



Comments of the Lone Star Chapter of the Sierra Club on HB 13 and HJR 4 by Rep Dade Phelan – Submitted by Ken Kramer, Water Resources Chair, to the House Natural Resources Committee on Monday, March 18, 2019

The Sierra Club supports the passage of HB 13 and HJR 4, legislation to create a new state flood infrastructure fund to provide state financial assistance for structural and nonstructural projects for flood mitigation and drainage. HB 13 also makes changes in Section 15.405 of the Water Code with regard to flood planning contracts, directs the Water Development Board to prepare and adopt a state flood plan (based on regional flood plans) by September 1, 2024 and every five years thereafter, and appropriates \$3.26 billion out of the state’s Economic Stabilization Fund for the new flood fund. HB 13 would be effective, of course, only if HJR 4 passes and is approved by the voters of Texas.

HB 13 is similar to HB 478, and the text of HJR 4 is identical to that of HJR 81, both of which were supported by the Sierra Club in written comments and oral testimony before the House Natural Resources Committee on March 5. In regard to HB 13 and HJR 4, we again state that our support for this legislation is based primarily on the fact that the proposals are intended to provide funding for nonstructural as well as structural flood projects. In our opinion, the historical tendency to focus primarily on structural approaches has not been effective or cost-effective in reducing flooding risk and has had negative environmental and other impacts.

To achieve the potential that nonstructural measures could accomplish, however, HB 13 and HJR 4 need to include language that makes explicit that the new fund may be used for all nonstructural flood measures, including buyouts of land and property in the floodplain where advisable and purchase of greenspace to maintain natural drainage and reduce flooding potential. **Sierra Club, therefore, recommends – as we did in previous testimony - that the proposed new Texas Water Code Section 15.531 in HB 13, defining what constitutes a “flood control project,” be revised to add “acquisition of land, easements, or other property for nonstructural flood mitigation and drainage” to the list of items considered eligible projects. Similarly, we recommend that the same language be added to HJR 4 in the enumeration of items for which the new flood infrastructure fund may be used.**

In conclusion, the Sierra Club again emphasizes that establishing a new flood mitigation funding mechanism is only one part of what needs to be a truly comprehensive and effective approach to addressing flooding issues, include adequate funding to enhance our scientific understanding of flooding, an enhanced flood planning process on a watershed basis, and reasonable but effective regulation of development in floodplains, prohibitions on development in areas where appropriate, and much greater attention to how nature-based solutions may provide cost-effective and successful ways of managing or preventing floods.