

Region 3 Trinity Flood Planning Group Hybrid Meeting  
Thursday, June 2, 2022  
10:00 a.m.  
Houston County Electric Cooperative  
Community Room  
1701 Southeast Loop 304  
Crockett, TX 75835

The Region 3 Trinity Flood Planning Group held a meeting, in person as well as virtual, on Thursday, June 2, 2022, at 10:00 AM. Chairman Glenn Clingenpeel called the meeting to order at 10:00 AM.

Voting Members Present:

Melissa Bookhout  
Lissa Shepard (absent)  
Sano Blocker  
Jordan Macha (arrived after roll call)  
Rachel Ickert  
Craig Ottman (alternate for Rachel Ickert)  
Matt Robinson  
Sarah Standifer  
Andrew Isbell  
Glenn Clingenpeel  
Chad Ballard (arrived after roll call)  
Galen Roberts  
Scott Harris

9 voting members were present at the time of roll call, constituting a quorum.

Ex Officio Members Present:

Adam Whisenant  
Rob Barthen  
Steve Bednarz  
Andrea Sanders (absent)  
Richard Bagans  
Humberto (Bert) Galvan  
Brittany Frazier  
Greg Waller (absent)  
Ellen Buchanan  
Todd Burrer (absent)  
Jerry Cotter  
Lisa McCracken (absent)  
Diane Howe (arrived after roll call)  
Edith Marvin  
Justin Bower  
Lonnie Hunt

### Approval of the Minutes of the Last Meeting

Motion: Andrew Isbell moved to approve the minutes as presented;  
Second: Galen Roberts; Action: Minutes were unanimously approved.

### Acknowledgement of written public comments received

No written public comments were received.

### Receive registered public comments on specific agenda items

No registered public comments were received.

### TWDB Update

Richard Bagans with TWDB provided an agency update.

The Trinity River Authority and Halff Associates subcontract amendment for the addition of Tasks 11, 12 and 13, for increased funding and an extended contract period has been received by TWDB and is being routed for final approval.

The Draft Regional Flood Plan 60 day public comment period must be centered around a public meeting that is held to allow public comment on Draft Regional Flood Plans. The 60 days must be split evenly around the first public meeting. 30 days before the first public meeting and 30 days after the first public meeting. The Draft Regional Flood Plan must be made publicly available throughout the entire 60 days and physically available at 3 locations. The Draft Regional Flood Plan is due on August 1<sup>st</sup>. The public comment meeting can be held after August 1<sup>st</sup>. More information can be found at the [TWDB RFPG Public Notification Quick Reference Guide](#). The Draft Regional Flood Plan will be approved for submittal to TWDB at the July 21<sup>st</sup> RFPG meeting.

FMXs are intended to be reviewed and voted on individually. Members were reminded to review FMXs individually even if they are voted on as a whole.

The Technical Consultants and RFPG Chair Conference Calls took place last week. The Technical Memorandum was discussed. The informal comments provided from TWDB will not require a formal response from the Technical Consultants or RFPG. An additional Technical Consultants Conference Call will be held at the end of June prior to the Draft Regional Flood Plan due date. The TWDB urged all members to review the Draft Regional Flood Plan materials in detail and provide comments from the perspective of the interest category they represent in the region.

### Update from Region 3 Technical Consultant -

a. Chapter 4 Flood Mitigation Needs and Potentially Feasible Solutions – David Rivera with Freese and Nichols, Inc.:

The number of potentially feasible FMX's are constantly changing and continually being submitted for recommendation. A significant amount of time is required to gather ancillary material and review each action based on TWDBs criteria. FMPs will be subject to the resources needed to evaluate and process submittals. Therefore, not all FMXs will be recommended in the first Draft Regional Flood Plan, but may be included in an amendment. At this time, 379 FMEs have been submitted for review. An additional 85 FMPs were received after the Technical Consultants deadline. To date, 120 FMPs have been submitted that will require analysis. A recommendation for inclusion in the Draft Regional Flood Plan will take place after a full review. Four additional FMSs were submitted in order to account for the cost of an FMP or an FME. There are now 143 FMSs in total.

b. Chapter 5 Recommendation of FMEs, FMSs and FMPs – David Rivera with Freese and Nichols, Inc.:

- i. Update on Consultant Team activity
- ii. Present Consultant Team recommendations

At the April 21<sup>st</sup> RFPG meeting, RFPG members had requested that 8 FMEs be renamed and their description modified. FME ID 121 was removed entirely due to lack of sponsor support. FME IDs 123, 128, 133, 169, 179, 262, and 274 have been renamed and their description updated. 3 additional FMEs have been submitted and were recommended for inclusion in the Draft Regional Flood Plan. The additional FMEs are Drainage Master Plans. 10 FMEs were eligible for recommendation to the Draft Regional Flood Plan

24 recently submitted FMEs from the city of Dallas and city of Arlington have not been fully reviewed and will not be eligible for inclusion in the Draft Regional Flood Plan. There will be an opportunity to include additional FMXs between the Draft Regional Flood Plan due in August 2022 and the Final Regional Flood Plan due in January 2023. The deadline to submit FMXs has passed.

Prior to the FMX deadline of May 6<sup>th</sup>, 2022, 33 FMPs had been submitted. 7 FMPs have been fully evaluated and were recommended to be included in the Draft Regional Flood Plan. After the FMX deadline, 85 FMPs were submitted. Of the 85 submitted, only 26 additional FMPs were evaluated due to the resources needed to assess and process. FMXs submitted

after May 6<sup>th</sup> may be added to an amendment, subject to the resources needed to evaluate and process ancillary materials, that may be added to the Regional Flood Plan at an appropriate time during the 5-year flood planning cycle. It was noted that the enumeration of the FMP IDs on the packet materials does not match the presentation.

There was considerable discussion on recommending FMPs that have been submitted after the May 6<sup>th</sup> deadline. The RFPG members reiterated that FMXs would be accepted after the deadline, but with no guarantee they would be recommended for inclusion in the Draft Regional Flood Plan. FMXs submitted after the deadline will be prioritized based on the amount of information received that could be evaluated. There are procedural and documentation requirements that must be met for each FMX prior to recommendation to the Draft Regional Flood Plan. It may be possible to evaluate all FMXs that meet TWDBs criteria, however, the procedural and documentation processes take significant effort and must be completed prior to submittal to the Draft Regional Flood Plan. It was recommended that that all FMXs submitted after the deadline be reviewed and recommended during the amendment process or the next planning cycle. The 26 FMPs presented today will be deferred to the amendment process. TWDB noted that the public comment period will allow recommended FMX concerns to be raised.

A No Negative Impacts Analysis example was presented. There was considerable discussion on the No Negative Impacts criteria. Guidance is needed from the TWDB, however there is flexibility provided to the RFPG through TWDB Exhibit C Section 3.6.A. Justification for recommendation of projects includes the following notation: *"Local sponsors will be ultimately responsible for proving the final project design has no negative flood impacts"*.

One FMS was presented for recommendation to include in the Draft Regional Flood Plan. It was noted that TWDB will be adding an additional column for individual construction costs for FMEs so that additional FMSs would not be needed. The current recommended FMSs will be reevaluated once the additional column is provided to the Technical Consultants.

iii. \*Consider approval of recommendations

Chairman Glenn Clingenpeel called for a motion to approve the 10 FMEs for inclusion in the Draft Regional Flood Plan as presented.

Motion: Andrew Isbell motioned to approve the 10 FMEs for inclusion in the Draft Regional Flood Plan as presented; Second: Scott Harris; Action: Motion passed unanimously.

Chairman Glenn Clingenpeel called for a motion to approve the 7 fully

evaluated FMPs for inclusion in the Draft Regional Flood Plan as presented.

Motion: Scott Harris motioned to approve the 7 fully evaluated FMPs for inclusion in the Draft Regional Flood Plan as presented; Second: Jordan Macha; Action: Motion passed unanimously.

Chairman Glenn Clingenpeel called for a motion to approve 1 FMS for inclusion in the Draft Regional Flood Plan as presented with the amendment of city of Terrell's name.

Motion: Sarah Standifer motioned to approve the 1 FMS for inclusion in the Draft Regional Flood Plan as presented with the amendment of the city of Terrell's name; Second: Rachel Ickert; Action: Motion passed unanimously.

c. Chapter 8 Administrative, Regulatory and Legislative Recommendations – Audrey Giesler with Halff Associates:

The Administrative, Regulatory and Legislative Recommendations were revised and provided in the meeting materials for RFPG members to review. It was noted that Chapter 8 cannot be amended and thus must be finalized prior to January 2023. Chapter 8 may be updated during future regional flood planning cycles. The revised recommendations were presented.

8.2.1 Recommendation Statement: "Review and revise as necessary all state infrastructure entities standards and practices for legislative and regulatory compliance with stormwater best practices." Reference to TxDOT was removed. It was also requested that the reasoning be updated to replace "same" with "consistent with" standards.

"State entities should be cognizant of the drainage and stormwater standards in the areas where they are active. State entities should be held to the same standards that the local entities uphold."

8.2.2 Reason for Recommendation: "City and county officials are often unaware of their authority to establish and enforce stormwater regulations as provided in the early 2000's state legislation. (Texas Local Government Code Title 7, Subtitle B.; Texas Water Code Chapter 16, Section 16.315) Flooding and drainage component of city and county officials' training is often inadequate for their level of responsibility." It was recommended to remove reference to the "early 2000's".

8.2.8 Reason for Recommendation: Rachel Ickert provided a comment on high hazard dam inspection frequency. She noted it may be beneficial to provide flexibility on inspection frequency since individual dam owners conduct inspections frequently. She proposed that the TCEQ should be

allowed to inspect high-hazard dams found to be in poor condition more frequently until said condition is improved.

8.3.7 Recommendation Statement: "Remove information requirements regarding the condition of Homeland Security protected infrastructure, such as dams, from the TWDB-required tables." It was recommended that dam infrastructure conditions be removed from Chapter 8 due to security reasons.

8.2.9 Recommendation Statement: "Address the concern of "takings" with regards to floodplain development regulations, comprehensive plans, land use regulations and zoning ordinances." It was recommended to remove this recommendation from Chapter 8.

Motion: Andrew Isbell motioned to remove the 8.2.9 recommendation from Chapter 8; Second: Matt Robinson; Action: Motion passed unanimously.

Consultant-requested recommendations were presented. Review of consultant-requested recommendations proceeded without comment from the RFPG members.

Chairman Glenn Clingenpeel called for a motion to approve the revisions and the consultant recommendations.

Motion: Scott Harris motioned to approve the revisions and the consultant recommendations; Second: Rachel Ickert; Action: Motion passed unanimously.

There was considerable discussion and debate on recently submitted Legislative and Regulatory recommendations. As these recommendations were technical in nature, the RFPG recommended that, due to time constraints, a technical subcommittee be appointed to review and approve these during a future regional flood planning cycle.

- Requested Addition #1: "Non regulatory regional flood control or drainage districts should be established and funded for rapidly growing urban areas such as DFW, Houston, San Antonio, etc."

USACE commented that some of the smaller communities within the DFW Metroplex would benefit from non-regulatory, technical reviews for rapidly developing areas. There was considerable discussion on this addition as it needs a thorough review from a Technical Subcommittee. There was a consensus to pull for separate consideration.

- Requested Addition #2: "Require the use of n-values and channel conditions which would likely result if the channel or project were not maintained."

There was considerable discussion on this addition. It is technical in nature and belongs in a local criteria manual. There was consensus to pull for separate consideration.

- Requested Addition #3: "No loss of valley storage to the 500-year level. "

There was considerable discussion on this addition. The intent of the addition is to focus on fill activities. It was noted that since it includes policy recommendations, it should be considered separately.

- Requested Addition #4: "Establish future land use plans for unincorporated areas associated with rapidly growing urban areas."

USACE commented that they would like to see the existing 2000s state legislation that provides counties the authority to regulate floodplains modified to clarify what counties can do within the existing legislation. There was considerable discussion on recommending a regulatory change. It was proposed to modify the language to the following: " Recommend that the state provide guidance on the extent of County Authority related to the regulation of floodplain management under existing state law including potential best management practices. The counties need guidance on what can and cannot be done based on current legislation."

Chairman Glenn Clingenpeel called for a motion to recommend that the state provide guidance on the extent of County Authority related to the regulation of floodplain management under existing state law including potential best management practices.

Motion: Andrew Harris motioned to approve the recommendation that the state provide guidance on the extent of County Authority related to the regulation of floodplain management under existing state law including potential best management practices; Second: Scott Harris; Action: Motion passed unanimously.

A technical review will be required of the remaining additional recommendations. These recommendations will be pushed to a future flood planning cycle. To review the additional recommendations effectively, a Technical Subcommittee may be formed at that time.

- d. Update on Chapter 9 Flood Infrastructure Financing Analysis, David Rivera with Freese and Nichols, Inc.:

A draft email and survey for the recommended FMXs was presented to send to potential sponsors in order to garner feedback on the recommendations. The

email will include a link to one-page summaries for each solution. If a response is not received, a follow up phone call will take place. If no response is received, the consultants will assume that the sponsor will provide a 10% match. The survey will be open until June 20<sup>th</sup>.

#### Updates from liaisons for adjoining coastal regions

- a. Region 5 Neches RFPG: Andrew Isbell reported there were no updates.
- b. Region 6 San Jacinto RFPG: Scott Harris reported there were no updates.

#### Update from Planning Group Sponsor

Mr. Clingenpeel reported there were no updates.

#### Review administrative costs requiring certification

There were no administrative costs requiring certification.

#### Receive registered public comments – limit 3 minutes per person

Mr. Clingenpeel opened the floor for public comments. No comments were received and the public comment section was closed.

#### Announcements

Audrey Giesler noted that the RFPG had one week from June 2<sup>nd</sup> to provide comments on Chapters 4, 5, and 8. A two week notice will need to be provided for the July 21<sup>st</sup> RFPG meeting. Chapter 3 will be available for review and may need to be voted on by the RFPG. A fall meeting will be scheduled sometime in September or October. The RFPG will approve the final regional flood plan in November.

#### Confirm meeting date for next meeting

July 21<sup>st</sup>, 2022 in the DFW area

#### Consider agenda for next meeting

#### Adjourn

1:41 pm adjourned

THE ABOVE AND FOREGOING ARE CERTIFIED TO BE TRUE AND CORRECT MINUTES OF THE REGULAR MEETING OF THE REGION 3 TRINITY FLOOD PLANNING GROUP HELD JUNE 2, 2022.

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SCOTT HARRIS, Secretary  
REGION 3 TRINITY FLOOD  
PLANNING GROUP

12/22/22

Date



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GLENN CLINGENPEEL, Chair  
REGION 3 TRINITY FLOOD  
PLANNING GROUP

12/27/2022

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Date