



Chapter 10 - Public Participation and Plan Adoption

31 TAC § 361.21, 361.12(a)(4)

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10 Public Participation, Adoption, Submittal, and Approval of Regional Plan

10.1 Introduction

The objective of this chapter is to address public participation, public meetings, administrative and technical support activities necessary to complete and submit the draft and final regional flood plan (RFP) and to obtain Texas Water Development Board (TWDB) approval.

The Nueces Regional Flood Plan (NRFP) was adopted in accordance with Texas Administrative Code provisions related to regional flood planning and the guidance principles adopted in Title 31 Texas Administrative Code (TAC) §362.3.

The NRFP conforms with the 39 flood planning guidance principles delineated in 31 TAC §361.20 (31 TAC §362.3), including that the plan will not negatively affect a neighboring area. The guidance principles and the means by which these requirements are met are listed in Table 10-1, along with references to the RFP chapters, which are listed in Table 10-2. Furthermore, the NRFP was developed based on Texas Water Development Board (TWDB) guidance and adequately provides for the preservation of life and property and the development of water supply sources, where applicable. Appendix A includes full data tables requested by TWDB in Exhibit C in the digital submission.

Table 10-1. Title 31 TAC §362.3 Guidance Principles and the Means by which Requirement is Met in NRFP

Guidance Principle	Means by which Requirement is Met in RFP
(1) shall be a guide to state, regional, and local flood risk management policy;	The RFP is a guide with management goals in Chapter 3, management strategies in Chapter 5, and management and policy recommendations in Chapter 8.
(2) shall be based on the best available science, data, models, and flood risk mapping;	Best available information from a quality, coverage, and contemporary perspective were used in NRFP, for example in Chapter 2 analyses.

Guidance Principle	Means by which Requirement is Met in RFP
<p>(3) shall focus on identifying both current and future flood risks, including hazard, exposure, vulnerability and residual risks; selecting achievable flood mitigation goals, as determined by each RFPG for their region; and incorporating strategies and projects to reduce the identified risks accordingly;</p>	<p>The NRFP examines current and future flood risk in Chapter 2, flood mitigation goals in Chapter 3, and strategies in Chapter 5. Maps show the areas of flood risks.</p>
<p>(4) shall, at a minimum, evaluate flood hazard exposure to life and property associated with 0.2% annual chance flood event (the 500-year flood) and, in these efforts, shall not be limited to consideration of historic flood events;</p>	<p>Flood hazard exposure is evaluated and presented in Chapter 2. Maps show the areas of flood risks associated with different percent annual chance flood event.</p>
<p>(5) shall, when possible and at a minimum, evaluate flood risk to life and property associated with 1% annual chance flood event (the 100-year flood) and address, through recommended strategies and projects, the flood mitigation goals of the RFPG (per item 2 above) to address flood events associated with a 1% annual chance flood event (the 100-year flood); and, in these efforts, shall not be limited to consideration of historic flood events;</p>	<p>Flood risks are evaluated and presented in Chapter 2, with recommended strategies and projects provided in Chapter 7 and Chapter 8.</p>
<p>(6) shall consider the extent to which current floodplain management, land use regulations, and economic development practices increase future flood risks to life and property and consider recommending adoption of floodplain management, land use regulations, and economic development practices to reduce future flood risk;</p>	<p>Floodplain management practices throughout the Nueces Region are mostly low as described in Chapter 3 (illustrated in Figure 3-1). Increased recognition of floodplains and accurate floodplain mapping is needed for most of the region to update flood risks.</p>
<p>(7) shall consider future development within the planning region and its potential to impact the benefits of flood management strategies (and associated projects) recommended in the plan;</p>	<p>Future development is considered in Chapter 2 and Chapter 3. The area in and near the City of Corpus Christi vicinity has the greatest potential for developmental pressures in flood prone areas needing management strategies.</p>



Guidance Principle	Means by which Requirement is Met in RFP
<p>(8) shall consider various types of flooding risks that pose a threat to life and property, including, but not limited to, riverine flooding, urban flooding, engineered structure failures, slow rise flooding, ponding, flash flooding, and coastal flooding, including relative sea level change and storm surge;</p>	<p>Various types of flooding risks that pose a threat to life and property, including, but not limited to, riverine flooding, urban flooding, engineered structure failures, slow rise flooding, ponding, playa flooding, and flash flooding, are considered in Chapter 2. Coastal flooding is not applicable in the Upper Colorado Region.</p>
<p>(9) shall focus primarily on flood management strategies and projects with a contributing drainage area greater than or equal to one square miles except in instances of flooding of critical facilities or transportation routes or for other reasons, including levels of risk or project size, determined by the RFPG;</p>	<p>Chapter 4 and Chapter 5 focus on flood management strategies and projects.</p>
<p>(10) shall consider the potential upstream and downstream effects, including environmental, of potential flood management strategies (and associated projects) on neighboring areas. In recommending strategies, RFPGs shall ensure that no neighboring area is negatively affected by the regional flood plan;</p>	<p>Consideration of neighboring area is described in Chapter 4 and Chapter 5. Strategies and projects are assessed to confirm negative impacts to surrounding areas would not occur.</p>
<p>(11) shall include an assessment of existing, major flood mitigation infrastructure and will recommend both new strategies and projects that will further reduce risk, beyond what existing flood strategies and projects were designed to provide, and make recommendations regarding required expenditures to address deferred maintenance on or repairs to existing flood infrastructure;</p>	<p>Infrastructure is evaluated in Chapter 4 and Chapter 5. The strategies and projects include many related to infrastructure. In fact, there may be too much focus on classical infrastructure controls and a need for more deliberation on alternative solutions. Chapter 9 examines the financing aspects.</p>

Guidance Principle	Means by which Requirement is Met in RFP
<p>(12) shall include the estimate of costs and benefits at a level of detail sufficient for RFPGs and sponsors of flood mitigation projects to understand project benefits and, when applicable, compare the relative benefits and costs, including environmental and social benefits and costs, between feasible options;</p>	<p>Costs drive most decision making and are discussed in most chapters, although Chapter 4, Chapter 5, and Chapter 9 present the most information on costs. For the most part, costs are likely underestimated for a variety of reasons, including lack of problem and solution definition, extent of flood damage, and inflation.</p>
<p>(13) shall provide for the orderly preparation for and response to flood conditions to protect against the loss of life and property and reduce injuries and other flood-related human suffering;</p>	<p>Preparation and response is described in Chapter 7.</p>
<p>(14) shall provide for an achievable reduction in flood risk at a reasonable cost to protect against the loss of life and property from flooding;</p>	<p>Like costs and benefits in Chapter 4 and Chapter 5, reasonable costs to achievable reduction in flood risk is considered.</p>
<p>(15) shall be supported by state agencies, including the TWDB, General Land Office, Texas Commission on Environmental Quality, Texas State Soil and Water Conservation Board, Texas Parks and Wildlife Department, and the Texas Department of Agriculture, working cooperatively to avoid duplication of effort and to make the best and most efficient use of state and federal resources;</p>	<p>Agency representation is addressed in Chapter 10, Public Participation.</p>
<p>(16) shall include recommended strategies and projects that minimize residual flood risk and provide effective and economical management of flood risk to people, properties, and communities, and associated environmental benefits;</p>	<p>Chapter 5 includes recommended strategies and projects.</p>



Guidance Principle	Means by which Requirement is Met in RFP
(17) shall include strategies and projects that provide for a balance of structural and nonstructural flood mitigation measures, including projects that use nature-based features, that lead to long-term mitigation of flood risk;	Chapter 2 includes nature-based goals. Chapter 4 and Chapter 5 include strategies and projects that are labeled as other, which includes nature-based solutions. A variety of strategies and projects are included but balance could be improved in future planning.
(18) shall contribute to water supply development where possible;	Contributions and impacts to water supply development are assessed in Chapter 6. Due to the hydrology and landscape of the region, there is little potential to contribute or impact water supply development.
(19) shall also follow all regional and state water planning guidance principles (31 TAC 358.3) in instances where recommended flood projects also include a water supply component;	Contributions and impacts to water supply development are assessed in Chapter 6. Due to the hydrology and landscape of the region, there is little potential to contribute or impact water supply development.
(20) shall be based on decision-making that is open to, understandable for, and accountable to the public with full dissemination of planning results except for those matters made confidential by law;	The NRFP is based on the requirements of the TAC and the associated TWDB technical guidance documents.
(21) shall be based on established terms of participation that shall be equitable and shall not unduly hinder participation;	The RFP is based on the requirements of the TAC and the associated TWDB technical guidance documents. Chapter 10 directly addressed public participation.
(22) shall include flood management strategies and projects recommended by the RFPs that are based upon identification, analysis, and comparison of all flood management strategies the RFPs determine to be potentially feasible to meet flood mitigation and floodplain management goals;	The NRFP worked directly with the technical consultant in the development of the NRFP as described in Chapter 1.
(23) shall consider land-use and floodplain management policies and approaches that support short- and long-term flood mitigation and floodplain management goals;	Land-use and floodplain management policies and approaches that support short- and long-term flood mitigation and floodplain management goals are addressed in Chapter 3

Guidance Principle	Means by which Requirement is Met in RFP
(24) shall consider natural systems and beneficial functions of floodplains, including flood peak attenuation and ecosystem services;	Chapter 3 includes nature-based goals like attenuation and ecosystem services within the category of environmental stewardship.
(25) shall be consistent with the National Flood Insurance Program (NFIP) and shall not undermine participation in nor the incentives or benefits associated with the NFIP;	This is a primary aspect of the goals and purpose of the RFP as stated in Chapter 1. The RFP is consistent with the NFIP.
(26) shall emphasize the fundamental importance of floodplain management policies that reduce flood risk;	Policies that reduce flood risk are a fundamental importance of the RFP and is specifically emphasized in Chapter 2.
(27) shall encourage flood mitigation design approaches that work with, rather than against, natural patterns and conditions of floodplains;	Chapter 3 includes nature-based goals to work with natural patterns and conditions within the category of environmental stewardship.
(28) shall not cause long-term impairment to the designated water quality as shown in the state water quality management plan as a result of a recommended flood management strategy or project;	Chapter 6 states there are no anticipated impacts to the State Water Quality Management Plan.
(29) shall be based on identifying common needs, issues, and challenges; achieving efficiencies; fostering cooperative planning with local, state, and federal partners; and resolving conflicts in a fair, equitable, and efficient manner;	These are part of the process for identifying the FME, FMS, and FMP lists as described in Chapter 5.
(30) shall include recommended strategies and projects that are described in sufficient detail to allow a state agency making a financial or regulatory decision to determine if a proposed action before the state agency is consistent with an approved regional flood plan;	Chapter 5 includes recommended strategies and projects.



Guidance Principle	Means by which Requirement is Met in RFP
(31) shall include ongoing flood projects that are in the planning stage, have been permitted, or are under construction;	Chapter 1 includes discussion about proposed and ongoing flood mitigation projects.
(32) shall include legislative recommendations that are considered necessary and desirable to facilitate flood management planning and implementation to protect life and property;	Legislative recommendations along with rationale are provided in Chapter 8.
(33) shall be based on coordination of flood management planning, strategies, and mitigation projects with local, regional, state, and federal agencies projects and goals;	These are part of the process for identifying the FME, FMS, and FMP lists with the NRFBPG providing the coordination as described in Chapter 5.
(34) shall be in accordance with all existing water rights laws, including but not limited to, Texas statutes and rules, federal statutes and rules, interstate compacts, and international treaties;	The conclusion of Chapter 6 states there are no anticipated impacts to water rights.
(35) shall consider protection of vulnerable populations;	Flood risks to vulnerable populations are evaluated in Chapter 2 using the social vulnerability index. Vulnerability was then carried forward to the process for identifying FME, FMS, and FMP lists in Chapter 5.
(36) shall consider benefits of flood management strategies to water quality, fish and wildlife, ecosystem function, and recreation, as appropriate;	Chapter 4 recognizes the consideration of these additional benefits alongside the needs analysis results for developing strategies and projects.
(37) shall minimize adverse environmental impacts and be in accordance with adopted environmental flow standards;	Chapter 6 addresses minimizing adverse environmental impacts and meeting adopted environmental flow standards in the recommendations.
(38) shall consider how long-term maintenance and operation of flood strategies will be conducted and funded; and	Chapter 9 includes the consideration of conducting and funding O&M.

Guidance Principle	Means by which Requirement is Met in RFP
(39) shall consider multi-use opportunities such as green space, parks, water quality, or recreation, portions of which could be funded, constructed, and or maintained by additional, third-party project participants.	Chapter 4 recognizes the consideration of these additional opportunities alongside the needs analysis results for developing strategies and projects.

Table 10-2. NRFP Chapter by which Title 31 TAC §362.3 Provisions are Achieved

Regional Flood Plan (RFP) Chapter	General Content
1	Planning Area Description
2	Existing Condition Flood Risk Analyses Future Condition Flood Risk Analyses
3	Evaluation and Recommendations on Floodplain Management Practices Flood Mitigation and Floodplain Management Goals
4	Flood Mitigation Needs Analysis
5	Identification of Potential Flood Management Evaluations and Potentially Feasible Flood Management Strategies and Flood Mitigation Projects Evaluation and Recommendation of Flood Management Evaluations and Flood Management Strategies and Associated Flood Mitigation Projects
6	Impacts of Regional Flood Plan Contributions to and Impacts on Water Supply Development and the State Water Plan
7	Flood Response Information and Activities
8	Administrative, Regulatory, and Legislative Recommendations
9	Flood Infrastructure Financing Analysis
10	Public Participation and Plan Adoption

10.2 Public Involvement Program

The NRFPG met all requirements under the Texas Open Meetings Act and Public Information Act during development of the NRFP. The public involvement program was incorporated at the onset of the Nueces Regional Flood Planning Group (NRFPG) flood

planning process in order to maximize the opportunity for public review and input into the process of developing the flood plan as well as providing comments on the draft regional flood plan (RFP).

The public involvement program included:

- An opportunity at all regional flood planning group (RFPG) meetings for the public to comment on any aspect of the plan or planning process
- Press releases and notices of public meetings
- Dedicated website for NRFPG information ([Home - Nueces Regional Flood Planning Group \(Region 13\) \(https://nueces-rfp.org\)](https://nueces-rfp.org))
- Public *In-Person* Hearing for draft RFP was held:

Monday, September 26, 2022, 11 AM
McMullen County Emergency Management Office
306 Live Oak Street
Tilden, Texas 78072

- Public *Virtual* Hearing for draft RFP was held:

Monday, September 26, 2022, 6:30 – 7:30 PM
Zoom Meeting: <https://us02web.zoom.us/j/82662268207>
Dial by phone: 877 853 5257 US Toll-free
Meeting ID: 826 6226 8207

The NRFPG conducted all business in meetings that were posted according to Texas Open Meetings Act and Public Information Act provisions. The plan was developed in accordance with Texas Administrative Code (TAC) public participation requirements specified in 31 TAC §357.12, §357.21, and §357.50(f).

Comments received on the draft RFP and responses to comments are included in Appendix D.

10.3 Coordination with Stakeholders

Information was provided by entities with floodplain management responsibilities located in the Nueces Flood Planning Region (NFPR) throughout development of the RFP. Three surveys were sent out to stakeholders during a period from March through December 2021 to gather input on local flood plans, ongoing flood projects, flood mitigation needs, and other information. An on-line interactive map was made available from May through December 2021 on the Region 13 website ([Home - Nueces Regional Flood Planning Group \(Region 13\) \(https://nueces-rfp.org\)](https://nueces-rfp.org)) to gather public and stakeholder input on flood-prone areas. Individual interviews were set up with entities that we were able to successfully contact to discuss specific flooding concerns.

Representatives of flood planning entities within the NRFPG were also regularly notified of NRFPG meetings and subregional public informational meetings.

10.4 Nueces Regional Flood Planning Group Meetings

The NRFPG regularly met in accordance with the approved bylaws. The NRPWG met on a more frequent basis as needed in order to facilitate and direct the flood planning of the region. The following is a summary of the meetings:

Nueces - Region 13 RFPG Meetings

November 4, 2020	October 25, 2021
November 30, 2020	December 6, 2021
January 25, 2021	January 31, 2022
March 29, 2021	March 28, 2022
April 26, 2021	May 16, 2022
May 24, 2021	June 27, 2022
June 28, 2021	July 18, 2022
July 26, 2021	September 26, 2022
September 27, 2021	December 12, 2022

The NRFPG requested that the Texas Water Development Board (TWDB) execute the initial contract to develop the 2023 Nueces Regional Flood Plan (NRFP) on November 30, 2020. The NRFPG authorized the Nueces River Authority to publish a request for qualifications at its regular meeting on January 25, 2021.

The executive team met on February 8, 2021, and March 16, 2021, to discuss subgroups and technical consultant selection approach. Both of these meetings were open to the public.

The NRFPG selected HDR Engineering, Inc. (HDR) as the technical consultant for development for the NRFP on March 29, 2021.

On June 28, 2021, the NRFPG accepted public and stakeholder suggestions and recommendations on issues, provisions, projects, and strategies to consider during the 2023 flood planning cycle and development of the RFP.

The NRFPG also designated three subcommittees to expedite more specific work efforts and further increase the effectiveness and timeliness of the planning process. The following summarizes these subcommittee and respective meetings.

10.4.1 Floodplain Management Standards and Goals Subcommittee

- Subcommittee Members: Andrew Rooke, Larry Dovalina, Jim Tolan, and Larry Thomas

- Designated by NRFPG: July 26, 2021
- Subcommittee meetings: August 25, 2021, September 8, 2021, December 8, 2022

10.4.2 Process to Identify Potentially Feasible Flood Management Strategies and Flood Mitigation Projects

- Subcommittee Members: Debra Barrett, Lauren Williams, LJ Francis, and Kendria Ray
- Designated by NRFPG: July 26, 2021
- Subcommittee meeting: August 23, 2021

10.4.3 Legislative, Administrative and Policy Subcommittee

- Subcommittee Members: Britni Van Curan, Larry Dovalina, Laura Williams, Andy Rooke, and Lj Francis
- Designated by NRFPG: March 28, 2022
- Subcommittee meeting: May 3, 2022, with support by Larry Thomas and Luke Whitmire. Also, December 6, 2022.

The NRFPG approved the final RFP on December 12, 2022 for submittal to the TWDB.

10.5 Nueces- Region 13 Local Stakeholder Meetings

As described in previous chapters, four subregions were developed within the NFPR to distribute information and gather input on regional flood planning activities. There were two primary stakeholder outreach periods during development of the 2023 draft RFP to introduce the flood planning process, share flood information gathered, and seek local input for purposes of identifying flood mitigation projects to include in the NRFP. Local meetings were held at a location in close proximity to the sub-regions shown in Figure 10-1.

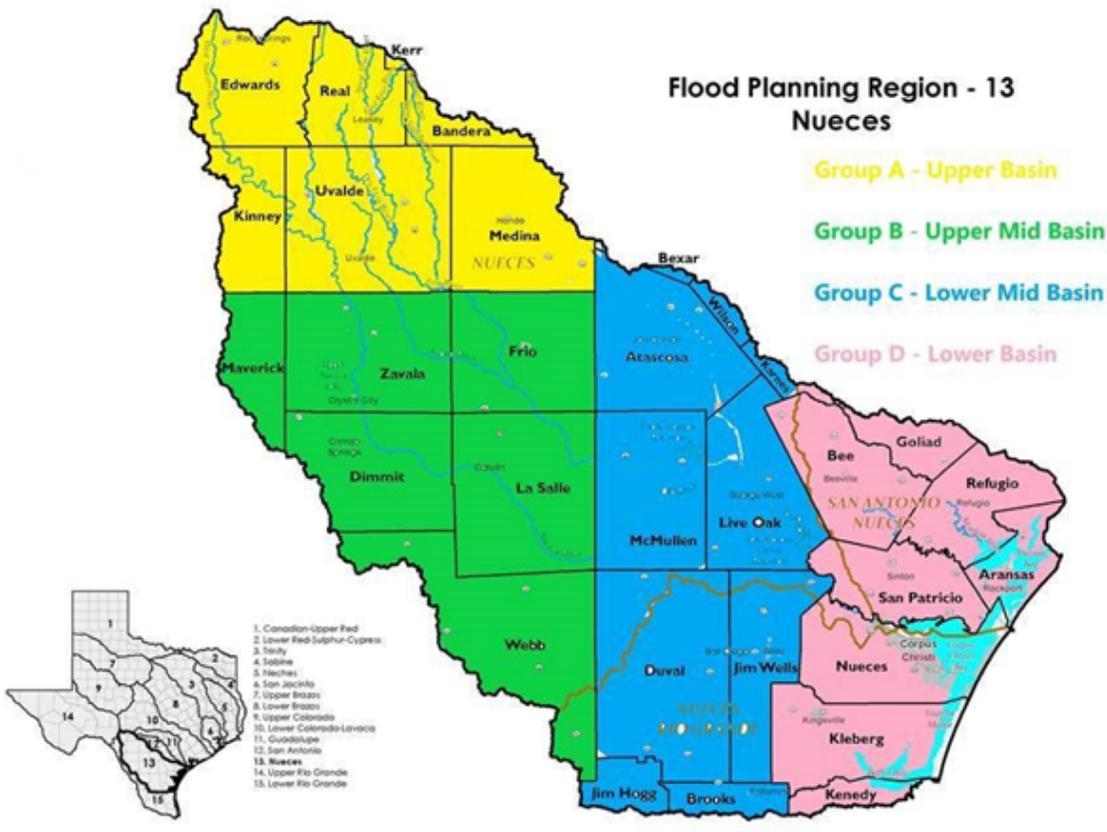


Figure 10-1. Four Subregions in the Nueces Region 13 Flood Planning Group Area

10.5.1 First Series of Sub-Regional Stakeholder Meeting to Introduce Planning Process and Gather Input on Flood-Prone Areas (from May 17- 20, 2021)

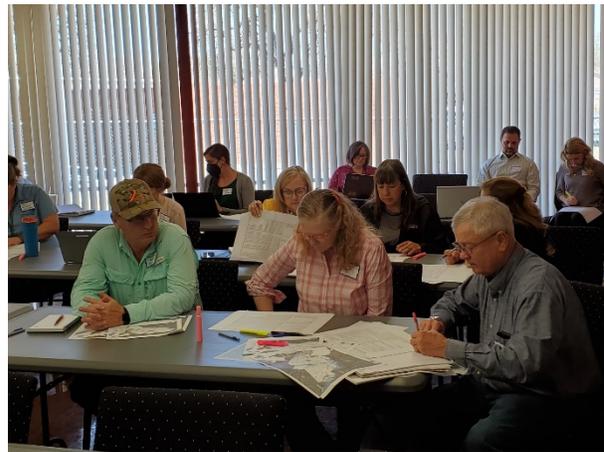
- Upper Basin (Group A)
 - Date: May 17, 2021
 - Location: Real County Courthouse
146 US-83, Leakey
- Upper Mid Basin (Group B)
 - Date: May 19, 2021
 - Location: City of Cotulla
Cotulla Convention Center, Cotulla
- Lower Mid Basin (Group C)
 - Date: May 18, 2021



- Location: McMullen County
306 Live Oak St, Tilden
- Lower Basin (Group D)
 - Date: May 20, 2021
 - Location: San Patricio County Courthouse
400 W. Sinton St., Sinton

10.5.2 Second Series of Sub-Regional Stakeholder Meeting to Share Interim Flood Data Collected and Identify Flood Mitigation Projects (from March 8-22, 2022)

- Upper Basin (Group A)
 - Date: March 21, 2022
 - Location: Real County Courthouse
146 US 83, Leakey TX
 - Attended by Edwards, Kinney, Real, and Medina counties, and cities of Rockspings, Hondo, and Leakey
- Upper Mid Basin (Group B) and Lower Mid Basin (Group C)
 - Date: March 8, 2022
 - Location: City of Cotulla
Cotulla Convention Center
 - Attended by Zavala, Frio, McMullen, and Wilson counties, and cities of Pearsall, Cotulla, and Jourdanton
- Lower Basin (Group D)
 - Date: March 22, 2022
 - Location: San Patricio County Courthouse
400 W. Sinton St., Sinton
 - Attended by San Patricio County, San Patricio Drainage District, cities of Beeville and Ingleside, the National Weather Service, USGS, and Texas A&M University



10.6 Regional Flood Planning Group Chairs Conference Calls and Meetings

The TWDB held conference call meetings with RFPG chairs to provide guidance and respond to issues regarding the planning process as described below:

- March 3, 2021 (10:30am – 12:00pm)
 - 1st Cycle Initial Grant Contracts
 - Working Conceptual Timeline
 - Regional Flood Planning Housekeeping and Reminders
 - Flood Data Update

- June 23, 2021 (2:30pm – 4:00pm)
 - 1st Planning Cycle Documents (2020-2023) webpage
 - Regional Flood Planning Group (RFPG) webpages
 - Chairs' feedback on webpages
 - Technical and Data Submittal Guidelines
 - Chairs' feedback on guidelines
 - Regional Flood Planning Grant Contracts and Subcontracts
 - Chairs' feedback on contracting and subcontracting process

- September 15, 2021 (1:30pm – 3:00pm)
 - Extension of Time to Complete Portions of Technical Memorandum
 - Additional Funding to Enhance First Regional Flood Plans

- December 8, 2021 (2:30pm – 4:00pm)
 - Summary from Technical Consultants' Conference Call
 - Emergency Need
 - Flood Management Strategies (FMS)

- March 2, 2022 (1:00pm – 2:30pm)
 - Future condition analysis - planning level analysis, not regulatory
 - Classification of FMEs/FMSs/FMPs in the Regional Flood Plan
 - FMP project details

- May 26, 2022 (2:00pm – 3:30pm)
 - Recap on Technical Consultants Conference Call
 - Public Notice Posting Requirements for Draft Regional Flood Plan
 - Amendment Process

10.7 Coordination with Other Regions

At each regional flood planning group meeting there was an agenda item for Patrick McGinn (Region 13 interregional liaison) to present updates from the San Antonio (Region 12) and Rio Grande (Region 15).

Several coordination calls between the NRPFG technical consultant and San Antonio (Region 12) RFPG and the Rio Grande (Region 15) RFPG consultants occurred during development of the draft RFP. Additional coordination was conducted with Region 12

for stakeholder outreach and sharing of information for Bandera, Medina, Bexar, Wilson, Karnes, and Goliad counties located in both regions.

10.8 Coordination with Other Entities

Frequent coordination calls occurred between the technical consultant and local county and city flood management officials to confirm flood concerns and plans.

Emails were sent to stakeholders in May 2021, August 2021, and January 2022 with follow-up phone calls to gather information on flood-prone areas, existing floodplain management practices, and community flood needs and projects. Three surveys were deployed to gather input, which were discussed at sub-regional meetings described above in Section 10.4 and NRFPG meetings.