

STATE OF TEXAS

Flood Infrastructure Fund

Intended Use Plan

SFY 2024–2025

TEXAS WATER DEVELOPMENT BOARD
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2024-2025 Flood Intended Use Plan

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Program Overview

The 86th Texas Legislature passed several bills entrusting the Texas Water Development Board (TWDB) with responsibilities related to funding flood mitigation projects and planning for future flood events. On November 5, 2019, Texas voters approved Proposition 8, a constitutional amendment providing for the creation of the Flood Infrastructure Fund (FIF). During the 88th Legislative Session, Senate Bill 30 provided over \$624 million from the general revenue fund in additional funding to the FIF program. The TWDB anticipates utilizing at least \$375 million during this two-year cycle (SFYs 2024-2025) to assist communities with their FIF projects.

The FIF program assists in the financing of drainage, flood mitigation, and flood control projects, including:

- planning and design activities,
- work to obtain necessary regulatory approvals, and
- construction and/or implementation of flood projects.

Administrative rules for the flood mitigation project funding are found in 31 Texas Administrative Code (TAC) Part 10, Chapter 363. This Intended Use Plan (IUP) contains the eligibility criteria, structure of financial assistance, including any subsidies, and criteria to be used by the executive administrator in prioritization of applications and recommendations to the Board.

Eligible Applicants

Political subdivisions may apply for financial assistance for flood projects. Specifically, eligible political subdivisions are cities, counties, and any district or authority created under [Article III, Section 52](#) or [Article XVI, Section 59](#) of the Texas Constitution.

Other political subdivisions and nonprofit water supply corporations operating under Chapter 67 of the Texas Water Code are only eligible to apply for financial assistance for the Flood Management Evaluation (FME) Category.

Eligible Projects

The FIF program allows for a wide range of flood projects. Only Flood Management Evaluations (FME), Flood Mitigation Projects (FMP), and Flood Management Strategies (FMS) recommended in an amended regional flood plan approved by the TWDB are eligible for financial assistance. Upon adoption of the first state flood plan in 2024, only FMEs, FMPs, and FMSs recommended in the Board-adopted state flood plan will be eligible for financial assistance. Eligible project examples include, but are not limited to, the following:

Planning Phase Activities

- Preliminary engineering
- Project design
- Feasibility assessments
- Coordination and development of regional projects
- Obtaining regulatory approvals

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- Hydraulic and hydrologic studies

Construction/Rehabilitation Phase Activities

- Drainage infrastructure (e.g., channels, ditches, ponds, pipes, etc.)
- Flood control infrastructure
- Flood mitigation infrastructure
- Retention basins
- Detention ponds
- Sustainable infrastructure
- Nonstructural flood mitigation
- Development of or amendments to flood related codes
- Permeable pavement
- Erosion control
- Levees
- Pump stations
- Rehabilitation of existing infrastructure taking into consideration methods of improving resiliency (not including costs associated with current or future operations and maintenance activities)
- Property acquisitions determined to be the best solution for highest-risk properties
- Restoration of riparian corridors, floodplains, coastal areas, and wetlands
- Natural erosion and runoff control
- Reasonable number of improvements to ancillary systems directly related to the project as determined by TWDB

Nature-Based Solution Activities

- Green stormwater infrastructure
- Stormwater parks
- Living shorelines
- Protection and restoration of riparian corridors, floodplains, coastal area, wetlands

Other Eligible Activities

The assistance is also able to support activities that may not traditionally be thought of as flood projects. These include:

- Warning systems
- Stream gages
- Educational campaigns
- Crossing barriers

Applicants are encouraged to discuss the eligibility of prospective requests with the TWDB. Only complete projects from the regional flood plan will be considered for financial assistance. Abridged applications containing partial projects from the regional flood plan will be considered ineligible for the FIF. Disallowing partial projects is intended to align project score with the benefits generated by a project. If a project is divided

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into multipart projects, it may be considered as a phased project. However, the benefits of all the phases of the project selected for a single FIF application will be utilized to compute a ranking score of the project. Thus, the data used for the ranking of the project in the FIF funding prioritization associated with the FIF application may have to be updated to reflect any reduced benefits due to phasing the project.

For more detailed, project specific guidance about the FIF program, please review the FIF Program Guidance found here: www.twdb.texas.gov/financial/instructions/doc/TWDB-0104.pdf.

Financial Assistance Categories

Loans and grants, depending on the grant qualifier eligibility, are offered in the FIF program depending on the activity funded. Eligible activities are organized into three categories.

Flood Management Evaluation Category

Proposed activities must be a recommended Flood Management Evaluation (FME) in a regional flood plan. Under this category, eligible applicants conduct studies to identify, assess, and quantify flood risk or identify, evaluate, and recommend flood risk reduction solutions. These studies involve planning of entire watersheds or sub-watersheds, as required by the TWDB regional flood planning program, to better inform the development of strategies using structural and nonstructural measures before a flood event. This may include determining and describing problems from or related to flooding, identifying, and planning solutions to flooding problems, and estimating the benefits and costs of these solutions. The requirement of modeling an entire HUC10 watershed was removed for the SFY 2024-2025 FIF funding cycle. However, it is required that the area of the entire upstream contributing watershed or sub-watershed to the discharge point of interest is considered when determining solution alternatives for an area identified as being at flood risk or a neighborhood identified with flood loss. A determination of 'no negative impact' both upstream and downstream of project area is also required.

All activities under this category must be considered "flood control planning" as defined in Texas Water Code Section 15.405; however, this does not mean all activities listed in that section are eligible under the FME Category. For example, design activities, including engineering plans and specifications, would be funded under the Flood Mitigation Projects (FMP) Category. The FME Category does not include the actual preparation of a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).

Flood Mitigation Project Category

Proposed activities must be a recommended Flood Mitigation Project (FMP) in a regional flood plan. Under this category, eligible applicants may undertake activities to construct or rehabilitate structural flood mitigation improvements or implement non-structural improvements.

Planning, Acquisition, and Design includes activities related to planning, land acquisition, and/or design of the project. Planning includes feasibility analyses, detailed hydraulic and hydrological studies, activities to obtain regulatory approval, and coordination of other related work.

Construction, Rehabilitation, and Implementation includes construction and rehabilitation activities, but may also include demolition, decommissioning, and other activities not necessarily thought of as construction.

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Flood Management Strategy Category

Proposed activities must be a recommended Flood Management Strategy (FMS) in a regional flood plan. An FMS is a flood risk reduction solution idea or strategy that does not belong in FME or FMP categories. Examples may include regulatory enhancements, development of entity-wide buyout programs, and public outreach and education. This category may include projects that can be implemented quickly and are understood to be immediately effective in protecting life and property. Eligible FMS Category projects include warning systems, crossing barriers, gages, and public education and outreach. TWDB does not maintain an exhaustive list of activities eligible under the FMS Category, and applicants are encouraged to discuss possible FMS Category proposals with the TWDB.

Federal Award Matching Funds

Grant funds may be provided for a portion of the applicant's required federal match amount. The applicant must have received a federal award for flood-related activities contingent on the availability of local matching funds. Proposed activities must be a recommended FME, FMP, or FMS in a regional flood plan and may fall in any of the categories. A federal application must be submitted by the abridged application submission date, and federal funds must be awarded by the TWDB's commitment date.

United States Iron and Steel Requirement

For informational purposes to applicants, the United States Iron and Steel (US I&S) requirements in Texas Government Code, Chapter 2252, Subchapter G apply to the FIF. Construction of projects funded through the FIF are required to use iron and steel products made in the United States. However, if the recipient can justify a claim made under one of the following categories, a waiver may be granted. Until a waiver is granted by the TWDB, the recipient must adhere to the US I&S requirements.

A waiver may be granted if TWDB determines that:

- Iron and steel products produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality;
- Use of iron and steel products produced in the United States will increase the cost of the overall project by more than 20 percent; or
- Complying with the US I&S requirements is inconsistent with the public interest.

Minimum Standards

Items on this list constitute minimum eligibility criteria that must be met by all projects seeking funding consideration.

1. Benefit/Cost Ratio

A Benefit/Cost Ratio (BCR) is the result of a Benefit Cost Analysis (BCA). For all construction-oriented projects (e.g., structural flood improvements, elevations, and buyouts) to be eligible, both the costs and the benefits of proposed projects **must** be quantified and reported. The benefits may include a variety of items including, but not limited to, property losses avoided, risk of injuries or fatalities prevented, and

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economic disruption or environmental losses avoided. A BCR must be reported as a number with at least one decimal place (e.g., "1.1").

A BCR greater than or equal to 1.0 is generally preferred to justify investments in the construction of flood projects. If an abridged application is submitted with a BCR of less than 1.0, the applicant will be required to submit the complete application with an updated BCR of greater than or equal to 1.0 and supporting documentation. If the reported BCR of the complete application for the proposed project is less than 1.0, the applicant must provide a detailed explanation for why the applicant considers the project to be justified, including a discussion of the primary benefits of the project, if any, that could not be quantified and were therefore not included in the BCR calculation.

The following information **is required in the abridged applications** to satisfy minimum standards:

- For construction-oriented project applications, including PAD-only:
 - A description of the BCA methodology used, including the specific analysis tool and version used.
 - A list of the key assumptions/parameters used to generate the BCA.
 - A detailed BCA calculation.
 - Identify and explain the responsible party for operation and maintenance (O&M) of the infrastructure and from what funding source O&M will be provided. O&M costs should be included within the BCA.

There are no specific BCA tools that must be used in determining the BCR. Free BCA tools that can be utilized include the following:

- FEMA BCA – www.fema.gov/benefit-cost-analysis
- USACE BCA – www.hec.usace.army.mil/software/hec-fda/
- TWDB's BCA Input Tool that works with FEMA BCA – <https://www.twdb.texas.gov/flood/planning/planningdocu/2028/doc/BCA-Input-Workbook.xlsm>

BCRs are not required to be provided for the following projects:

- Flood Management Evaluations (FME) Category
- Flood Management Strategies (FMS) Category
- Federal Award Matching Funds if the following are true:
 - If a project has an associated BCA developed and reviewed for a federal award. Verification of the prior BCA approval is required.
 - When a federal grant program generally requires a BCA, but specifically exempts it for certain projects (e.g., projects with lesser costs or non-construction projects), then the TWDB will also not require a BCA for FIF consideration. However, the TWDB will require a BCA if the proposed project is construction-oriented.

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2. Required Memorandum of Understanding (MOU)

The MOU requirement was imposed by the Texas Legislature in Texas Water Code § 15.005. The MOU requirement only applies to flood control projects (defined in 31 Texas Administrative Code § 363.402), which include the construction or rehabilitation of structural mitigation or anything that retains, diverts, redirects, impedes, or otherwise modifies the flow of water. The requirement only applies if the project watershed (defined in 31 Texas Administrative Code § 363.402 as the area upstream and downstream substantially affected by the proposed flood project, as documented in the project application, and sealed by a Professional Engineer or Professional Geoscientist) lies partially outside the applicant's boundaries. If the project watershed lies wholly within the applicant's boundaries, no MOU is required. The requirement only necessitates MOUs with "eligible political subdivisions" (as defined in Texas Water Code § 15.531 as a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a municipality, or a county).

If applicable, the applicant **must** submit an MOU relating to management of the project watershed. If applicable, the MOU must be approved and signed by all governing bodies of eligible political subdivisions located in the project watershed. The applicant must submit either a single MOU that includes all governing bodies of all political subdivisions required to sign or develop individual MOUs with each political subdivision or groups of political subdivisions within the watershed. All the required MOUs must relate to the management of the watershed. If individual MOUs are submitted, they must be consistent in the management of the watershed and cannot conflict on that issue. Note that this minimum standard on MOUs does not apply to FME Category projects. Although this minimum standard on MOUs does apply generally to the FMS Category, most of those projects will not meet the definition of a flood control project; therefore, this requirement will not apply to most FMS projects. For the FMP Category and FMS Category, the following information **is required in the abridged application** to satisfy the MOU requirement, **if applicable**:

- A list of all eligible political subdivisions that will be required to approve and sign an MOU.
- A certification that the applicant has provided a copy of the proposed MOU and an adequately detailed description of the proposed project to all eligible political subdivisions on the list. A copy of a TWDB-approved MOU template is available on the TWDB website. Applicants may also use their own template if approved by the Executive Administrator.
- Map types detailing all proposed project components and all boundaries for cities, districts, etc. within the proposed project watershed area:
 1. FMP Category: PDF maps and GIS/KMZ files must be submitted.
 2. FMS Category: PDF maps and GIS/KMZ files must be submitted.

For the FMP and FMS Categories, the following information **is required in the complete application** to satisfy the MOU requirement, if applicable:

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- An MOU approved and signed by all governing bodies of eligible political subdivisions located in the project watershed. If requested by the applicant and approved by TWDB, this may be submitted after the application due date.

3. Affidavit

For all categories, an affidavit attesting that: (1) the applicant has acted cooperatively with other political subdivisions to address flood control needs in the area in which the eligible political subdivisions are located; and (2) all eligible political subdivisions substantially affected by the proposed flood project have participated in the process of developing the proposed flood project. Providing adequate notice and ample opportunity to any such eligible political subdivision that elects not to participate further would also fulfill this requirement, provided evidence of notification is included within the application. What constitutes “adequate” and “ample” may need to be discussed between the applicant and TWDB on a case-by-case basis. The applicant will need to attest to the fact that they provided adequate and ample opportunity to participate by signing the affidavit, so the appropriate representative must believe the notice provided was reasonable in order to sign. Template affidavits are available on the TWDB website.

The following information, if applicable, **is required with the complete application** to satisfy the affidavit requirement:

- The applicant has held public meetings to accept comments on the proposed flood project from interested parties (FMP Category and FMS Category).
- The technical requirements for the proposed flood project have been completed and compared against any other potential flood project in the same area (Construction Only).

4. Redundant Funding

For all categories, the funding request must not include redundant funding for activities already performed and/or funded through another source.

5. National Floodplain Insurance Program (NFIP)

For all categories, the following information **is required with the abridged application** to satisfy the NFIP requirement:

- The area to be benefitted by the proposed project must have floodplain ordinances or orders in place, as applicable, and the appropriate entity must certify they are currently enforcing floodplain management standards at least equivalent to or exceeding National Flood Insurance Program (NFIP) minimum standards. The only exception to the certification is an entity that is requesting FIF funding to fulfill additional requirements for participation in the NFIP. The TWDB is here to help communities meet the NFIP requirements.
- For the FME Category and FMS Category (e.g., FEWS projects), communities without floodplain management standards may be part of a larger study or benefitted area. In that case, the

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applicant will not be required to show/certify that those communities must have floodplain ordinances or orders in place. However, the applicant should work with the TWDB to encourage those communities to adopt floodplain ordinances or orders. Additionally, projects where the applicant itself does not have floodplain management standards are not eligible unless those communities are requesting FIF funds to develop floodplain management standards.

6. Best/Most Recent Available Data

For all categories, the proposed project must be developed using the best/most recent available data. For example, FME Category projects must use the latest freely available topographic data to perform studies. A brief, general description or acknowledgment should be provided in the abridged application and a more detailed description in the complete application.

7. Request for Construction Funds

For the FMP and FMS Categories, applicants for construction funds must be able to document within the complete application the following:

- The applicant has planned for operations and maintenance costs associated with the proposed facilities. Note: Operations and maintenance (O&M) are not eligible costs under this program.
- An analysis determining whether floodwater capture techniques could be used for water supply purposes, in accordance with Texas Water Code § 15.535(b). The analysis should demonstrate through engineering, regulatory, or economic approaches by means of a feasibility assessment whether the flood project could include water supply and why the decision was made to include or exclude water supply from the flood project.

Additional Requirements and Exceptions for Flood Management Evaluation Category

For FME Category Projects Only, in accordance with 31 TAC § 355.8, prior to the complete application, but not prior to the submittal of the abridged application, applicants must notify all cities, counties, non-profit water supply corporations, regional planning agencies, regional water planning groups, and all districts and authorities created under the Texas Constitution, Article III, Chapter 52, or Article XVI, Chapter 59, in the planning area by certified mail that an application for planning assistance is being filed with the TWDB. The notice shall include the following:

- Name and address of the applicant.
- Name of the applicant's manager or official representative.
- Brief description of the planning area.
- Purposes of the planning project.
- TWDB's name, address, and the name of a contact person with the TWDB.
- A statement that any comments must be filed with the TWDB Executive Administrator and the applicant within 30 days of the date on which the notice is mailed.

As part of the complete application, and prior to action by the TWDB, the applicant must provide the following:

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- A copy of the notice sent to affected political subdivisions.
- A list of the political subdivisions to which notice was sent.
- The date on which the notice was sent.

The applicant may request of the TWDB to submit the copy of the notice after the application due date. If approved, the applicant may submit the copy of the notice after the application has been submitted; however, the TWDB may not act on an application before the end of the 30-day notice period unless all political subdivisions to which notice is required to be sent agree in writing to waive the notice period.

Additional Requirements and Exceptions for Flood Management Strategy Category

The following is required in the abridged application for FMS Category non-study funding applications, which include construction-oriented projects and implementation projects, such as regulatory changes, flood warning improvements, emergency action plans, and education campaigns.

- Detail of the current flood risk in the project area.
- Detail of the revised flood risk of the project area if the project is constructed/implemented.
- The level of protection (i.e., 4%, 2%, 1% annual chance storm events) provided by the proposed project must be reported, when possible. For example, some implementation projects (like regulatory changes) may have defined levels of protection, others (like education campaigns) may not.

The following is required in the abridged application for roadway construction-oriented projects:

- Roadway classification
- Traffic count
- Detour distances
- Accident data
- Inundation risk including depths and velocities during 50%, 10%, 4%, 2%, 1% and 0.2% annual chance storm events.

The following is required in the abridged application for Flood Early Warning Systems (FEWS) construction-oriented projects:

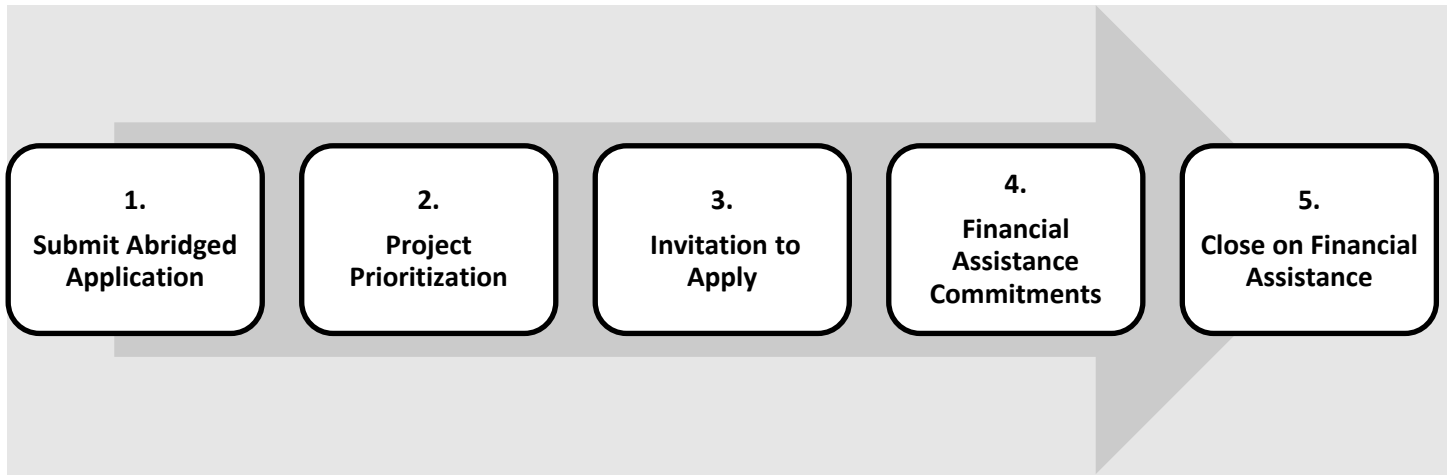
- Quantitative information on the population impacted.

2024-2025 Project Solicitation

Funding for flood projects operates on a biennial funding cycle with a two-stage application process. As of the publishing of this IUP, projects are prioritized based on information submitted in the abridged application and the relative scoring of the associated project, strategy, or evaluation based on data from the regional flood plans (RFPs) and working criteria and methodologies anticipated to be used in the State Flood Plan rankings. Entities are then invited to submit complete financial assistance applications based on project prioritization and a determination of funding availability. All entities are required to confirm that data provided in RFPs are still accurate at the time of the abridged application submittal. If any data relevant to the calculation of score for state flood plan ranking has changed since the adoption of the RFPs, the applicants must provide justification

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for the change and submit all relevant data in a TWDB-provided template available with the abridged application.



Process

The process for the funding cycle is as follows:

Step 1: Submit Abridged Application

The abridged application is a form designed to help the TWDB collect the information necessary to prioritize projects and determine the best source of funding without requiring interested entities to fill out a complete TWDB financial assistance application. In mid-December 2023, the 2024-2025 FIF Abridged Application will be posted on the FIF webpage (www.twdb.texas.gov/financial/programs/FIF/) and the solicitation period will commence. Please sign-up for the TWDB mailing list (www.twdb.texas.gov/newsmedia/signup.asp) to be notified of any other programmatic updates.

Step 2: Project Prioritization

The TWDB will prioritize projects into three project lists according to the IUP and submit them to the Board for review and consideration.

Step 3: Invitation to Apply

After the prioritization is approved by the Board, the TWDB will invite selected applicants to submit complete applications for financial assistance. Prior to submitting an application, entities are required to participate in a pre-application meeting with the TWDB to discuss the application process and project requirements.

An invited applicant must submit a complete application and all information requested by the TWDB deadlines to remain in active consideration for funding. The complete application is a TWDB document that asks for the detailed engineering, legal, fiscal, and other information necessary to make a funding recommendation. Final confirmation of compliance with applicable Minimum Standards must occur prior to Board consideration of a financial assistance commitment.

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Step 4: Financial Assistance Commitments

After reviewing each complete application, the Executive Administrator will make a financial assistance recommendation to be considered by the Board in a public meeting.

Step 5: Close on Financial Assistance

Entities in receipt of financial assistance commitments will have a specific amount of time to close on their financing, as shown on the following table.

Type of Financial Assistance	Closing Deadline
Commitments that include only grant	3 months
Commitments that include grant and loan	6 months
Commitments that include only loan	12 months

Abridged Applications

Each abridged application should describe proposed projects from a single category. Applicants may submit multiple abridged applications if they seek to propose projects from multiple categories in a single prioritization cycle. One abridged application must be submitted for each FME, FMP, or FMS respectively and cannot be combined. Each abridged application should describe proposed projects from a single category with a single associated 9-digit, regional flood plan unique ID number reference. The working ranking criteria and weights that are anticipated to be used in ranking all projects within the 2024 State Flood Plan, as required by statute, will be utilized for prioritization scoring under this IUP; therefore, individual FME/FMP/FMSs cannot be combined. Only complete projects from the regional flood plan will be considered for financial assistance. Abridged applications containing partial projects from the regional flood plan will be considered ineligible for the FIF.

Every application (abridged and full) must include the associated 9-digit, regional flood plan unique ID (identification) number reference (each starting with the 2-digit regional flood planning area number) and project name that corresponds to the specific, recommended FME, FMP, or FMS in the regional plan for which the application is being submitted. A list of the names and unique IDs may be found in the corresponding regional flood plan and, for convenience, is also provided on the TWDB website.

Prioritization and Selection Process

Following the deadline to submit abridged applications, the TWDB will review submissions and match them with the corresponding FME, FMP, or FMS from the regional flood plans. The 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. The resulting scores will determine the prioritization of funding for this IUP cycle of the FIF. Abridged applications will be listed separately on one of three lists based on the FIF categories in order from the highest to lowest scores.

The Board will approve prioritization scoring of projects and then invitations will be sent to entities to submit complete financial assistance applications.

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The Board may consider and allocate funding for any proposed project, including in cases that involve bypassing a higher scoring project.

All initial determinations of overall eligibility, eligible category, compliance with minimum standards, grant percentage, and priority order for all projects are subject to change upon further review of the projects.

Year-Round Submittals

Only abridged applications received by the initial deadline for 2024-2025 FIF IUP cycle will be considered in the initial prioritization. The project list may be amended as necessary to include new submittals received after the initial deadline if funds remain available.

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Eligibilities and Financing Details by Category

Flood Management Evaluation Category

Eligibility

- I. Must be recommended in a Regional Flood Plan as a Flood Management Evaluation (FME).
- II. All activities under this category must be considered “flood control planning” as defined in Texas Water Code Section 15.405.
- III. Eligible FME Category projects conduct planning of entire watersheds as determined by the regional flood planning group to better inform the development of strategies using structural and nonstructural measures before a flood event, such as determining and describing problems related to flooding, identifying and planning solutions to flooding problems, and estimating the benefits and costs of these solutions.
- IV. Preparation of a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) is not an eligible activity.
- V. For federal award matching funds, applicant must provide documentation of an existing federal award contingent on availability of matching funds.
- VI. FIF eligible projects that received a FEMA Flood Mitigation Assistance (FMA) grant for FMA FY 2019-2022 may receive a grant for 70% of the required local match that has been provided regardless of the qualifiers listed below.

Financing

- I. Eligible to receive a grant up to 100% of the total FIF eligible project cost.
- II. Loans with an interest rate of 0%.
- III. Recipients may either use their own available funds or borrow FIF funds at 0% for any portion of the required local share not provided through the FIF grant funds.
- IV. In-kind services may be substituted for any loan offered, but only with prior TWDB approval.

Grants are based on the following:

Grant Qualifier	Grant %
If the AMHI of the study area \leq 50% of the state-wide AMHI and the project area was the subject of a flood-related federal disaster declaration within the past 5 years, OR	100
If the AMHI of the study area \leq 75% of the state-wide AMHI, OR	90
If the AMHI of the study area $>$ 75% and \leq 125% of the state-wide AMHI, OR	75
If the AMHI of the study area $>$ 125% of the state-wide AMHI	50
Maximum Grant Percentage	100

Note: Examples of the Grant Percentage Calculations are found in Attachment 1.

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Flood Mitigation Project Category

Eligibility

- I. Must be recommended in a regional flood plan as a Flood Mitigation Project (FMP).
- II. For federal award matching funds, applicant must provide documentation of an existing federal award contingent on availability of matching funds.
- III. FIF eligible projects that received a FEMA Flood Mitigation Assistance (FMA) grant for FMA FY 2019-2022 may receive a grant for 70% of the required local match that has been provided regardless of the qualifiers listed below.

Financing

- I. The sum of all qualifying grant percentages below will represent the overall grant allocation. The maximum grant for FMP Category projects may not exceed 70% of the total FIF eligible costs.
- II. Loans with an interest rate of 0%.
- III. Recipients may either use their own available funds or borrow FIF funds at 0% for any portion of the required local share not provided through the FIF grant funds.
- IV. In-kind services may be substituted for any loan offered, but only with prior TWDB approval.

Grants are based on the following:

Grant Qualifier	Grant %
If the AMHI of the project area is \leq 85% of the state-wide AMHI.	30
If the AMHI of the project area is \leq 75% of the state-wide AMHI.	40
If the AMHI of the project area is \leq 65% of the state-wide AMHI.	50
If the AMHI of the project area is \leq 50% of the state-wide AMHI.	60
If the applicant meets the "Rural" definition.	5
If \geq 30% of total costs are Green or Nature-Based and the project meets one of the income or rural applicant qualifiers above.	5
Maximum Grant Percentage	70

Note: Examples of the Grant Percentage Calculations are found in Attachment 1.

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Flood Management Strategy Category

Eligibility

- I. Must be recommended in a regional flood plan as a Flood Management Strategy (FMS) with non-recurring non-capital cost.
- II. Some example projects include the following: warning systems; crossing barriers; public education and outreach; reverse 911 systems; dam emergency action plans; and proposed regulatory changes, such as investigations or implementation efforts to adopt or improve floodplain management standards.
- III. For federal award matching funds, applicant must provide documentation of an existing federal award contingent on availability of matching funds
- IV. FIF eligible projects that received a FEMA Flood Mitigation Assistance (FMA) grant for FMA FY 2019-2022 may receive a grant for 70% of the required local match that has been provided regardless of the qualifiers listed below.

Financing

- I. The sum of all qualifying grant percentages below will represent the overall grant allocation. The maximum grant for FMS Category projects may not exceed 70% of the total FIF eligible costs.
- II. Loans with an interest rate of 0%.
- III. Recipients may either use their own available funds or borrow FIF funds at 0% for any portion of the required local share not provided through the FIF grant funds.
- IV. In-kind services may be substituted for any loan offered, but only with prior TWDB approval.

Grants are based on the following:

Grant Qualifier	Grant %
If the AMHI of the project area ≤ 85% of the state-wide AMHI.	30
If the AMHI of the project area ≤ 75% of the state-wide AMHI.	40
If the AMHI of the project area ≤ 65% of the state-wide AMHI.	50
If the AMHI of the project area ≤ 50% of the state-wide AMHI.	60
If the applicant meets the "Rural" definition.	5
If ≥ 30% of total costs are Green or Nature-Based and the project meets one of the income or rural applicant qualifiers above.	5
Maximum Grant Percentage	70

Note: Examples of the Grant Percentage Calculations are found in Attachment 1.

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Definitions used in Grant Percentage Calculations

Annual Median Household Income (AMHI) – From the U.S. Census Bureau 2018-2022 American Community Survey (ACS) 5-year estimates, or the most recent ACS 5-year estimates available at the time of publishing this plan.

- FME Category: The study area AMHI, using a weighted average based on population.
- FMP & FMS Categories: The project area AMHI, using a weighted average, all based on population in each U.S. Census Bureau geographic area used.

Current Population – For the project area from U.S. Census Bureau 2018-2022 ACS 5-year estimates using the sum of the population in each U.S. Census Bureau geographic area used.

Federal Funds - The amount of project funding a FIF applicant receives from the federal government. An applicant may be required to provide a local match to receive this federal funding.

Flood Management Evaluation - A proposed study to identify and assess and quantify flood risk or identify, evaluate, and recommend flood risk reduction solutions.

Flood Management Strategy - Long term flood risk reduction solution ideas that are not considered an FME or FMP (e.g., regulatory enhancements, development of entity-wide buyout programs, and public outreach and education).

Flood Mitigation Project - A proposed project, both structural and nonstructural, that has a non-zero capital costs or other non-recurring cost and that when implemented will reduce flood risk and mitigate flood hazards to life or property.

Green – May include establishment or restoration of permanent riparian buffers, floodplains, wetlands, or other vegetated buffers or soft bioengineered stream banks. May include projects to manage wet weather and restore natural hydrology by infiltration, evapotranspiration, or harvesting and using stormwater. May include green stormwater infrastructure for transportation rights-of-way or parking areas. This is not an exhaustive list. The final decision on green projects will be made by the TWDB.

Nature-Based - Projects that use nature-based features to protect, mitigate, or reduce flood risk, as determined by TWDB.

Rural Applicant – An applicant that is:

- (A) a nonprofit water supply or sewer service corporation created and operating under Chapter 67 of the Texas Water Code or a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, no part of the service area of which is located in an urban area with a population of more than 50,000;
- (B) a municipality:
 - (i) with a population of 10,000 or less; or
 - (ii) located wholly in a county in which no urban area has a population of more than 50,000;
- (C) a county in which no urban area has a population of more than 50,000; or
- (D) an entity that:
 - (i) is a nonprofit water supply or sewer service corporation created and operating under Chapter 67 of the Texas Water Code, a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a municipality, county, or other political subdivision of the state, or an interstate compact commission to which the state is a party; and

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(ii) demonstrates in a manner satisfactory to the board that the entity is rural or the area to be served by the project is a wholly rural area despite not otherwise qualifying under Paragraph (A), (B), or (C).

Notes

- U.S. Census Bureau 2018-2022 ACS 5-year estimates may be found on the TWDB website here (most recently available census data will be on this link): www.twdb.texas.gov/financial/programs/FIF/doc/US_Census_Bureau_ACS_data.xlsx or the required data may be obtained directly from the U.S. Census Bureau here: www.data.census.gov/cedsci/advanced.
- Loans with an interest rate of 0% are a funding option available in all project categories.
- Grants – the TWDB may limit the amount of funds available for grants (see “Allocation of Funds”).
- Although the definition of “Rural Applicant” describes all types of political subdivisions that may be eligible under the FME Category, note that this list of entities is broader than those that are eligible applicants for the FMP and FMS Categories.

Amount Available

The FIF fund is a special fund in the state treasury outside the general revenue fund. The TWDB will use grants and zero percent (0%) interest loans to offer at least \$375,000,000 for projects during the 2024-2025 FIF IUP cycle. The Board may increase the funds available in the 2024-2025 FIF IUP cycle if needed. The sources of funds include new appropriations for the 2024-2025 biennium and a portion of remaining funds from the SFY 2020 IUP. Of the \$375,000,000 available for projects, the maximum amount allocated to grants is \$187,500,000 (50% of total available funds). The Executive Administrator may increase this amount allocated to grants. No project will receive more than \$18,750,000 in grant funding (approximately 10% of the total grant funds available). The interest rate on all loans will be zero percent (0%).

Total Funds Available for 2024-2025 FIF IUP	
New FIF Appropriations Allocated	\$312,474,540
Funds Rolled Over from SFY2020	\$62,525,460
Total FIF Funds Available for 2024-2025	\$375,000,000

Amount Available by Category

The TWDB anticipates awarding the available FIF funds according to the following goals. Within each category, the TWDB anticipates awarding 15 percent of each category’s goal to provide matching funds to enable the eligible political subdivision to participate in a federal program for a flood project. If there are insufficient projects to award these funds according to the category goal or federal match goals, the Executive Administrator may redirect the remaining funds to projects within other funding categories.

Category	Percent	Total	15% Target for Federal Matching
FME	25%	\$93,750,000	\$14,062,500
FMP	65%	\$243,750,000	\$36,562,500
FMS	10%	\$37,500,000	\$5,625,000
TOTAL	100%	\$375,000,000	\$56,250,000

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Allocations of Funds

The TWDB may limit the amount of grant funding and loan financing available in each category and in total as well as the total amount of grant or loan funding provided to a project or applicant.

The TWDB does not anticipate allocating a large proportion of the total available grant and/or loan funds under this program to a single project or applicant.

The Board may bypass a higher scoring project, if necessary, including in order to fulfill these allocation goals.

To the extent a project on the prioritization list does not move forward to commitment or closing, funds may be reallocated to other eligible projects in any category that are on the prioritization list, as determined by the TWDB.

The total project costs may be increased if the entity shows that additional funds are necessary to implement the project. If the project includes a grant, the total amount of grant allocated to the project may not increase from the amount listed in the Board-approved FIF Prioritization List unless additional grant funding is available during the cycle and the Board approves of an additional grant commitment for the project.

Financing Terms

In general, the TWDB will establish loan terms appropriate for the type of activities being financed. Specifically, for this biennial cycle, the following terms will apply:

- 1) The interest rate on financing will be zero percent.
- 2) For Cities, Counties, Districts, and Authorities, financial assistance will be provided through TWDB's purchase of applicant's bonds or certificates of obligation. For water supply corporations (which are only eligible for the FME Category), financial assistance may be provided through a loan agreement.
- 3) For construction projects, financing may be offered for a term of up to 30 years, provided it does not exceed the projected useful life of the project, and principal payments will commence no later than 18 months after estimated completion of project construction.
- 4) For planning, acquisition, and/or design-only projects, financing may be offered for a term of up to 10 years and principal payments will commence no later than 18 months after estimated completion of the last activity phase being financed.
- 5) No additional deferrals of principal will be offered.
- 6) Level principal repayments will be required.
- 7) The recipient of financing must establish an adequate source of revenue and/or demonstrate adequate security for the repayment of the financing as it becomes due.
- 8) All bonds/loans must be rounded to the nearest \$5,000 increment.
- 9) Considering a certain level of contingency in the project budget is strongly encouraged.
- 10) TWDB funds are not eligible for operations and maintenance.
- 11) Applicants must be up to date with financial auditing requirements prior to commitment.

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Release of Funds – Outlays, Escrow Releases, and Other Methods of Disbursements

The FIF program generally releases funds through a reimbursement request (or outlay) submittal process. Advance disbursements will only be considered if TWDB determines it is absolutely necessary.

Funds may be reimbursed if applicable state and federal (if associated with federal matching program) procurement laws and regulations have been followed. Funds dispersed prior to December 1, 2023, are not eligible except for federal matching funds. Federal matching funds through the FIF will be reimbursed according to the federal program's performance period.

Release of FIF grant funds requires submittal of an outlay report or reimbursement request, as applicable, with invoices to document costs for project expenditures. For projects with federal award matching funds, the amount disbursed may not exceed the required local share or match for the federal award and the proof of federal reimbursement and required local share or match must be provided before payment is made. If the FIF financial assistance consists of loan funds only, TWDB will use an escrow release authorization process and invoices will not be required to receive the funds. A project progress report must be included with each escrow release request, except for projects with federal award matching funds.

Grant and loan funds that are not eligible for release at the time of closing will be held in an escrow account until TWDB has approved the release of funds. The cost of the escrow accounts may be paid from either FIF grant and/or loan funds that have been disbursed to the FIF project account or construction account, as applicable. TWDB may approve an exception to the use of an escrow account on a case-by-case basis if determined that it is necessary. Installment funding for loans will be allowed on a case-by-case basis.

Escrow and FIF project/construction accounts should be interest bearing accounts. Any interest earned on grant funds must be applied to the FIF project or returned to TWDB, at TWDB's discretion. Any interest earned on loan funds must be used in accordance with the bond ordinance/resolution or the loan agreement, as applicable. Funds released from escrow must be deposited into the recipient's separate FIF project/construction bank account to issue payments for the project's expenses.

A minimum of 5 percent (5%) of the project funds for retainage will be withheld, except for federal award matching funds projects, which will not have retainage withheld. Any remaining retainage will be disbursed upon receipt by TWDB of all close-out documents. For disbursements related to construction contracts, TWDB will reimburse 95% of each outlay of TWDB's share of eligible activities considering any retainage already deducted from the invoices or other supporting documents.

Project administration/delivery fees and charges and engineering costs must be reasonable as determined by TWDB to be considered eligible FIF activity costs. TWDB may consider the FIF award amount(s), size of the FIF eligible amount or project, and/or nature of project activities in making this determination of a reasonable amount that would be considered eligible FIF activity costs.

Prioritization Criteria

The working ranking criteria and weights that are anticipated to be used in ranking all projects within the 2024 State Flood Plan, as required by statute, will be utilized for prioritization scoring under this IUP. The applicant

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must also provide updated planning data with submission of the abridged application. After the abridged applications have been separated into their respective FIF categories, the following criteria will be utilized to score and prioritize them, with the addition of the updated flood planning data.

Criteria	Points	Methodology/Notes
Project's Technical Merits*	FME, FMP, or FMS score based on working state flood planning criteria and methodology	The technical merit score is based on working ranking criteria and methodology anticipated to be used for the first State Flood Plan. (Appendix A)
Flood Management Evaluations (FME) with an AMHI that is \leq 85% the statewide AMHI	10	Additional points if the entity's study area has an AMHI that is \leq 85% the statewide AMHI.
<u>TIEBREAKER</u>		
<u>Social Vulnerability Index (SVI)</u> The SVI uses 15 U.S. Census Bureau variables to help local officials identify communities that may need support in preparing for hazards or recovering from disaster. SVI values range from 0 to 1.	The tie is broken in favor of the project with the highest SVI.	Average SVI of the benefitting area, verified using online SVI map: www.atsdr.cdc.gov/placeandhealth/svi/interactive_map.html May use the Census tract or County data depending on the size and shape of the benefitting area.

* See Appendix A, Working State Flood Plan Flood Management Evaluation (FME), Flood Mitigation Project (FMP), and Flood Management Strategy (FMS) Ranking Criteria and Weight that have been modified in response to stakeholder feedback received on a previous publicly available version.

Flood Information Clearinghouse Committee

Information included in the abridged applications will be shared with the Flood Information Clearinghouse Committee (FLICC), a cooperative effort between the TWDB, Texas General Land Office, Texas Division of Emergency Management, and other state and federal agencies that administer flood mitigation financial assistance programs. After review by the FLICC, the applicant may be advised of other available source(s) of funding. More information on the FLICC is available at www.texasfloodclearinghouse.org/.

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Appendix A: Working 2024 State Flood Plan Flood Management Evaluation (FME), Flood Mitigation Project (FMP), and Flood Management Strategy (FMS) Ranking Criteria and Weight

Working 2024 State Flood Plan Flood Management Evaluation (FME), Flood Mitigation Project (FMP) and Flood Management Strategy (FMS) Ranking Criteria and Weight

Texas Water Code Sec. 16.061, "(b) The state flood plan must include: ... (2) a statewide, ranked list of ongoing and proposed flood control and mitigation projects and strategies necessary to protect against the loss of life and property from flooding..."
 TWDB rules state that the state flood plan shall incorporate "a statewide, ranked list of recommended FMEs, FMSs, and FMPs that have associated one-time capital costs derived from the Board-approved RFPs (31 TAC § 362.4 (c)(5))."
 All flood risk and risk reduction information are for 1% annual chance storm.
 *Select reported data were normalized on the curve (ArcSinh), scoring 0-10.

		Criteria Name	Criteria Type	Criteria Grouping	FME Ranking Criteria	FME Ranking Weight	FME Grouping Weight	FMP Ranking Criteria	FMP Ranking Percent Weight	FMP Grouping Weight	FMS Ranking Criteria	FMS Ranking Percent Weight	FMS Grouping Weight	Max Score
REPORTED DATA FROM FME, FMP, and FMS FEATURE CLASSES	1	Estimated number of structures at 100yr flood risk*	Flood Risk	Life, Safety and Structures	Yes	15.0%	75.0%	No	0.0%	0.0%	Yes	10.0%	40.0%	10
	2	Estimated Population at 100-year flood risk*	Flood Risk		Yes	15.0%		No	0.0%		Yes	10.0%		10
	3	Critical facilities at 100-year flood risk (#)*	Flood Risk		Yes	25.0%		No	0.0%		Yes	10.0%		10
	4	Number of low water crossings at flood risk (#)*	Flood Risk		Yes	20.0%		No	0.0%		Yes	10.0%		10
	5	Estimated number of road closures (#)*	Flood Risk	Mobility	Yes	5.0%	15.0%	No	0.0%	0.0%	Yes	5.0%	15.0%	10
	6	Estimated length of roads at 100-year flood risk (Miles)*	Flood Risk		Yes	10.0%		No	0.0%		Yes	10.0%		10
	7	Estimated farm & ranch land at 100-year flood risk (acres)*	Flood Risk	Agriculture	Yes	10.0%	10.0%	No	0.0%	0.0%	Yes	5.0%	5.0%	10
	8	Number of structures removed from 100yr (1% annual chance) Floodplain*	Flood Risk Reduction	Life, Safety and Structures				Yes	5.0%	45.0%	Yes	10.0%	25.0%	10
	9	Percent of structures removed from 100yr (1% annual chance) Floodplain (Calculated by TWDB from reported data)	Flood Risk Reduction					Yes	10.0%		Yes	5.0%		10
	10	Residential structures removed from 100yr (1% annual chance) Floodplain*	Flood Risk Reduction					Yes	2.5%		Yes	10.0%		10
	11	Estimated Population removed from 100yr (1% annual chance) Floodplain*	Flood Risk Reduction					Yes	10.0%		Yes	10.0%		10
	12	Critical facilities removed from 100yr (1% annual chance) Floodplain (#)*	Flood Risk Reduction					Yes	10.0%		No	0.0%		10
	13	Number of low water crossings removed from 100yr (1% annual chance) Floodplain (#)*	Flood Risk Reduction					Yes	7.5%		No	0.0%		10
	14	Estimated length of roads removed from 100yr floodplain (Miles)*	Flood Risk Reduction	Mobility				Yes	5.0%	5.0%	No	0.0%	0.0%	10
	15	Estimated farm & ranch land removed from 100yr floodplain (acres)*	Flood Risk Reduction	Agriculture				Yes	5.0%	5.0%	No	0.0%	0.0%	10
	16	Percent Nature-based Solution (by cost)	Other					Yes	5.0%		Yes	7.5%		10
	17	Benefit-Cost Ratio	Other					Yes	2.5%					10
	18	Water Supply Benefit (Y/N)	Other					Yes	5.0%		Yes	5.0%		10
	19	FMP Project Type (10 points) Low water crossing (4 points) Preparedness	Other					Yes	2.5%		No			
	20	FMS Project Type (10 points) Flood Measurement and Warning (8 points) Regulatory and Guidance (6 points) Education and Outreach (4 points) Property Acquisition and Structural Elevation (4 points) Infrastructure Projects (2 points) Other	Other					No	0.0%		Yes	2.5%		10
Subtotal					100.0%			70.0%			100.0%			
FMP PROJECT DETAILS SCORING (COMPUTED BY RFPs)	21	Score 1: Severity - Pre-Project Average Depth of Flooding (100-year)	Flood Risk					Yes	5.0%					10
	22	Score 2: Severity - Community Need (% Population)	Flood Risk					Yes	5.0%					10
	23	Score 6: Life and Safety	Flood Risk Reduction					Yes	5.0%					10
	24	Score 8: Social Vulnerability	Other					Yes	5.0%					10
	25	Score 10: Multiple Benefits	Other Benefits					Yes	2.5%					10
	26	Score 13: Environmental Benefit	Other Benefits					Yes	2.5%					10
	27	Score 15: Mobility	Other Benefits					Yes	5.0%					10
	Subtotal					0.0%			30.0%			0.0%		
Total (Must add up to 100%)					100.0%			100.0%			100.0%			

Please refer to RFP Exhibit C (pages 114 - 135) for definition of Project Details Scoring:

[Exhibit C: Technical Guidelines for Regional Flood Planning](#)

- 1 Severity Ranking - Pre-Project Average Depth of Flooding (100-year): Ranking of severity based on the baseline/pre-project average 100-year flood depth.
- 2 Severity Ranking - Community Need (% Population): Ranking of severity based on a community's need by percentage of project community affected by population.
- 6 Life and Safety Ranking (Injury/Loss of life): Ranking project based on life/injury risk percentage using estimates of area hazard rating, area vulnerability rating, and historical loss of life injury data for project.
- 8 Social Vulnerability Ranking: A ranking based on the Center for Disease Control SVI data for Texas, by calculating an average project SVI by census tract and classifying the vulnerability level.
- 10 Multiple Benefit Ranking: Ranking a project based on the reporting of significant, measurable, expected benefits to: recreation, transportation, social and quality of life, local economic impacts, meeting sustainability goals, and/or project resilience goals.
- 13 Environmental Benefit Ranking: Ranking of expected level of environmental benefits to be delivered by project to water quality, cultural heritage, habitat, air quality, natural resources, agricultural resources, and soils/erosion and sedimentation.
- 15 Mobility Ranking: Ranking project improvement and protection of mobility during flood events, with particular emphasis on emergency service access and major access routes.

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Attachment 1: Examples of Grant Percentage Calculation for Each Category

Flood Management Evaluation Category - The FME category only has one grant qualifier. The applicant's grant percentage will be based on that eligible grant percentage.

Grant Qualifier	Potential Example	Eligible Grant Percentage
AMHI \leq 50% state-wide AMHI and the project area was the subject of a flood-related federal disaster declaration within the past 5 years	AMHI is 48% of the state-wide AMHI and the project area was the subject of a flood-related Presidential disaster declaration in 2019.	100
AMHI \leq 75% state-wide AMHI	AMHI is 72% of the state-wide AMHI	90
AMHI at \leq 125% of the state-wide AMHI	AMHI is 105% of the state-wide AMHI	75
AMHI $>$ 125% of the state-wide AMHI)	AMHI is 135% of the state-wide AMHI	50

Flood Mitigation Project Category - The applicant's grant percentage will be the sum of the three grant qualifiers. The maximum grant possible is 70%.

Grant Qualifier	Potential Example	Eligible Grant Percentage
AMHI	AMHI is 72% of the state-wide AMHI.	40
Rural	Applicant meets the "rural" definition.	5
Green/Nature-based	Nature-based costs are 40% of the total project costs	5
Total Grant Percentage		50

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Flood Management Strategy Category - The applicant's grant percentage will be the sum of the three grant qualifiers. The maximum grant possible is 70%.

Grant Qualifier	Potential Example	Eligible Grant Percentage
AMHI	AMHI is 90% of the state-wide AMHI.	0
Rural	Applicant does not meet the "rural" definition.	0
Green/Nature-based	Nature-based costs are 40% of the total project costs; however, no other grant qualifier was met.	0
Total Grant Percentage		0

Attachment 2: Project List

A project list will be incorporated after prioritization is complete.