



Chapter 8 – Administrative, Regulatory, and Legislative Recommendations

31 TAC § 361.43

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8 Administrative, Regulatory, and Legislative Recommendations

Texas Water Development Board (TWDB) guidelines state that regional flood planning groups (RFPGs) are to develop administrative, regulatory, or other recommendations for inclusion in the 2023 Regional Flood Plan (RFP). The Nueces Regional Flood Planning Group (NRFPG) formed a subcommittee at an open meeting on March 28, 2022, to consider legislative and regional policy recommendations. The subcommittee met on May 3 to discuss and develop recommendations, which were adopted by the NRFPG on May 16, 2022. The following are the Nueces Region’s recommendations regarding these matters.

8.1 Administrative Recommendations

- I. The NRFPG should play a role in facilitating public information/public education activities in the Nueces Basin and providing support to local public agencies to promote a wider understanding of state and regional flood issues and the importance of flood preparedness and long-range regional flood planning and mitigation.
- II. The TWDB is encouraged to identify and eliminate barriers that prevent multi-jurisdictional, multi-county, or council of government-level areas from working together to provide regional flood mitigation solutions. For example, if a primary sponsor meets all administrative requirements but additional participating jurisdictions do not, allow the regional solution to remain in consideration for state funding.
- III. The TWDB is encouraged to prepare a brief report that summarizes enforcement levels of floodplain ordinances for all cities and counties (where applicable) and includes guidance on tools and resources that are available to help communities improve the enforcement of floodplain standards.
- IV. The NRFPG encourages counties and cities to consider drainage districts as a mechanism to manage flooding.
- V. The TWDB should provide a funding mechanism for smaller communities to receive dedicated funding for studies / planning efforts to identify flood management strategies (FMSs), flood management evaluations (FMEs), and flood mitigation plans (FMPs), including both traditional, engineered flood mitigation projects and nature-based solutions. Most smaller communities do not have the resources to hire an engineer to complete these studies.

- VI. The TWDB should use the project list in the adopted RFP and state flood plan (SFP) to help connect local communities to grant programs administered by federal or other state agencies (e.g., General Land Office, Federal Emergency Management Agency [FEMA], U.S. Army Corps of Engineers [USACE], U.S. Geological Survey [USGS], U.S. Department of Housing and Urban Development [HUD] Community Block Grant Programs, and others).
- VII. The TWDB is encouraged to develop a roadmap on how state and federal agencies work together on flood preparedness, mitigation, response, and recovery activities to support counties, cities, and local floodplain administrators. In addition to the linkages between agencies, the roadmap should distinguish the roles of each agency, schedule of ongoing studies relevant to regional flood planning, how efforts are being coordinated, and other topics.
- VIII. The TWDB is encouraged to consider use of hybrid approaches that blend structural engineered projects and nature-based solutions for flood mitigation:
 - a. Incentivize voluntary buy out programs, turning previously flooded properties/neighborhoods into stormwater parks as an alternative to large-scale construction projects.
 - b. Provide training to state agencies, local governments, engineers, planners in the use of natural floodplain preservation/conservation.
- IX. The TWDB is encouraged to develop a compendium of resources identifying nature-based solutions for communities to use for flood mitigation purposes.
- X. Public entities in the Nueces Flood Planning Region {NFPG; Region 13} are strongly encouraged to provide their share of continued funding for administrative support activities that facilitate NRFGP (Region 13) activities.

8.2 Regulatory/ Policy Recommendations

- I. The Texas Legislature is urged to support adoption of 2015 or 2018 versions of the International Building Code and the International Residential Code as State Building Standards. This would improve Texas' eligibility for funding under the Building Resilient Infrastructure and Communities (BRIC) program. The FEMA 2015 International Building Code document³ provides an excerpt of flood related provisions which ensures proper floodplain management practices are integrated with the building permit process. A key measure of the 2015

³ https://www.fema.gov/sites/default/files/2020-07/2015_icode_flood_provision.pdf

International Building Code is the requirement of one foot of freeboard for new buildings.

- II. The Texas Legislature is urged to develop a program through the TWDB to provide support services to rural and socioeconomic disadvantaged communities to develop and maintain flood management activities. The TWDB could develop and provide a toolkit with guidance and templates on floodplain ordinances, minimum building standards, flood response plans, and other materials to support those with limited experience and flood management resources.
- III. The NRFPG (Region 13) urges the legislature to provide implementation guidance to empower county governments to have greater regulatory control over land development activities, including land use plans, adoption of waterway set-backs to protect natural features that mitigate flooding, and/or levying stormwater drainage impact fees to maintain flood infrastructure if desired. Additionally, to provide funding support to local floodplain administrators to develop accurate inundation mapping, which is current absent in over 70% of the 31-county area in Region 13.
- IV. The legislature is urged to encourage coordinated efforts between TWDB and FEMA on use of best data, rather than outdated FEMA maps, and;
- V. Incorporate USGS flood inundation mapping (FIM) projects co-funded by the state with cost share from local communities.

8.3 Legislative Recommendations

- I. The Texas Legislature is urged to continue funding the TWDB to provide support for state-mandated RFPG activities.
- II. The Texas Legislature should consider enabling legislation to allow creation of a regional flood authority or funding to river authorities to administer a program to provide support to local floodplain administrators, counties and cities in the region, if needed on a voluntary basis.
- III. The NRFPG (Region 13) urges the legislature to support policies to address Texas' flood risk needs and prepare for and respond to current and future flood conditions, including coordination of federal and state-level agency floodplain initiatives, including Texas Division of Emergency Management (TDEM), FEMA, and the Texas General Land Office (GLO) on a 5-year cycle for consideration by RFPGs.
- IV. The NRFPG (Region 13) urges the legislature to support legislation to empower counties or Groundwater Conservation Districts with authority to protect natural

Aquifer Storage and Recovery features, like karst recharge and fracture zones, and sink holes that help mitigate flood intensity while transferring potential flood water into aquifers.

- V. The Texas Legislature should continue to provide funding to state agencies for flood planning initiatives, including providing technical support and assistance to county and city floodplain administrators or designees to support development of building standards, permitting support to verify new projects meet floodplain development requirements, and training. These initiatives should prioritize solutions that do not rely on channel maintenance programs to reduce flood risk.
- VI. The Texas Legislature is urged to make funds available through RFPGs to facilitate public information campaigns through local floodplain administrators and public entities to increase community knowledge of rules and regulations, flood-prone areas, and importance of protecting floodplains from encroachment.
- VII. The Texas Legislature is urged to direct the Texas Commission on Environmental Quality (TCEQ) to work with Texas Parks and Wildlife, the Texas Department of Transportation (TXDOT), local road and bridge departments, and other state agencies to support removal of debris and/or sediment deposited from major flooding events to avoid creating new flood risk hazards.
- VIII. The Texas Legislature is urged to make funds available through the TWDB to establish a dedicated program to provide low-interest loans or grants to implement projects identified through local and TxDOT road and bridge assessment and remediation plans.
- IX. The Texas Legislature is urged to support forward-thinking measures for our transportation system by requiring TxDOT to build to 1% annual chance (100-year) standards using the best available and most current flood maps and that such infrastructure will not increase downstream flooding nor damage riparian streamsides.
- X. The Texas Legislature is urged to provide biennial appropriations to maintain the Flood Infrastructure Fund. Biennial appropriations to FIF will ensure that the state can continue to invest in FMPs included in the regional flood plans.
- XI. The Texas Legislature is urged to make funds available through the TWDB to establish a dedicated program to provide funding for maintenance or engineering controls of drainage and culvert systems (both structural and non-structural nature-based solutions) to divert flood flows and identify and resolve structural improvements causing flooding issues.



- XII. The Texas Legislature is urged to make funds available to support nature-based practices through land conservation, restoration programs, and participation in landowner incentive programs to encourage voluntary land stewardship practices to manage floodwaters by slowing runoff and dissipating flood energy to include riparian, wetland, forest, upland, and other habitat protection programs. Promote land coverage studies to effectively identify riparian corridors to protect for floodplain mitigation and erosion reduction. Additional low interest programs to support voluntary city and county buy-back of lands for county parks and flood mitigation should also be included.