was reduced to \$2 million, and the remainder of GR was used to cover high bids caused by inflation on previously obligated projects which had inadequate funding.

No new dam repair, upgrade, or rehabilitation projects were funded in FY 2022. However, one dam upgrade project (funded with ESF) was cancelled, and those obligated funds were transferred to other previously obligated ESF projects to cover funding shortages.

Dam repairs are cost-shared at 95% state and 5% local sponsor. High hazard dam upgrades are cost-shared 98.25% state and 1.75% sponsor.

Federal Funding

At the end of FY 2022, agreements were in place for USDA-NRCS to provide about \$59 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. Engineering services costs for federal rehabilitation projects are 100% federal, and construction costs are shared 65% federal, 33.25% state, and 1.75% sponsor.

Staffing and Resource Needs

TSSWCB employed one additional flood control specialist and a staff services officer in FY 2022 to assist with program implementation.

The current 5-year IDIQ contract with five engineering firms will expire in fiscal year 2023. TSSWCB has begun the process of setting up a new 5-year IDIQ contract to start at the beginning of FY 2024.

Obligation of Funds

State ESF funds obligated by the deadline of May 31, 2021:

1. Engineering Services: \$30,547,862
2. Dam Repair, Rehabilitation, Upgrade Construction: \$119,357,106
3. Unobligated: \$95,032

State General Revenue Funds Obligated in FY 2022:

1. Dam Operation and Maintenance: \$2,000,000
2. Dam Repair and Upgrade (additional funds for obligated projects): \$3,141,075
3. Additional engineering services: \$295,163
4. Dam Rehabilitation (additional state matching funds for obligated projects): \$2,464,000

Federal Funds obligated during FY 2022:

1. Engineering Services: \$233,164
2. Additional Rehabilitation Construction Cost in Sponsor Agreements: \$5,236,000

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

Accomplishment of Plan Projects

During fiscal year 2022, the following projects were completed:

- 12 Dam Repairs

As of August 31, 2022, there were 28 additional projects under construction or ready to bid.

The following table lists the projects completed in FY 2022 as of August 31, 2022, and the amount and source (state or federal) of funding expended.

TSSWCB FLOOD CONTROL PROGRAM COMPLETED PROJECTS - FY 2022							
BUDGET ITEM	COUNTY	STATE FUNDING	SPONSOR'S COST	FEDERAL FUNDING	TOTAL COST	STATUS OR COMPLETION DATE	COMMENTS
Salary and Overhead		821,000			821,000		
Dam Operation & Maintenance		2,000,000	222,222		2,222,222	8/31/2022	COMPLETED
Engineering Services		295,163		0	295,163		
Dam Repair							
Auds Creek 5	Lamar	638,097	31,985		670,082	9/24/2021	COMPLETED
Auds Creek 6A	Lamar	288,786	14,476		303,262	3/15/2022	COMPLETED
Auds Creek 7	Lamar	288,786	14,476		303,262	3/15/2022	COMPLETED
Cedar Creek 129	Van Zandt	808,389	40,521		848,910	11/30/2021	COMPLETED
Denton Creek 24	Wise	617,382	30,946		648,329	3/2/2022	COMPLETED
Denton Creek 24A	Wise	246,873	12,375		259,248	1/6/2022	COMPLETED
Elm Creek (Centex) 37	Milam	112,315	5,630		117,945	9/9/2021	COMPLETED
Elm Creek (Centex) 38	Milam	112,315	5,630		117,945	9/9/2021	COMPLETED
Elm Creek (Centex) 43	Milam	112,315	5,630		117,945	9/9/2021	COMPLETED
Lower Brushy Creek 12	Williamson	543,747	27,386		571,132	10/1/2021	COMPLETED
Lower Brushy Creek 22	Williamson	543,747	27,386		571,132	10/1/2021	COMPLETED
Pine Creek 3	Lamar	219,784	11,017		230,801	9/24/2021	COMPLETED
Subtotal - Dam Repair		4,532,537	227,456	0	4,759,992		
Federal High Hazard Dam Rehabilitation							
NONE							
Subtotal - Federal Rehab		0	0	0	0		
State High Hazard Dam Upgrade							
NONE							
Subtotal - State Upgrade		0	0	0	0		
TOTAL FUNDING EXPENDED		7,648,700	449,678	0	8,098,377		