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AGENDA ITEM MEMO

BOARD MEETING DATE: December 16, 2025

TO: Board Members

THROUGH: Bryan McMath, Executive Administrator
Ashley Harden, General Counsel
Marshall Walters, Assistant General Counsel
Jessica Peña, Deputy Executive Administrator, Water Supply & Infrastructure

FROM: T. Clay Schultz, PhD, Director, Regional Water Project Development
Bill Blaik, P.E., Manager, Regional Water Project Development

SUBJECT: Trinity River Authority General Revenue Grant – Lake Livingston Dam
Improvement – Project No. 21895

ACTION REQUESTED

Consider authorizing the Executive Administrator to execute an agreement with Trinity River Authority for a \$60,000,000 grant pursuant to House Bill 500, 89th Leg., R.S., Article VI, Section 6.02 and Senate Bill 1, 89th Leg., R.S., Article IX, Section 17.18.

BACKGROUND

In the 89th Legislative Session, \$60,000,000 was appropriated for Lake Livingston Dam Improvements on the southern portion of Lake Livingston (Polk and San Jacinto Counties). The appropriated funds will be used to plan, design, and construct dam improvements to the existing Lake Livingston Dam.

The Lake Livingston Dam, operated by the Trinity River Authority, suffered severe structural damage during prolonged rainstorms in Spring 2024, which led to record water releases and a disaster declaration. The tailrace control structure was destroyed, and emergency repairs costing \$45,000,000 were made. However, engineering analysis revealed that the existing infrastructure cannot withstand future extreme flood events, falling short of the probable maximum flood (PMF) standard of 535,000 cubic feet per second (CFS), compared to its current capacity of 150,000–200,000 CFS.

The project aims to upgrade the dam’s hydraulic and structural capacity to meet probable maximum flood standards. Planned improvements include:

- Installing a reinforced concrete surface over the stilling basin
Adding baffle blocks and a weir wall
Extending east and west training walls

Our Mission : Board Members

Leading the state’s efforts
in ensuring a secure
water future for Texas

L’Oreal Stepney, P.E., Chairwoman | W. Brady Franks, Board Member | Ashley Morgan, Board Member
Bryan McMath, Executive Administrator

- Applying double-matted reinforced concrete over repaired riprap
- Constructing a cascading multiple-drop structure for flow transition

These enhancements will ensure long-term stability and compliance with federal and state safety requirements.

### **KEY ISSUES**

The 89th Texas Legislature specifically directed the Texas Water Development Board (TWDB) to provide those funds for the above stated purpose. Consequently, the TWDB may provide funds from the general revenue account without reference to the requirements of other TWDB programs. The conditions necessary to affect the financing are only those necessary to protect the interests of TWDB and document the transaction to the satisfaction of the Executive Administrator.

### **RECOMMENDATION**

The Executive Administrator recommends authorizing the execution of an agreement with Trinity River Authority for a \$60,000,000 grant pursuant to House Bill 500, 89th Legislature, R.S., Article VI, Section 6.02 and Senate Bill 1, 89th Leg., R.S., Article IX, Section 17.18.

Attachment:

1. Resolution (25- )

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD  
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE  
TO TRINITY RIVER AUTHORITY OF TEXAS  
FROM THE GENERAL REVENUE FUND  
THROUGH A GRANT IN THE AMOUNT OF \$60,000,000

(25- )

Recitals:

The 89th Texas Legislature, through House Bill 500, 89th Leg. R.S., Article VI and Senate Bill 1, 89th Leg. R.S., Article IX, appropriated to the Texas Water Development Board (TWDB) an amount not to exceed \$60,000,000 out of the General Revenue Fund for the purpose of constructing a dam improvement project for Trinity River Authority of Texas (Authority).

The Authority seeks financial assistance in the amount of \$60,000,000 in grant funds to finance flood improvements identified as Project No. 21895.

In accordance with its duties and responsibilities under Texas Water Code § 6.012, the TWDB has considered all matters required by law and in particular the instructions of the 89th Legislature.

The TWDB hereby finds that the project is eligible to receive funds in accordance with House Bill 500 and Senate Bill 1.

NOW, THEREFORE, based on these findings, the TWDB resolves as follows:

A commitment is made by the TWDB to Trinity River Authority of Texas, Texas for a grant in the amount of 60,000,000 from the General Revenue Fund. This commitment will expire on June 21, 2027.

Such commitment is conditioned as follows:

Standard Conditions:

1. This commitment is contingent on the Authority executing a Grant Agreement in a form and substance acceptable to the Executive Administrator.
2. The Grant Agreement must contain a provision that the Authority agrees to comply with all of the conditions set forth in the TWDB Resolution.
3. The Grant Agreement must contain a provision that the TWDB may exercise all remedies available to it in law or equity, and any provision of the Grant Agreement that restricts or limits the TWDB's full exercise of these remedies shall be of no force and effect.
4. Financial assistance funds are public funds and, as such, the Grant Agreement must include a provision requiring that these proceeds shall be held at a designated state

depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256, and the Public Funds Collateral Act, Government Code, Chapter 2257

5. Financial assistance funds shall not be used by the Authority when sampling, testing, removing, or disposing of contaminated soils and/or media at the project site. The Grant Agreement shall include an environmental indemnification provision wherein the Authority agrees to indemnify, hold harmless and protect the TWDB from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the Authority, its contractors, consultants, agents, officials and employees as a result of activities relating to the project to the extent permitted by law.
6. Prior to closing, when any portion of the financial assistance is to be held in escrow or in trust, the Authority shall execute an escrow or trust agreement, approved as to form and substance by the Executive Administrator, and shall submit that executed agreement to the TWDB.
7. Before closing, the Authority shall submit to the escrow agent a closing memo signed by the Executive Administrator.
8. The Authority must immediately notify TWDB, in writing, of any suit against it by the Attorney General of Texas under Texas Penal Code § 1.10(f) (related to federal laws regulating firearms, firearm accessories, and firearm ammunition).
9. The Authority shall submit progress reports with sufficient documentation on costs on a quarterly or monthly basis to allow for the timely distribution of the grant funds.

APPROVED and ordered of record this 16th day of December 2025.

TEXAS WATER DEVELOPMENT BOARD

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L'Oreal Stepney, P.E., Chairwoman

DATE SIGNED: \_\_\_\_\_

ATTEST:

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Bryan McMath, Executive Administrator