TEXAS FLOOD Water Development Board

Memorandum of Understanding and Affidavit Flow Chart

What cooperation-related documents are required?

1. Is the project a flood control project?

"Flood control—the construction or rehabilitation of structural mitigation or anything that retains, diverts, redirects, impedes, or otherwise modifies the flow of water"
31 TAC § 363.402(3)

YES → 2. Is the project watershed partially located outside the Applicant's boundaries?

NO → No MOU required; however, the affidavit is required

Example: watershed planning, mapping, nonstructural, early warning systems, etc.

2. Is the project watershed partially located outside the Applicant's boundaries?

31 TAC § 363.408(b)(1)

YES → MOU required

NO → No MOU required; however, the affidavit is required

MOU required

31 TAC § 363.408(b)(1)

AND → Affidavit required:

Affidavit required:

1. Applicant has acted cooperatively with other political subdivisions to address flood control needs in the area in which the eligible political subdivisions are located

2. All eligible political subdivisions substantially affected by project have participated in process of developing project

3. Eligible political subdivisions have held public meetings (not Cat. 1)

31 TAC § 363.408(b)(2)

9/8/2020