

Member Organizations

Alamo, Austin, and Lone Star chapters of
the Sierra Club

Bexar Audubon Society

Bexar and Travis-Austin Green Parties

Bexar Grotto

Boerne Together

Bulverde Neighborhood Alliance

Bulverde Neighborhoods for Clean Water

Cibolo Center for Conservation

Citizens for the Protection of Cibolo Creek

Comal County Conservation Alliance

Environment Texas

First Universalist Unitarian Church of SA

Fitzhugh Neighbors

Friends of Canyon Lake

Friends of Castroville Regional Park

Friends of Dry Comal Creek

Friends of Government Canyon

Fuerza Unida

Green Society of UTSA

Guadalupe Riverkeepers

Guadalupe River Road Alliance

Guardians of Lick Creek

Headwaters at Incarnate Word

Helotes Heritage Association

Hill Country Alliance

Kendall County Well Owners Association

Kinney County Ground Zero

Leon Springs Business Association

Native Plant Society of Texas – SA

Northwest Interstate Coalition of
Neighborhoods

Pedernales River Alliance – Gillespie Co.

Preserve Castroville

Preserve Lake Dunlop Association

Preserve Our Hill Country Environment

RiverAid San Antonio

San Antonio Audubon Society

San Antonio Conservation Society

San Geronimo Valley Alliance

San Marcos Greenbelt Alliance

San Marcos River Foundation

Save Barton Creek Association

Save Our Springs Alliance

Scenic Loop/Boerne Stage Alliance

Securing a Future Environment

SEED Coalition

Signal Hill Area Alliance

Sisters of the Divine Providence

Solar San Antonio

Texas Cave Management Association

Trinity Edwards Spring Protection Assoc.

Water Aid – Texas State University

Wildlife Rescue & Rehabilitation

Watershed Association

PO Box 15618, San Antonio, Texas 78212

December 27, 2023

Texas Water Development Board

P.O. Box 13231

Austin, TX 78711

Via email: FIF@twdb.texas.gov

RE: Flood Infrastructure Fund (FIF) SFY 2024-2025 Intended Use Plan (IUP)

Please accept these comments on behalf of the fifty-seven member groups of the Greater Edwards Aquifer Alliance. As our entire service area resides within Texas' Flash Flood Alley, part of our mission is to advocate best management practices that will reduce and mitigate flooding. We are, therefore, grateful to the TWDB for administering funding and programs aimed at achieving these goals. respectively

Technical Director, Deborah Reid and I serve on the San Antonio and Guadalupe Regional Flood Planning Groups, respectively where we represent environmental interests. We appreciate this opportunity to serve and participate in this robust planning process and to submit these comments.

Attached are comments submitted on behalf of the Greater Edwards Aquifer Alliance and its partners on the Intended Use Plan document. It is intended that the comments will assist in providing clarity, transparency and equitability while promoting the use of green infrastructure and nature based solutions in managing flood risks.

Should you have any questions or require clarification, please contact me at your convenience.

Sincerely,



Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance

Comments on the Draft 2024-2025 Flood Infrastructure Intended Use Plan

1. Overall comments:

- a. Avoid requiring due dates for a comment period on a Federal or State holiday.
- b. While TWDB has taken a progressive step in developing a guidance document on using nature based flood mitigation solutions (NBS) there is concern that during this cycle before the document is published, more traditional flood projects such as a detention basin, an enlarged channel, or a 3:1 trapezoidal earthen channel, each seeded in Bermuda grass will qualify for NBS credit without fully implementing the qualities needed to mimic natural ecosystems.

2. Program Overview section

This section seems disconnected from the Regional Flood Plan process and the resulting approved plans that contain the priority projects, evaluations and strategies. Therefore, it is recommended that a brief summary of the process be included before the Eligibility section where it states that projects must have been included in a TWDB approved plan.

3. Eligible project section

Under the Construction/Rehabilitation Phase Activities section, the listed projects seem to be somewhat random. It is recommended while utilizing more of the wording from the TAC and using headings, consider structuring the information to assist the reader in understanding the different types of eligible projects and how NBS can be a stand-alone project or incorporated into a structural one, creating a hybrid grey/green project.

Examples are as follows:

a. “Structural including projects that use nature-based features to protect, mitigate or reduce flood risks.

- i. flood mitigation such as retention basins, detention ponds,
- ii. flood control such as levees, dams, pumping stations
- iii. drainage projects such as channels, ditches, ponds, pipes.

b. Nonstructural projects

- i. Restoration of riparian corridors, floodplains, coastal areas, and wetlands
- ii. Rehabilitation of existing natural flood mitigation features such as aquifer recharge features and headwaters of tributaries
- iii. Property acquisitions determined to be the best solution for highest-risk properties with removal of buildings located in the floodplain.
- iv. Land conservation in high flood risk areas or to prevent future flooding

c. NBS projects or features

- i. Enlargement of stream channels using natural channel design; increase channel sinuosity, floodplain and streams provide habitat, flood resiliency and improved water quality
- ii. Restore floodplain functioning within a drainage project
- iii. Utilize regenerative agriculture practices, tree planting, etc. for natural erosion and runoff control
- iv. Increase flood mitigation capabilities of acquired properties through tree planting in the floodplain and soil, vegetation and debris management practices

- v. Utilize permeable pavers, bioswales, landscape features to reduce flooding and provide co-benefits
 - vi. Create constructed wetlands, prairies, woodlands, etc.
- d. Rehabilitation of existing infrastructure taking into consideration methods of improving resiliency (not including costs associated with current or future operations and maintenance activities)
 - e. Reasonable number of improvements to ancillary systems directly related to the project as determined by TWDB”
4. Reconsider the inclusion of the following under this heading, *Construction/Rehabilitation Phase Activities*:
 - a. Erosion control as this should be a part of any project and would be addressed in negative environmental impacts
 - b. Development of or amendments to flood related codes move to Other Eligible Activities
 5. While the goal for giving flexibility for which BCA tool can be used, there is concern that it may be difficult to compare projects equally or fairly especially as it pertains to its impact to the environment, water supply and quality, community integrity, ability to provide co-benefits and address flooding issues in socially vulnerable neighborhoods.
 6. Consider developing a separate application requirement checklist for a public education outreach program within the Flood Management Strategy Category. Currently, as stated the requirements are an undue burden for such an education project.

In addition, the following comments and recommendations were developed with partners and are provided to help further support the TWDB’s efforts to distribute the funds equitably and to promote investments in green projects.

1. *Provide Additional Clarity on the Project Technical Merit Prioritization Criteria*

The purpose of an Intended Use Plan is to help guide funding decisions for a given period of time. The most important substantive sections of an intended use plan include the funding/financing available, and how projects will be ranked. We are unsure of the intent of the TWDB in utilization of the “Project Technical Merit” prioritization criteria. As noted in the Draft Plan, “[t]he TWDB will score abridged applications *utilizing the criteria and methodology anticipated to be used in the ranking of projects for the 2024 State Flood Plan*, in addition to the criteria listed under the Prioritization Criteria section of this IUP.” (emphasis added). For the SFY 2024-2025 period, it is unclear whether the TWDB intends to either:

- a. Utilize the draft prioritization methodology;
- b. Utilize the finalized prioritization method once adopted in the State Flood Plan; or
- c. Utilize the draft prioritization method until the final methodology is adopted in the State Flood Plan.

Therefore, it is recommend that the TWDB provides clarity on how the draft and final prioritization methodologies will be used.

2. *Allow Meaningful Public Comment on the Ranking Prioritization Before Utilizing to Distribute Funds*

As noted above, we are unsure if the TWDB intends to utilize the draft prioritization scheme provided in Appendix A. While we understand that the TWDB has solicited public feedback on the draft State Flood Plan prioritization

scheme, a formal public notice and comment period was not provided for the prioritization methodology. It appears that during this comment opportunity, the draft state flood plan methodology is not up for comment in the Draft Plan. We are concerned that the draft methodology provided in Appendix A will be utilized to distribute funds prior to a formal notice and comment period on that methodology. Therefore, we recommend that the TWDB either: 1) adds the draft methodology into this Intended Use Plan and open up the Draft Plan for another round of public comment; 2) Finalizes the State Flood Plan Prioritization Methodology with a proper notice and comment period before adoption of this IUP; 3) or a combination of option 1 and 2, where 2 is utilized once the State Flood Plan is adopted.

3. *Provide Guidance on When the TWDB May Use its Discretion When Bypassing Higher Scoring Projects*

We understand that available funding capacity is likely to limit TWDB's ability to provide financial assistance to many worthy flood projects and that the agency must have some flexibility to work within those limits to assist as many eligible projects as possible. However, we are concerned about the very open-ended statement in this section of the Draft Flood IUP that asserts that "[t]he Board may consider and allocate funding for any proposed project, including in cases that involve bypassing a higher scoring project."

We believe that TWDB needs to clarify – at least through examples – what the decision criteria would be for "bypassing a higher-ranking project." Otherwise, the agency may leave itself open to criticism for what might potentially be considered an arbitrary and capricious decision process, thus undermining the credibility of the flood funding program.

4. *Increase Timespan Provided Under the 100% Grant Qualifier for Federal Disaster Declarations for Flood Management Evaluations*

We are concerned that the 100% grant qualifier for Flood Management Evaluations (FMEs) for federal disaster declarations is too short. For this qualifier, only FMEs that have received a federal disaster declaration in the past five years are eligible for 100% grants. However, just because a federal disaster happened in the recent past, doesn't mean that community is more likely to flood than others. We suggest broadening the timespan to 10 years to include additional areas that have been recently impacted.

5. *Increase the Amount of Grants Available for the Lowest AMHI Areas for Flood Mitigation Projects and Flood Mitigation Strategies*

The greatest amount of grant financing that the lowest-income areas in Texas for Flood Mitigation Projects (FMPs) and Flood Mitigation Strategies (FMSs) will be 70%. This means that the most disadvantaged areas will need to pay back 30% financing for their FMPs and FMSs – given that the project is in a rural area and has at least 30% green or nature-based costs associated with the project. We are concerned that 70% grants will not be sufficient for the most disadvantaged areas – that may struggle with paying back 30% project costs through loans. Therefore, we encourage the TWDB to increase the percent grants available for the most disadvantaged areas to 90-100%.

6. *Make Grant Opportunities for the Green and Nature-Based Costs Available for All Applicants but Prioritize for Disadvantaged Communities*

Under this Draft Plan, only rural applicants and applicants that meet one of the AMHI requirements are eligible for additional grant funding for green/nature-based costs. These projects should be incentivized for all applicants. Green and nature-based infrastructure for flood mitigation offers several significant benefits. Enhanced absorption and water management is a key advantage, as systems like green roofs, rain gardens, and restored wetlands naturally absorb and manage rainwater. This approach reduces the intensity and frequency of floods by allowing water to percolate into the ground, preventing the overwhelming of urban drainage systems. Additionally, such infrastructure provides multiple benefits such as ecosystem restoration, and supports biodiversity, mimicking natural processes to enhance the resilience of areas to environmental changes and

extreme weather events. Beyond environmental impacts, green infrastructure can be more cost-effective in the long term compared to traditional flood control methods and provides extra community benefits such as improved air quality, recreational spaces, and mitigating the urban heat island effect, as they help lower temperatures in densely built-up areas, contributing to a more comfortable and livable urban environment. Due to these reasons, and many more, we believe that all applicants should be eligible for the 5% additional grant opportunities for green and nature-based costs. However, we believe that these grants should be prioritized for the rural and disadvantaged communities that need projects most. This balance will work to incentivize applicants to incorporate green and nature-based components into their projects, while still prioritizing grant opportunities in communities that are least able to pay.