



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

September 9, 2022

Shanna Burke, Executive Director
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

Re: South East Texas Regional Planning Commission (SETRPC) CDBG-MIT Regional Mitigation Program Method of Distribution (MOD) Approval

Ms. Burke:

The Texas General Land Office Community Development and Revitalization program (GLO-CDR) is approving the SETRPC Mitigation Method of Distribution (MOD). The MOD delivered to the GLO was initially submitted September 1, 2022, underwent review by GLO staff, and was submitted a final time with corrections made on September 9, 2022.

With this approval, entities receiving funding from the MOD will receive information regarding the application process from the GLO. If you have any questions or require additional information, please contact Alex Swift at alex.swift.glo@recovery.texas.gov.

Sincerely,

Alexandra Gamble

Alexandra Gamble, Policy Development Director
Community Development and Revitalization

Cc: Heather Lagrone, Community Development and Revitalization Senior Deputy Director
Shawn Strange, Community Development and Revitalization Policy Development Manager



Council of Governments: South East Texas Regional Planning Commission (SETRPC)

Allocation Calculation Sheet Packet Page Number: 10

HUD MID and State MID Allocations

HUD MID Total	\$142,878,000
State MID Total	
Grand Total COG Allocation	\$142,878,000

Table 1

Funding Limits

<i>Minimum Amount Waiver Requested</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Minimum Amount	\$1,000,000	
Maximum Amount		

Table 2

Regional Risk Mitigation

Explain how the method of distribution reduces regional risks, how it will foster long-term community resilience that is forward-looking and encourages the prioritization of regional investments with regional impacts in risk reduction for hurricanes, tropical storms and depressions, and flooding in the HUD-identified and State-identified most impacted and distressed areas.

Severe weather events are not new to the southeast Texas region. The region is affected by everything from wildfires to hurricanes. In recent years weather patterns have started to change, and for the southeast Texas region, these weather changes have manifested as a severe increase in rainfall. According to the National Weather Service, four of the region's top ten wettest years (starting in 1902) have taken place in the last ten years. Most of these records can be linked to hurricanes and tropical storms. However, southeast Texas is seeing increased precipitation that is not necessarily due to a hurricane or a tropical storm. Unofficially nicknamed "random pop-up storms," these rainfall events seem to happen during any season, are hard to foresee, and can drop a significant amount of rain in hours. An increase in these storms, along with tropical storms and hurricanes, has required mitigation efforts to focus on drainage.

Flood mitigation was, by far, the issue brought up most during the two public planning meetings. In addition, the majority of projects submitted from southeast Texas during Round One of the Community Development Block Grant Mitigation (CDBG-MIT) competition were flood-related and went unfunded. Limiting potential projects to drainage in this Method of Distribution (MOD) focuses funding on larger projects that significantly impact the most people.

The Texas General Land Office (GLO) guidelines encourage the prioritization of regional investments and set a limited timeline of six years for projects. These guidelines make it vital that funding be directed to regional entities that deal with large drainage projects, making counties and drainage districts the best possible choice. After reviewing the guidelines, researching flood mitigation, and assessing public comments, the SETRPC believes that the best course of action is to provide direct allocations to drainage districts, with the exception of Hardin County and Jefferson County Drainage District No. 3 (DD3). Hardin County lacks a drainage district. Therefore, the county will be directly allocated funds. SETRPC's CDBG-MIT MOD focuses on providing funding to entities that have a history of regional projects. Drainage District No. 3 (DD3) serves approximately 40,000 acres of unincorporated land in Jefferson County. The SETRPC confirmed that DD3 lacks a hazard mitigation plan of its own and is not part of any other local hazard mitigation plan, has never received or managed this level of funding, and does not have any projects that would meet the criteria for SETRPC's CDBG-MIT MOD. The district stated that they work closely with DD6 as projects completed by DD3 drain through DD6 and that DD3 relies on DD6's expertise due to their size and capacity. For the reasons stated above, an allocation of funds was not provided to DD3. Since DD3 relies on DD6 we have added the population that DD3 serves to DD6 along with the SoVI score.

Drainage districts are regional entities with a track record of working closely with cities and counties to reduce the risk of flooding. Several projects in CDBG-MIT Round One were joint applications between drainage districts, cities, and counties. Jefferson County Drainage District No. 6 (DD6), Jefferson County Drainage District No. 7 (DD7), Orange County Drainage District (OCDD), and Hardin County all have Hazard Mitigation Plans. DD6 serves the northern area of Jefferson County, including Beaumont, Bevil Oaks, China, and Nome, as well as the communities of Fannett, Northwest Forest, Hildebrandt Acres, Cheek, and LaBelle and all the farm and timberland in between. DD7 serves the cities of Port Arthur, Groves, Nederland, Port Neches, and some unincorporated areas of Jefferson County. OCDD serves Orange County. Hardin County lacks a drainage district, making the county the regional source for large drainage projects. Directing funding to regional entities with a history of coordinating actions, managing large grants, and have a hazard mitigation plan, will help accelerate flood mitigation efforts that are needed throughout the southeast Texas region.

Table 3

Distribution Factors

The COG has selected the following distribution factors:

Distribution Factor*	Weight	Documentation Source	Explanation of Factor Selection and Weighting
Population	80	2019 American Communities Survey	Our goal is to have a significant impact on the most people making population an important factor.
Social Vulnerability	20	CDBG-MIT AP Analysis (data provided by GLO)	The Social Vulnerability Index (SoVI) analysis 29 socioeconomic variables that have proven to influence a community's ability to prepare for, respond to, cope with, recover from, and adapt to environmental hazards. *

Table 4

* The Social Vulnerability Index (SoVI) analysis 29 socioeconomic variables that have proven to influence a community's ability to prepare for, respond to, cope with, recover from, and adapt to environmental hazards. Including social, economic, demographic, and housing characteristics. Social Vulnerability was calculated by averaging the Social Vulnerability Score for each census tract located in the jurisdiction of each entity.

Threshold Factors

If any, please describe threshold factors that were used to allocate funds.

Threshold Factor*	Documentation Source	Explanation of Factor Selection
Past Grant Funding	Drainage District	A history of managing a significant amount of grant funding.
Hazard Mitigation Plan	Drainage District	A hazard mitigation plan develops long-term risk reduction strategies. All entities receiving funding must have a hazard mitigation plan.

Table 5

*Jefferson County Drainage District No. 3 (DD3) lacks both the management of past grant funding and a hazard mitigation plan. Also, DD3 is not included in Jefferson County's Hazard Mitigation Plan. For more details please see the Allocation Summary and Calculation Worksheet.

Eligible Activities

Activities must meet the criteria outlined in the Regional Mitigation Program (COG MODs) section of the State of Texas CDBG Mitigation Action Plan.

The COG has addressed prioritization of eligible activities as follows:

<input type="checkbox"/>	The COG has chosen not to limit subrecipients in the region to projects meeting regional priority activities.		
-OR-			
<input checked="" type="checkbox"/>	The COG has limited subrecipients in the region to selecting projects meeting the following regional priority activities:		
<input checked="" type="checkbox"/>	Flood control and drainage improvement, including the construction or rehabilitation of stormwater management systems	<input type="checkbox"/>	Water and sewer facilities
		<input type="checkbox"/>	Communications infrastructure
		<input type="checkbox"/>	Provision of generators
<input type="checkbox"/>	Natural or green infrastructure	<input type="checkbox"/>	Removal of debris
<input type="checkbox"/>	Public Facilities (shelter, library, etc.)	<input type="checkbox"/>	Streets or bridges
	Economic development (assistance to businesses for the installation of disaster mitigation improvements and technologies; financing to support the development of technologies, systems and other measures to mitigate future disaster impacts; “hardening” of commercial areas and facilities; and financing critical infrastructure sectors to allow continued commercial operations during and after disasters)	<input type="checkbox"/>	Other infrastructure improvements
		<input type="checkbox"/>	Public Services (<i>within the 15% cap</i>)
<input type="checkbox"/>		<input type="checkbox"/>	FEMA Hazard Mitigation Grant Program (HMGP) cost share for CDBG-MIT eligible project
		<input type="checkbox"/>	Buyouts or Acquisitions with or without relocation assistance, down payment assistance, housing incentives, or demolition
		<input type="checkbox"/>	Activities designed to relocate families outside of floodplains

Table 6

Ineligible Activities

Ineligible activities are outlined in the Regional Mitigation Program section of the State of Texas CDBG Mitigation Action Plan, as amended, and should be referenced accordingly.

Covered Projects

A Covered Project is defined as an infrastructure project having a total project cost of \$100 million or more, with at least \$50 million of CDBG funds, regardless of source (CDBG-DR, CDBG-MIT, or CDBG). Covered projects included in the Regional Mitigation Program must meet specific criteria set forth by HUD's CDBG-MIT Notice 84 FR 45838 (August 30, 2019) and the State of Texas Mitigation Action Plan. Inclusion of a Covered Project in the MOD does not guarantee funding until a full eligibility review is completed and the subsequent action plan amendment receives HUD approval.

Will the Method of Distribution include a Covered Project?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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Table 7

If yes, please provide the following information:

- The eligible entity benefitting from the project;
- A description of the project and how it meets the definition of a mitigation activity; and
- The cost of the Covered Project.

N/A

Table 8

Low-and Moderate-Income Requirements

Below is the strategic plan of how the method of distribution meets the minimum 50 percent low- and moderate-income (LMI) requirement.

Per requirement of the State of Texas CDBG Mitigation (CDBG-MIT) Action Plan: Building Stronger for a Resilient Future submitted to the United States Department of Housing and Urban Development (HUD) by the Texas General Land Office (GLO), as amended, submitted to the United States Department of Housing and Urban Development (HUD) by the Texas General Land Office (GLO), at least 50% of all program funds will benefit low-and moderate-income (LMI) persons. All entities will be required to follow established rules and regulations related to the funding received and are expected to meet a 50% LMI threshold for the amount of funding received.

Typically, waivers for the HUD-mandated LMI requirements are requested because LMI numbers are not always a good representation of disaster impact during the recovery stage of the disaster management cycle. Considering this CDBG-MIT MOD focuses on large-scale regional mitigation projects and not disaster recovery projects, meeting the required percentage should not be an issue. Furthermore, all entities receiving funds from the CDBG-MIT MOD also submitted applications in round one of the Hurricane Harvey State Mitigation Competition, which had a similar LMI requirement. The final projects chosen by the drainage districts might differ from those submitted during round one of the Hurricane Harvey State Mitigation Competition. However, this is a good indicator that there are projects that can meet this requirement from all the entities receiving funding.

Table 9

Public Hearing Information

The Action Plan requires at least one Public Planning Meeting prior to submitting the Preliminary MOD to the GLO for review and one Public Hearing before submission of the Preliminary MOD to GLO for final approval. If the COG holds multiple outreach activities, please contact the GLO for additional documentation forms.

Meeting Type	Public Planning Meeting	MOD Public Hearing
Date(s):	2/16/22 & 2/24/22	8/16/22 & 8/17/22
Location(s):	SETRPC & Virtual	SETRPC & Virtual
Total Attendance:	87	41

Table 10

Direct Notice. As required, personal notice was sent to eligible entities at least **five (5)** days in advance of the public hearing using the following method(s) (at least one must be selected):

Method	Public Planning Meeting	MOD Public Hearing
	Date(s) Sent	Date(s) Sent
<input checked="" type="checkbox"/> Email	2/10/22 & Reminder on 2/22/22	8/5/22 & Reminder on 8/15/22
<input type="checkbox"/> Fax		
<input type="checkbox"/> Hand Delivery		
<input type="checkbox"/> Certified Mail		

Table 11

Citizen Participation

Describe how the COG conducted their citizen and non-governmental organization outreach, including any efforts exceeding GLO minimum public participation requirements. These efforts should comply with the Citizen Participation Plan provided to the GLO.

The SETRPC conducted two public planning meetings, one in-person and one virtual hearing, in an effort to solicit public participation in the development of the MOD. The first meeting was held during normal working hours and the second meeting after normal workday hours. Individuals also were able to submit written comments via email, mail, fax, or online form for a total of 14 days to make sure that the public had additional time to provide information.

The SETRPC also conducted two public hearings, one in-person and one virtual hearing, in an effort to solicit public comments regarding the conditionally approved MOD. The first meeting was held during normal working hours and the second meeting after normal workday hours. Individuals also were able to submit written comments via email, mail, fax, or online form for a total of 17 days to make sure that the public had additional time to provide information.

Table 15

Accommodations. Describe any efforts to notify and accommodate those with modified communication needs, such as posting information and providing interpretive services for persons with Limited English Proficiency and for people with hearing impairments or other access and functional needs (ADA compliance).

Public hearing locations were fully accessible to persons with disabilities. Public hearing announcements included information on accessibility requests for individuals requiring an interpreter, auxiliary aids, or other services.

Notices were published in English and Spanish and explained that hearings would be conducted in English and requests for language interpreters should be made at least 48 hours prior to any function.

Table 16

Affirmatively Furthering Fair Housing (AFFH) Statement

All subrecipients will certify that they will affirmatively further fair housing (“AFFH”) in their grant agreements and will receive GLO training and technical assistance in meeting their AFFH obligations. Additionally, all project applications will undergo AFFH review by GLO before approval of projects. Such review will include assessment of a proposed project’s area demography, socioeconomic characteristics, housing configuration and needs, educational, transportation, and health care opportunities, environmental hazards or concerns, and all other factors material to the AFFH determination. Applications should show that projects are likely to lessen area racial, ethnic, and low-income concentrations, and/or promote affordable housing in low-poverty, nonminority areas in response to natural hazard related impacts.

COG Principal Contact Information

Contact Name:	Shanna Burke
Title:	Executive Director

Table 17

Contact and Signatory Authority

Attached is a Resolution from the COG approving the method of distribution and authorizing its submittal to the Texas General Land Office. I certify that the contents of this document and all related attachments are complete and accurate.

	08/31/2022
Signature	Date
Shanna Burke	Executive Director
Printed Name	Title
sburke@setrpc.org	(409) 924-7516
Email Address	Telephone Number

Note:

In the event that funds need to be reallocated, the Executive Committee of the South East Texas Regional Planning Commission requests that the funds stay in the region.

Allocation Summary

COG:	SETRPC			
Total Allocation:	\$ 142,878,000.00			
HUD MID				
Entity	Allocation	Percentage of Total Allocation	LMI Portion	LMI Percentage
Jefferson County Drainage District No. 6	\$ 46,525,000.00	32.56%	\$ 23,262,500.00	50.00%
Jefferson County Drainage District No. 7	\$ 41,367,400.00	28.95%	\$ 20,683,700.00	50.00%
Orange County Drainage District	\$ 31,091,100.00	21.76%	\$ 15,545,550.00	50.00%
Hardin County	\$ 23,894,500.00	16.72%	\$ 11,947,250.00	50.00%
Total	\$ 142,878,000.00	100.00%	\$ 71,439,000.00	50.00%
Jefferson County Drainage District No. 3	-	-	-	-

Note: Drainage District No. 3 (DD3) serves approximately 40,000 acres of unincorporated land in Jefferson County. The SETRPC confirmed that DD3 lacks a hazard mitigation plan of its own and is not part of any other local hazard mitigation plan, has never received or managed this level of funding, and does not have any projects that would meet the criteria for SETRPC’s CDBG-MIT MOD. The district stated that they work closely with DD6 as projects completed by DD3 drain through DD6 and that DD3 relies on DD6’s expertise due to their size and capacity. For the reasons stated above, an allocation of funds was not provided to DD3. Since DD3 relies on DD6 we have added the population that DD3 serves to DD6 along with the SoVI score.

Allocation Calculation Worksheet

COG:	SETRPC	Total Allocation:	\$ 142,878,000.00										
HUD MID Allocation:	\$ 142,878,000.00	State MID Allocation:	N/A										
City or County	First Distribution Factor: Population				Second Distribution Factor: Social Vulnerability				Entity Weighted Factor Total (EWFtot)	Weighted Factor Total (WFtot)	Proportional Weighted Factor (PWF) EWFtot/WFtot	Allocation for Formulaic Distribution (AFD)	Proportional Distribution PWF x AFD
	Maximum Factor Measure:		136,515		Maximum Factor Measure:		3.416666667						
	Factor Weight:		80.00		Factor Weight:		20.00						
Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM/FMmax)	Factor Measure (FM)	Factor Measure Maximum (FMmax)	Weight (W)	Weighted Factor Wx(FM/FMmax)						
Jefferson County Drainage District No. 6	136,515	136515.00	80.00	80.00	3.416666667	3.416666667	20.00	20.00	100.00	307.10	0.33	\$ 142,878,000.00	\$ 46,524,997.46
Jefferson County Drainage District No. 7	117,825	136515.00	80.00	69.05	3.393939394	3.416666667	20.00	19.87	88.91	307.10	0.29	\$ 142,878,000.00	\$ 41,367,385.00
Orange County Drainage District	84,069	136515.00	80.00	49.27	3	3.416666667	20.00	17.56	66.83	307.10	0.22	\$ 142,878,000.00	\$ 31,091,153.32
Hardin County	56,765	136515.00	80.00	33.27	3.090909091	3.416666667	20.00	18.09	51.36	307.10	0.17	\$ 142,878,000.00	\$ 23,894,464.21
Weighted Factor Total:									307.10		1.00		\$ 142,878,000.00
Jefferson County Drainage District No. 3	-	-	-	-	-	-	-	-	-	-	-	-	-

Note: Social Vulnerability was calculated by averaging the Social Vulnerability Score for each census tract located in the jurisdiction of each entity.

Drainage District No. 3 (DD3) serves approximately 40,000 acres of unincorporated land in Jefferson County. The SETRPC confirmed that DD3 lacks a hazard mitigation plan of its own and is not part or any other local hazard mitigation plan, has never received or managed this level of funding, and does not have any projects that would meet the criteria for SETRPC's CDBG-MIT MOD. The district stated that they work closely with DD6 as projects completed by DD3 drain through DD6 and that DD3 relies on DD6's expertise due to their size and capacity. For the reasons stated above, an allocation of funds was not provided to DD3. Since DD3 relies on DD6 we have added the population that DD3 serves to DD6 along with the SoVI score.

SETRPC Executive Committee Resolution

A special SETRPC Executive Committee meeting was held on August 31, 2022, to vote on the resolution approving the conditionally approved Method of Distribution (MOD) submission to the Texas General Land Office (GLO).

**A RESOLUTION AUTHORIZING THE ADOPTION AND SUBMISSION OF
THE SOUTH EAST TEXAS METHOD OF DISTRIBUTION FOR
TEXAS CDBG-MIT REGIONAL MITIGATION PROGRAM FUNDS**

WHEREAS, the Southeast Texas Region has ongoing needs related to mitigation efforts; and

WHEREAS, the Southeast Texas Region has been allocated \$142,878,000 in Texas CDBG-MIT Regional Mitigation Program Funding for mitigation projects through the Texas General Land Office; and

WHEREAS, the South East Texas Regional Planning Commission is responsible, with local input, in determining how to allocate funding; and

WHEREAS, the South East Texas Regional Planning Commission is responsible, with local input, in determining activities; and

WHEREAS, the South East Texas Regional Planning Commission has detailed a plan for the allocation of Texas CDBG-MIT Regional Mitigation Program Funds; and

WHEREAS, the Executive Committee of the South East Texas Regional Planning Commission has reviewed the *South East Texas Regional Planning Commission State of Texas CDBG-MIT Regional Mitigation Program Method of Distribution* to be submitted to the Texas General Land Office.

NOW, THEREFORE, BE IT RESOLVED:

That the Executive Committee of the South East Texas Regional Planning Commission approves and adopts the *South East Texas Regional Planning Commission State of Texas CDBG-MIT Regional Mitigation Program Method of Distribution* and authorizes its submission to the Texas General Land Office.

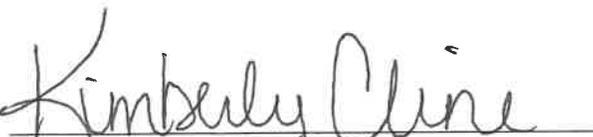
That Shanna Burke, Executive Director of the South East Texas Regional Planning Commission is authorized to sign and submit the *South East Texas Regional Planning Commission State of Texas CDBG-MIT Regional Mitigation Program Method of Distribution* to the Texas General Land Office.

That this Resolution is endorsed and passed by the Executive Committee of the South East Texas Regional Planning Commission on this day, Wednesday, August 31, 2022.



Michael Sinegal, 1st Vice President, SETRPC
Commissioner, Jefferson County

ATTEST:



Kimberly Cline, Treasurer, SETRPC
Councilwoman, City of Lumberton

Funding Acknowledgment Letters

Jefferson County Drainage District No. 6, Jefferson County Drainage District No. 7, Orange County Drainage District, and Hardin County have returned the funding acknowledgment letter.

Summary of Funding Acknowledgement Letters

Entity	Allocation	LMI Portion	Funding Letter Returned	Accepted or Declined?
Jefferson County Drainage District No. 6	\$ 46,525,000.00	\$ 23,262,500.00	YES	Accepted
Jefferson County Drainage District No. 7	\$ 41,367,400.00	\$ 20,683,700.00	YES	Accepted
Orange County Drainage District	\$ 31,091,100.00	\$ 15,545,550.00	YES	Accepted
Hardin County	\$ 23,894,500.00	\$ 11,947,250.00	YES	Accepted

Optional Waiver

A request to allow drainage districts to apply for and receive funds.



March 4, 2022

Mr. Alex Swift
Texas General Land Office
1700 Congress Avenue
Austin, TX 78701-1495

SUBJECT: State of Texas CDBD-Mitigation Regional Mitigation Program Method of Distribution Waiver Request

Dear Alex:

The South East Texas Regional Planning Commission (SETRPC) would like to respectfully request a waiver to allow drainage districts to apply for and receive funds allocated to them for use through the State of Texas CDBG-Mitigation Regional Mitigation Program Method of Distribution (MOD) prepared by the SETRPC at the request of the Texas General Land Office (GLO).

Should you have questions or need additional information, please do not hesitate to contact me at (409) 924-7516 or sburke@setrpc.org or Rachael Robinson at (409) 899-8444, ext. 6603 or rrobinson@setrpc.org.

Sincerely,

Shanna Burke
Executive Director

President – Terri Gauthier, Bridge City | 1st VP – Michael Sinegal, Jefferson County | 2nd VP – Wayne McDaniel, Hardin County
3rd VP – Johnny Trahan, Orange County | 4th VP – Mark Allen, Jasper County | 5th VP – John Durkay, Taylor Landing
Treasurer – Mary Adams, Kountze | Secretary – Amanda Gates, Kirbyville

Executive Director – Shanna Burke
2210 Eastex Freeway Beaumont, Texas 77703-4929
(409) 899-8444 | (409) 347-0138 fax
setrpc@setrpc.org | <http://www.setrpc.org>



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

May 18, 2022

Shanna Burke, Executive Director
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

Re: South East Texas Regional Planning Commission (SETRPC) CDBG-MIT Regional Mitigation Program waiver request

Dear Ms. Burke:

The Texas General Land Office Community Development and Revitalization program (GLO-CDR) has reviewed the request to include drainage districts in the SETRPC Method of Distribution (MOD) for the Community Development Block Grant - Mitigation (CDBG-MIT) Regional Mitigation Program. These additional entities are permitted with the approval of a waiver under section 5.4.6.4.i.b.iv of the CDBG-MIT Action Plan, as amended. We are pleased to inform you the waiver request is approved.

Thank you for your hard work to help the region recover from the many disasters which have recently beset it, as well as better prepare Texas for any future storms. If you have any questions or require additional information, please feel free to contact Alex Swift at alex.swift.glo@recovery.texas.gov.

Sincerely,

Alexandra Gamble

Alexandra Gamble, Policy Development Director
Community Development and Revitalization

Cc: Shawn Strange, Community Development and Revitalization Policy Development Manager

Meeting Summaries

MOD Public Hearing Documentation

The meeting summaries include meeting minutes and the public comments from the public hearings. The public comments and responses are included at the end of this document.

Conditionally Approved MOD - 8/16/22 Public Hearing Summary

The South East Texas Regional Planning Commission (SETRPC) held the first of two Public Hearings for the development of Texas CDBG-MIT Regional Mitigation Program's Method of Distribution on Tuesday, August 16, 2022.

Welcome

Comments by Shanna Burke – SETRPC

Reviewed the Presentation & Document

Opened the meeting to Public Comments

Public Comments

Comment by Amalia "Molly" Villarreal – City of Beaumont

- Read a letter from the City of Beaumont that voiced concerns regarding the MOD.

The letter read at the 8/16/2022 public hearing was later retracted by the City of Beaumont's Mayor. We have attached the new letter.

Comment by Craig P Taffaro Jr. – City of Port Arthur

- Recognizes the value of a regional approach to the drainage challenges for the city of Port Arthur and beyond.
- May leave cities zeroed out
- Round One- Agrees with the City of Beaumont Comments
 - Applied for a large project and award any funding, appealed the scoring errors, if fixed they would have been funded.
- Believes that the City could move more quickly than a regional approach.
- PA has a 60% LMI Population
- Believes that the regional scope is does not account for local needs, nor accountability to those members of the city of Port Arthur.
- The city does have a positive relationship with DD7 and intends to continue the positive relationship they are worried about accountability and would like caveats added to the MOD.
- Would like five members to represent the city of Port Arthur, and want the board to select projects.
- Wants the MOD to add goals and achievement levels.

Please see the attached letter from the City of Port Arthur

Comment by Don Carona – Orange County Drainage District

- Orange County is one of three counties receiving funding and is only receiving \$31 Million.
- Was a little concerned that our distribution wasn't higher for Orange County but understands considering the factors.
- Has already held a meeting with cities, county, and other entities to work together on the plan.
- Had the highest-ranking unfunded project from Round One.

- Orange County supports the plan.

Please see attached letter from Orange County Drainage District

Comment by Henry Abney – City of Nome

- Agrees 100% with drainage.
- Represents small cities in Western Jefferson County.
- Water and sewer plant both unfunded.
- \$500,00 grant does nothing.
- Consider Smaller cities in Western Jefferson County.

Comments by Judge Wayne McDaniel – Hardin County Judge

- Supports the MOD
- Citizen comments support drainage improvements
- Agrees that we should have gotten more money but seems fair.
- Intends to work with all cities within the county, along with MUD's and other entities.
- Also intends to work with Orange County and DD6 to make sure to have a regional approach that helps with the regions drainage issues.
- Although the decision has not been made but it looks like the project that will be chosen will benefit the citizens Hardin and the citizens of Beaumont by trying to divert water straight to the Neches River rather than coming down to the bayou as it does now.
- Thinks if we all work together, we will certainly be able to use this large amount of funding that's coming to Southeast Texas to greatly improve drainage throughout Southeast Texas to improve the lives of the citizens of Southeast Texas.

Comments by Judge Gothia – Orange County Judge

- Supports the MOD
- Understands that all projects are important to communities.
- After looking at the overall scope of projects decided the best approach was to let the Drainage Districts handle the funding.
- Projects will affect all of Orange and creates less flooding for orange County residents which is the main goal, but the project will also help the City of Beaumont and Jefferson County residents.
- Regional Projects have been discussed and regional approach is the best approach for this round.
- Full support of this approach.

Closing Remarks

Conditionally Approved MOD - 8/17/22 Public Hearing Summary

The South East Texas Regional Planning Commission (SETRPC) held the last Public Hearing for the Texas CDBG-MIT Regional Mitigation Program's Method of Distribution on Wednesday, August 17, 2022.

Welcome

Comments by Shanna Burke – SETRPC

Reviewed the Presentation & Document

Opened the meeting to Public Comments

Public Comments

Comment by Allen Sims – Jefferson County Drainage District No. 7

- Jefferson County Drainage District No. 7 supports the MOD.
- Will be providing a written comment.

Please see the email from Jefferson County Drainage District No. 7

Comment by John Laycock – Texas Appleseed

- Had a question regarding if the Drainage Districts already know their projects or will there be a separate selection process for the projects.
 - SB: They do have projects in their Hazard Mitigation plan, but they are not limited to those. If they have other projects, they can apply to GLO.

Comment by Commissioner Johnny Trahan – Commissioner Pct. 1, Orange County

- Supports the MOD
- The proposed methodology of 80% for population and 20% for social vulnerability index is fair to all entities and ensures that all citizens of the region will benefit.
- Will be submitting a letter.

Please see the attached letter from Commissioner Trahan

Comment by Josh Allen – Jefferson County Drainage District No. 6

- Supports the MOD.
- Drainage has been an issue for quite some time.
- LMI is a good factor and ensure the greatest number of people will benefit.

Please see the attached letter from Jefferson County Drainage District No. 6

Closing Remarks

Notation of All Updates Made to SETRPC MIT MOD

1. No changes to the Method of Distribution were made because of public comments received.
2. During the Special Executive Committee Meeting on 8/31/2022, the committee requested an addition concerning reallocation. A note was added to the signature page asking if funds need to be reallocated, that the funds stay in the region.
3. The necessary updates were made to the “Public Hearing Information,” “Public Comment Period,” and “Citizen Participation” sections to include information regarding the public hearings.

Public Comment Period Appendix

All public comments and responses received during the initial Public Planning Meetings, the MOD Public Hearing Meetings, and the Public Comment Phase.

Public Planning Meeting Phase - Public Comments

<p>Public Planning Meeting (2/16/22)</p>	<p>Heather Champion Spindletop Center</p>	<p>Address mental health needs (suffering & hardships). Emergency mental health and shelter needs of people with severe mental illness and developmental disabilities. Mitigate immediate trauma and stress figure of community.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding our community's mental health needs. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
<p>Public Planning Meeting (2/16/22)</p>	<p>Karen J. Stewart Jefferson County Drainage District No. 6</p>	<p>Distribution of MIT funds to Drainage Districts following the same parameters for inclusion which were used to establish eligibility for MIT competition. Biased Scoring Process in Competition Round. Waivers formally speak on behalf of the DD's. Please consider filing the waiver for DD's. DD6, DD7, OC – have been to GLO to be able to compete. Sole mission is to reduce flood risk and damage. Have put into millions of dollars of projects. Scoring is based against DD6. To ask to use boundaries as factors is not a fairly weighted. GLO allows DD's to compete in allocation on same factors used in competition criteria.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/28/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing the comments regarding the purpose of Drainage Districts and the data used in Round One of the CDBG-MIT MOD. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
<p>Public Planning Meeting (2/16/22)</p>	<p>Don Carona Orange County Drainage</p>	<p>Reiterate Karen's comments. Would like a waver for drainage districts to be eligible to apply for funds. Need for funding for regional project in Orange County. Eligibility for special districts that have draining storm protection responsibilities. Would like to see priority given to regional projects that mitigate flood damage. Question: Project specific LMI or entity specific LMI? Advocates for it being project specific.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding waivers, regional projects, and LMI requirements. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>

Public Planning Meeting Phase - Public Comments

Method	From	Comment	Response
Public Planning Meeting (2/16/22)	William T. Sanders City of China	Will there need to be any matching fundings? LMI Requirements, some cities will not meet that requirement. If this funding goes to the different counties will that open it up to where they can use the county LMI. Worried about cities being disenfranchised if many don't go through the county ex: LMI Nederland (Mid- County). Minimum Project amounts. Would need to go below \$1,000,000. Just spent ½ Million didn't have on a Serwer system. FEMA – Have to keep systems tight. Discussed fire hydrants and line sizes (increased line sizes). Going lower than \$1,000,000 gives more leeway. A projects not in LMI area have a hard line getting served. No time to get door to door surveys done.	Thank you for your comments at the Public Planning Meeting regarding SETRPC Mitigation Method of Distribution. They have been noted and will be included as part of the formal comment record. After submitting questions, you posed during the public hearing to GLO, below is information provided in response: <ol style="list-style-type: none"> 1. Only covered projects require matching funds. Covered projects start at \$100 million. 2. The LMI will be based on those affected. For example, if it's a city-wide project the city LMI number will be used, and for smaller projects census tract data or local surveys could potentially be used. 3. A waiver to lower the LMI dollars spent minimum is available for COG's. 4. A project must benefit at least 51% (no rounding) LMI persons. 5. There is no funding cap. Again, thank you for your comments. If you have any questions, please let us know.
Public Planning Meeting (2/16/22)	Dr. Liv Haselbach Lamar University	Are flood sensors networks communication infrastructure? Is Lamar an eligible applicant? Can there be more than one applicant? How long do people have to expend these funds?	Thank you for your comments at the Public Planning Meeting regarding SETRPC Mitigation Method of Distribution. They have been noted and will be included as part of the formal comment record. After submitting questions, you posed during the public hearing to GLO, below is information provided in response: <ul style="list-style-type: none"> • Flood sensors wouldn't be considered communication. However, depending on the details of the project could be considered an eligible activity. • Universities are not eligible entities. • There can only be one applicant with the state. Entities can have an interlocal agreement and work together on something but that is up to the entities to handle themselves. • Currently the proposed end date of the program is 6 years from when it started. Again, thank you for your comments. If you have any questions, please let us know.
Public Planning Meeting (2/16/22)	Brad Haeggquist Mauriceville Municipal Utility District	Concerned with daily emergency needs – fire hydrants due to line size – everyday public health and safety North Orange County. Find ways to fund project economically. Looking for basic materials to install sewers. Stealing from private untreated wells. Private wastewater systems fail. Emergencies occur every time Entergy's power goes out. Doesn't have potable water that is safe. Need help now, not in 5 years, 6 months from now. Need to go to work, not waiting on next disaster, dealing with needs today.	Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent to provide the comments regarding the daily emergency needs of Mauriceville and the need for an immediate solution for the area. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.

Public Planning Meeting Phase - Public Comments

<p>Public Planning Meeting (2/16/22)</p>	<p>Bart Bartkowsk Public Works Director - City of Beaumont</p>	<p>City of Beaumont impacts from Harvey and lack of funding granted through Harvey Round 1. Impacted by Harvey, other floods – need drainage projects – got nothing Round 1 – Harris Co. getting much of Round 2. Look to this funding for direct mitigation to eliminate flooding throughout the area. Look at other flooding events that have impacted the area.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing the comments regarding the City of Beaumont's need of drainage projects. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
<p>Public Planning Meeting (2/16/22)</p>	<p>Robb Starr Lumberton MUD</p>	<p>Can a Municipal Utility district apply? Would like to see a wavier for who can apply. Serve 2 cities in Hardin County. Having to go through cities and counties is difficult.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding Lumberton MUD and the difficulties regarding funding for projects. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
<p>Public Planning Meeting (2/16/22)</p>	<p>Lesley Waxman</p>	<p>Agrees with regionalism concept and comments. Competition was supposed to cover regionalism. Communities shouldn't be limited regarding projects.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding regional projects and the types of projects funded. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>

Public Planning Meeting Phase - Public Comments

<p>Public Planning Meeting (2/16/22)</p>	<p>Chris Duque City of Nederland</p>	<p>Concerned with the LMI requirements. Nederland has probably left a considerable amount of money on the table with these projects in the past from Ike forward because of LMI requirements and are dependent on being able to utilize the county's LMI numbers. Would like to see the counties LMI available for communities.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent to provide the comments regarding LMI and the past difficulties Nederland had meeting LMI. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
<p>Public Planning Meeting (2/24/22)</p>	<p>Melinda Smith Taylor & Assoc.</p>	<p>Is there a possibility of requesting a waiver of the LMI or somehow priors to figure out a balance of some LMI versus non LMI?</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/16/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent to provide the comments regarding LMI. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
<p>Public Planning Meeting (2/24/22)</p>	<p>Allen Sims Jefferson County Drainage District No 7</p>	<p>City port author is proposing will need some additional services from DD7. Will DD7 be able to apply directly, or we need to go through the county? DD7 would like to acquire directly.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made during the Public Planning Meeting for the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/24/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent to provide the comments on issues facing the City of Port Arthur and the needs of DD7. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>

Public Planning Meeting Phase - Public Comments

Email	Jack Briggs	<p>I have resided in the same geographical location, which is Fannett Area for the last 35 years. This area has had its challenges with flooding long before any major named storms. Some mitigation efforts have helped while others have hurt the area tremendously. Below is a list of mitigation efforts that have brought on significant flooding issues. 1) The dredging of the North Fork of Taylor's Bayou north of I-10. 2) The removal of the lever system around the North Fork of Taylor's Bayou South of I-10 along the bayou channel up to Craigen Road bridge. These two projects caused more flooding in Fannett Area. Item #1 increased the volume of water being brought down from the North. This volume of water had no place to go but South. Item #2 let the increased water flow from #1 flow outside the main bayou channel and move across residential areas instead of keeping the water within the levee banks which were removed. These two projects alone turned the Fannett Area South of Interstate 10 into one large retention pond. In order to correct this, several things have to happen. 1) Mitigation funding is needed to open direct access to Neadmore Ditch by creating windows in the levee system down stream. 2) Reestablish the lever system along the North Fork of Taylor's Bayou main channel from I-10 to Craigen Road Bridge or dredge the remaining part of the North Fork of Taylor's Bayou from Craigen Road Bridge to Neadmore Ditch. I am not sure what agency began a dredging project upstream before evaluating down stream capacity, but in the future all mitigation projects should be evaluated South to North in order to avoid future flooding downstream.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/25/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding flooding in the Fannett area and the projects you believe have caused a problem. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
Email	Judge Wayne McDaniel	<p>It is my opinion that the CDBG-MIT funds allocated by the Texas GLO to the SETRPC Region for Hardin, Jefferson and Orange Counties be spent 100% on drainage projects to benefit the County/Region, and that a minimum amount of \$5M be set for any one project. Further, I recommend that the total amount of CDBG-MIT funds be divided among the three (3) Counties on a per capita basis, based upon 2020 US Census numbers, and that each County work with each other and with jurisdictions within their Counties on a project or projects that mitigate future flooding within the County and/or Region. We should also consider prioritizing unfunded projects that were submitted during CDBG-MIT Round 1 for funding, and a phased approach taken to begin such projects if there is not enough funding available to complete the entire project in one phase.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/25/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding the need for drainage projects and how the funds would be best divided. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>

Public Planning Meeting Phase - Public Comments

Email	Judge Jeff Branick & Judge Wayne McDaniel	Had concerns regarding the \$5,000,000 minimum in the event of having funds left after the other projects are done. If it is less than \$5,000,000 would rather allocate it to a different project then having to sending it back because it didn't meet the \$5,000,000 minimum. Judge McDaniel didn't have issues with lowering the number.	Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/25/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding the need for drainage projects and how the funds would be best divided. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.
Letter	Craig Taffaro	Pleas see the attached letter.	Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/28/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC understands that a major issue for Port Arthur is drainage. We appreciate the city providing a list of unmet mitigation needs. The information helps the SETRPC better understand the needs of the city and the strategies and partners that the city works with to achieve important mitigation goals. We will keep the information provided by the City of Port Arthur in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.
Email	Kay Moffitt	I live in Green Acres subdivision in Fannett Texas. Our subdivision has flooded numerous times. Flood control and drainage improvement including the construction or rehabilitation of stormwater management systems are desperately needed. Any help that you can give us would be greatly appreciated. Thank you ~ May God bless you and keep you ~	Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 3/1/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding drainage improvements. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.

Public Planning Meeting Phase - Public Comments

Email	Judge John Gothia	<p>My Recommendation is Based on the initial guidelines of the CDBG-MIT funds allocated that the direction of these funds stay on Drainage projects that benefit the Region as a whole and be divided by each of the Three counties. I support this being Divided on a Per Capita basis so that each county has a fair distribution for its respective projects within those counties. I would ask that projects be weighed by the Regional impact and also based on the unfunded projects from Round 1 allocations. Each of the three counties have a great working relationship and can work together to fund projects that best serve our citizens for reduction of future flooding events. This would keep us in line with what these funds were intended to be used for. As I stated during open comments at the public meeting I believe all projects are important but that by focusing on more Regional projects we will serve more of our citizens and by able to solve some of the smaller project issues as well. John Gothia Orange County Judge</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 3/1/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing the comments regarding drainage projects and focusing on regional projects. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
Letter	Maddie Sloan Texas Appleseed	Please see attached letter.	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment you made regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD). As you are aware, this funding is significant and will significantly impact mitigation efforts. Public input is important to fully understand the community's needs, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the amount of time and effort that Texas Appleseed took researching the comments regarding public participation, program requirements, and the data available to create the MOD. The information helps the SETRPC better understand different points of view, especially regarding waivers and LMI data. We also appreciate your comments regarding the Composite Disaster Index (CDI), and your analysis of FEMA and NFIP data. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep Texas Appleseed's remarks in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
Letter	Karen J. Stewart Jefferson County Drainage District No. 6	Please see attached letter.	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/28/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing the comments regarding the purpose of Drainage Districts and the data used in Round One of the CDBG-MIT MOD. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>

Public Planning Meeting Phase - Public Comments

<p>Online Form</p>	<p>Daniel Hidalgo West Jefferson County Municipal Water District</p>	<p>As a representative West Jefferson County MWD, the communities within the District, and a resident of the District, I believe Mitigation funding would be best distributed for use on community infrastructure. In serving a community with safe water during emergencies the key to success is TIME. The key to this TIME revolves around water storage. With additions to water storage capacities comes TIME to troubleshoot and make repairs to the Treatment Facility during natural or manmade events. By providing additional water storage capabilities in the form of Ground Storage Tanks (at treatment plant) or Elevated Storage Tanks (in distribution system) should issues arise at treatment facility the community will have the benefit of TIME. Time to make repairs, time with adequate water pressure, time for appropriate treatments, and time for family and friends to relax knowing they will come home to a home with water. Water is Life!! I would be happy to discuss these needs in detail when you see fit. Thank you Daniel Hidalgo Concerned Resident and District Manager</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/23/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent to provide the comments regarding being able to provide safe water to the residents West Jefferson County MWD serves. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
<p>Online Form</p>	<p>Randy Lyday</p>	<p>Flood zones needs to be looked at. I raised my house after I flooded during Imelda and the flood insurance will not pay \$30,000 since I don't live in classified flood zone. And I don't qualify for a grant because I already lifted house. So I'm out \$30,000 more .. They rather pay me another \$125,000 or more if I flooded again.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 2/23/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding the issues you face with the flood zones. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>

Public Planning Meeting Phase - Public Comments

<p>Online Form</p>	<p>Michelle Smith The Community In-Power and Development Association Inc. (CIDA)</p>	<p>Dear Ms. Burke, Our organization, The Community In-Power and Development Association Inc. (CIDA) is a non-profit Port Arthur community based organization focused on empowering and uplifting marginalized populations suffering from disproportional industrial pollution and inequity. We appreciate the opportunity to provide comments as it pertains to the Method of Distribution (MOD) of HUD mitigation funding. After Hurricane Harvey our organization has spoken out on various platforms (including to Senator Cruz and FEMA) on the inequitable distribution a few years ago of HUD CDBG-DR funding, specifically intended for LMI populations, based on skewed MOD models applied in Southeast Texas (as demonstrated by CityLab). We continue to find it problematic that the utilized data does not accurately identify the most vulnerable and marginalized populations. For example, utilizing county wide data that does not speak to particularly vulnerable areas with higher levels of need or FEMA NFIP repetitive loss data that does not consider those residents with an income level so low they cannot afford flood insurance or renters. A more accurate level of data would be census tract or block level data. CIDA also has serious concerns with the concept of waiving LMI requirements. This particular HUD funding is intended to fund projects that protect vulnerable LMI populations, waiving the LMI requirement would be a violation of that intended use. Additionally, it would intentionally create an even more inequitable situation than already exists, causing LMI populations to continue to be increasingly disproportionately impacted by disasters. FEMA Public and/ or Individual Assistance data used as a means of determining where FEMA assistance was provided and the value of that assistance, is another lacking indicator of actual need. It has been well documented (E&E News and others) and acknowledged by FEMA that the racial disparities in FEMA disaster assistance are an issue and need to be addressed. Therefore using this data as objective verifiable data is counter-productive. Finally, while we understand the desire to want to prioritize projects that impact a larger number of homes, we want to reiterate, that the priority should be on LMI populations (including renters) with the most need. Whether that be large regional projects that protect or small impactful projects. Continuing the efforts of the Southeast Texas Regional Planning Commission to be transparent, we would strongly encourage and request having another public hearing on the MOD BFEORE submitting it to the GLO, instead of after. Sincerely, Michelle Smith Marketing Director Community In-Power and Development Association Inc.</p>	<p>Following the feedback the South East Texas Regional Planning Commission (SETRPC) received from the Texas General Land Office, we wanted to provide a more detailed response to the public comment submitted regarding the Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD) on 3/1/2022. As you know, this funding is significant and will significantly impact mitigation efforts. Public input is important to understand the community's needs fully, and all comments the SETRPC receives are considered throughout the development process. The SETRPC appreciates the time and effort you spent providing comments regarding LMI and data concerns. The SETRPC will hold at least two more public hearings and have a 15-day public comment period on the Preliminary MOD. To ensure that your organization receives the public hearing announcement, we have included this email address in our distribution list. Please let us know if this is an issue or if you would like a different email address added to the list. Thanks to public comments like yours, we are able to make well-rounded decisions. We will keep your comments in mind throughout the development process. Once again, thank you for participating in the CDBG-MIT MOD development process. Should you have any questions or additional comments, don't hesitate to contact us.</p>
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THURMAN BILL BARTIE, MAYOR
DONALD FRANK, SR., MAYOR PRO TEM

COUNCIL MEMBERS:
INGRID HOLMES
CAL JONES
THOMAS KINLAW III
KENNETH MARKS
CHARLOTTE MOSES



RONALD BURTON
CITY MANAGER

SHERRI BELLARD, TRMC
CITY SECRETARY

VAL TIZENO
CITY ATTORNEY

To: South East Texas Regional Planning Commission
From: City of Port Arthur, TX
Mayor Thurman Bartie
Ron Burton, City Manager

Re: Public Comment for CDBG-MIT Regional Mitigation Program (Round Two Funding)

Date: February 28, 2022

The City of Port Arthur is pleased to present a list of unmet mitigation needs for its community protection and revitalization.

The City of Port Arthur, located in Jefferson County, Texas, plays host to several major oil production and refinery plants, including the United States' largest Oil Refinery (Motiva), which supply a significant portion of the nation's energy supply. In addition to the production and export of energy fuel, the City of Port Arthur house some 55,100 residents in its portion of the golden triangle. The diverse population includes life-long residents and newcomers with no single ethnic group that makes up the majority of the whole population. Port Arthur is situated as a coastal community with coastal impacts from the Lower Neches Water Management Area, Sabine Lake and the Gulf of Mexico.

The City of Port Arthur's geography also makes it vulnerable to water surface run-off within the Beaumont Metropolitan area and from the associated internal drainage systems of the County's Drainage Districts Six and Seven.

The City of Port Arthur has undertaken a Master Drainage study to assist in quantifying its identified mitigation needs and has remained active in pursuing support options to address its unmet flood risk needs. The City of Port Arthur remains committed to addressing and mitigation the flood risks both through structural and non-structural interventions, including vigilant building codes and elevation requirements, local drainage improvement programs, private-public partnerships when available, and through state and federal programs including the Texas Water Development Board, the Federal Emergency Management Agency, the United States Treasury Department, and those funds connected to the HUD Sponsored Community Development Block Grant Mitigation Program.

The City of Port Arthur believes that its first-round project application through the CDBG-MIT program was a strong application and questioned the scoring and award of funds to recipients who neither experienced devastation from recent flood disasters nor are at current significant risk to the same degree and level of the City of Port Arthur.

The following list of projects are associated with addressing the flood risk to the City of Port Arthur and at the time of this submission remain significant unmet needs. **The total Value of unmet needs - \$ 162,910,584.00.**

The breakdown of the unmet needs is described herein:

1. **Downtown Drainage Revitalization** - (\$97,355,377.00) There are two political entities concerned with providing direct drainage support to the downtown area in Port Arthur, TX. They are the City of Port Arthur and Jefferson County Drainage District No. 7. The purpose of this project is to design and upgrade the sewer system and drainage in City of Port Arthur, Texas, in coordination with the DD7 pump station increase in capacities. The City infrastructure currently in place in the downtown area is limited to a 2 to 10 year rainfall distribution per NOAA atlas 14. The City and Jefferson County Drainage District 7 (DD7) have adopted 25-year rainfall design criteria for internal drainage which is now consistent with community needs and the NOAA Atlas 14 rainfall distributions. Hence the downtown drainage revitalization is an essential project for the City. The Downtown Drainage Revitalization Project is estimated to impact some 18,000 residents and will serve as a critical component to the revitalization of the downtown area which is a target area for restoration by private and public entities alike. *(Detailed scope and cost are available as needed)*
2. **36" water line and IMG Storage Tank** – (\$33,483,496.00) The City of Port Arthur has a 36" Ductile Iron Potable Water transmission main that feeds nearly half of our distribution area, East and South of HWY 73. This service area which is estimated to include two thirds of the city population also claims the largest count of the City's low-moderate income population. The area also includes Sabine Pass, the water needs of our industrial partners, and medical facilities and clinics that are critical support to the LMI population and life-sustaining services such as dialysis clinics. This Water Main presents a consistently challenged part of the City's infrastructure. This project is designed to directly address the severe vulnerability to provide for the basic need for water supply to the single largest contingent of the City's population. With outages due to severe events on an annual frequency that compromises the health and safety of the residents, improvements to the delivery and storage systems are critical measures for the City. At last estimate, the City projects that there is approximately six hours of water supply in case of an emergency. This volume is relied on for basic fire-sighting, residential needs, and commercial operations. The proposed project is to design and construct a 1 MG elevated storage tank and an alternate 36" water transmission line coming directly from our Water Purification plant on HWY 73 into the downtown area would ensure an uninterrupted potable water supply, even in the event of a major rupture of the current water transmission line. Having the alternate transmission line would also spur growth of commercial and residential interests in the downtown area. *(Detailed scope and cost are available as needed)*
3. **Lake Arthur Detention** – (\$20,071,711.00) The Lake Arthur Detention project is a proposed drainage project that will reduce the risk of flooding to the Lake Arthur subdivision by providing an increase in storm water detention capacity/volume increase of 209 ac-ft. The project scope includes construction of a detention pond and a pump station to relieve flooding in the surrounding project impact area and offer increased protection to over 300 families and businesses. During the 2017 Harvey event, the project impact area averaged four feet of water surface inundation inside the homes. This project area is an example of how local ordinances and building requirements coupled with infrastructure improvements can achieve dramatic results against future disaster experiences. Further, the project impact area is critical to the city's tax structure. The project design, environmental assessment, archeological survey and permitting is already completed. *(Detailed scope and cost are available as needed)*

4. **Jimmy Johnson Blvd, Savannah Avenue and 9th Avenue Street Elevation – (\$12,000,000)**

Jimmy Johnson Blvd, Savannah Avenue and 9th Avenue streets located in Port Arthur, TX represent some of the City's most vulnerable road infrastructure. The anticipated project area severely floods during virtually every significant rain event. Street ponding and water build up is experienced in these streets even during a 10-year storm event. While many of the commercial and residential structures in the project impact area are elevated appropriately, the roadway was built to a lower elevation requirement and needs an elevation update. Additionally, the integrity of the roadway is subject to adverse hydrologic impacts due to base intrusion and the frequency of standing water on the road surface. The roadways in question provide critical paths for evacuation and movement of residents from all parts of the City and the standing water prohibits emergency response agencies from reaching lives and properties within acceptable timelines during rain events. The purpose of this project is to design and elevate these streets to a proper elevation and mitigate the deterioration of the streets due to ponding. *(Detailed scope and cost are available as needed)*

Ronald Burton



City Manager



March 1, 2022

Southeast Texas Regional Planning Commission
ATTN: Glenda Lacy
Director, Disaster Recovery Division
2210 Eastex Freeway
Beaumont, Texas 77703

**Texas Appleseed Comments on Texas CDBG-MIT Regional MOD Planning Process:
SETRPC**

Dear Ms. Lacy:

Thank you for the opportunity to comment on SETRPC's MOD planning process for Community Development Block Grant – Mitigation (CDBG-MIT) funding. We appreciate that SETRPC has been clear that the U.S. Department of Housing and Urban Development (HUD) has not approved Amendment 1 to the State of Texas Action Plan for CDBG-MIT funds, and that the current MOD applies only to Round 1 Regional Mitigation funding.

Texas Appleseed is a non-profit public interest law center whose mission is to promote social, racial, and economic justice for all Texans by changing unjust laws and policies that prevent Texans from realizing their full potential. Appleseed has worked on disaster recovery issues in Texas since Hurricane Rita in 2005.

The CDBG-MIT program is a unique and significant opportunity for Texas to carry out strategic and high-impact activities in high-risk areas to mitigate future disasters and losses. The program defines mitigation as activities that: Increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship by lessening the impact of future disasters.

The Administration cannot emphasize strongly enough the need for grantees to fully and carefully evaluate the projects that will be assisted with CDBG–MIT funds. One of the goals of CDBG–MIT is to set a nationwide standard that will help guide not just future Federal investments in mitigation and resilience activities—to include the mitigation of community lifelines, but state and local investments as well. The level of CDBG– MIT funding available to most grantees cannot address the entire spectrum of known mitigation and resilience needs. Accordingly, HUD expects that grantees will rigorously evaluate proposed projects and activities and view them through several lenses before arriving at funding decisions, including ensuring that already committed public or private resources are not supplanted by CDBG–MIT funds. (84 Fed. Reg. 45838; 45839-45840)

The point of CDBG-DR MIT is to fund forward-looking projects and enable the coordinated government action necessary to reduce future risk.

The most problematic issue with the CDBG-MIT Action Plan was that the outcomes produced by the Round 1 Hurricane Harvey Statewide Grant Competition excluded the high-risk and densely populated areas on the Gulf Coast; including areas of SETRPC like Port Arthur and Beaumont that experienced the “[I]argest rainfall event in U.S. history”.¹ While CDBG-MIT funding does not have to be linked to specific damage, the widespread and devastating effect of Hurricane Harvey, the frequency with which these areas bear the brunt of hurricanes, tropical storms and depressions, and both coastal and riverine flooding is a clear indicator that they are the areas with the highest level of risk and the most need for mitigation.

While all Texas communities deserve protection from flooding and major storms, CDBG-MIT funding should be addressing the greatest risks, the most vulnerable communities, and protecting as many people as possible.

I. Public Participation

While involving the public at the earliest possible stage in planning and processes around disaster planning, response, recovery, and mitigation is crucial, the public should also be offered an opportunity to comment on SETRPC’s proposed MOD before it is submitted to GLO. Not only will the data, objective factors, weighting, and project

¹ State of Texas Amendment 1 at 21.

priorities SETRPC chooses to use have a substantive impact on the allocation of funds, but the public must also have an opportunity to comment on any waivers SETRPC is requesting from GLO before those waivers are submitted.

SETRPC should also conduct the specific outreach necessary to “bring non-elected members of the community into discussions regarding the MOD.” The Guidance suggests that COGs reach out to housing advocacy organizations, faith-based organizations, and other community groups, river authorities, conservation groups, historical preservation groups, and other organizations that may have knowledge about needed mitigation efforts in the community, and Limited English Proficiency (LEP) populations and the organizations that serve them. The Guidance also states,

[t]he COG must contact and work with local organizations representing protected classes of individuals, as well as organizations interested in fair housing issues, to gain additional perspective on fair housing and civil rights issues in the COG. This exercise should also help the COG understand how the people they represent are affected by natural disasters. Approaches beyond simple written notification of public hearings are encouraged. For example, the COG could host a separate meeting with housing advocacy groups active in the region or visit local offices of civil rights groups. The COG could also pursue personal outreach by calling groups individually.²

As the Guidance notes, “simple written notification of public hearings” is likely to be insufficient.

II. Waivers of Program Requirements

A. LMI Requirements

SETRPC should not ask for a waiver of low- and moderate-income (LMI) requirements attached to CDBG-MIT funds.

“Unlike other forms of Federal disaster recovery assistance, CDBG-DR and CDBG-MIT grants have a statutory focus on benefiting vulnerable lower-income people and communities and targeting the most impacted and distressed areas” (84 Fed. Reg. 45838) HUD has already lowered the percentage of CDBG-MIT funds that must serve LMI populations from 70% to 50%; SETRPC should not ask for an additional waiver.

² GLO MOD Guidance at 6.

Not only are CDBG-DR and CDBG-MIT funds statutorily required to benefit LMI persons and communities, but they are also in many cases the only disaster recovery funds available to LMI households, and to protect the most vulnerable communities from future risks. Other disaster recovery programs primarily benefit higher-income families and communities; in counties with major disasters (areas with at least \$10 billion in damages), higher-income white communities gained an average of \$126,000 in wealth following the damage and recovery efforts. Lower-income communities of color lost up to \$29,000 on average in personal wealth following events like hurricanes and wildfires.³

FEMA Hazard Mitigation Grant (HMPG) projects, for example, must meet a cost-benefit standard that counts property value over people. These grants are more available to and have

historically benefited, higher-income communities. FEMA Public Assistance funds, likewise, favor communities with the capacity to apply for and manage complex federal grants, and with money to meet the federal match requirements. These disparities are increased and compounded the history of racial segregation, which has not only depressed property values in communities of color through redlining, ongoing lending discrimination, and the location of environmental hazards, but has been marked by historical disinvestment in infrastructure and public services - including both basic drainage and other infrastructure, and protective infrastructure that would mitigate disaster damage, leaving these communities most vulnerable to disasters. Projects that benefit LMI and historically disinvested communities should be prioritized, and regional projects must include local projects that ensure these communities can benefit from larger regional or jurisdiction-wide projects.

We note that CDBG-MIT funds are not the only mitigation funds available to jurisdictions. The Federal Emergency Management Administration (FEMA) Hazard Mitigation Grant Program (HMGP) is an ongoing source of mitigation funding, as is the Building Resilient Infrastructure and Communities (BRIC) grant program. The Army Corps of Engineers (ACOE) also funds large-scale infrastructure projects for flood protection. Both FEMA and ACOE, however, only fund projects that meet a benefit-cost analysis standard that relies on property value as a measure, favoring areas with higher property values. As noted above, existing mitigation funding favors higher-income and wealthier

³ See: Junia Howell and James R. Elliott, "Damages Done: The Longitudinal Impact of Natural Hazards on Wealth Inequality in the United States". *Social Problems*, Oxford University Press (August 14, 2018). Available: <https://academic.oup.com/socpro/advance-article/doi/10.1093/socpro/spy016/5074453> and, Rebecca Hersher, "How Disaster Recovery Favors the Rich", *All Things Considered*, National Public Radio (March 5, 2019). Available: <https://www.npr.org/2019/03/05/688786177/how-federal-disaster-money-favors-the-rich>

communities; CDBG-MIT funding is the only mitigation funding that targets less wealthy communities and must not be diverted to serve areas that already have access to other mitigation funding and previous investment in flood infrastructure.

B. Eligible Entities

Nor should SETRPC ask for a waiver to include additional eligible entities beyond cities, counties, and the COG itself. Elected officials should be responsible for decisions about public funds and not quasi-governmental entities without direct accountability to the public.⁴

C. Minimum Grant Amount

SETRPC should not request a waiver of the \$1 million minimum grant amount. CDBG-MIT funding is not an additional pot of CDBG-DR funds, but a new source of funding intended to support, as the State’s Action Plan states, “regional investments with regional impacts in risk reduction”. Even if they are distributed to local grantees, these funds should be prioritized for larger-scale projects that mitigate risks to as many households as possible.

III. **Objective Factors and Data**

Texas Appleseed supports the use of a data-based formula to allocate funds and select projects. We also understand that accurate comprehensive data on disaster damage and risk can be difficult to find and use. However, the data and formula must account for deficiencies in FEMA and other data, existing inequities and level of risk, and ensure that the needs of all Texans affected by Hurricane Harvey are taken into account⁵ There are

⁴ In that they are not composed of elected officials or responsible to voters beyond those who live in, for example, the master-planned community a MUD was created to serve.

⁵ For example, for the second allocation round following Hurricanes Dolly and Ike in 2008, HUD created a new formula for allocating CDBG disaster recovery funds between states. The formula took into account: “(i) The sum of estimated unmet housing, infrastructure, and business needs, adjusted by (ii) a HUD-calculated risk level for recovery challenge,” which compensated for some of the problems with FEMA data – particularly the underrepresentation of unmet needs in low-income minority families and communities”, including a “challenge to recover” factor reflecting data from Hurricanes Katrina, Rita, and Wilma that was used to calculate the risk a home would not recover, adjusting grant allocations so that states with higher per-damaged home risk scores received more funds. Department of Housing and Urban Development Additional Allocations and Waivers Granted to and Alternative Requirements for 2008 Community Development Block Grant (CDBG) Disaster Recovery Grantees (August 14, 2009) Federal Register/Vol. 74, No. 156 [Docket No. FR–5337–N–01] available at <http://edocket.access.gpo.gov/2009/pdf/E9-19488.pdf> and 46 Fed. Reg. Vol. 74, No. 156. Friday, August 14, 2009,

both objective factors and adjustments, for example, to the geographic level of analysis, that will provide the most accurate analysis of risk and the greatest need for mitigation. We urge SETRPC not to replicate the flaws in its Hurricane Harvey CDBG-DR MOD.⁶

A. Composite Disaster Index

First, SETRPC should not use the Composite Disaster Index (CDI). The CDI methodology produces a distribution of counties more frequently affected by seven hazards relative to other counties and weighted by the hazards with the greatest impact on human casualties and property loss. However, this is not the distribution most relevant to the CDBG-MIT funds; particularly in the SETRPC region. We note, in fact, that the use of the CDI in the state-level allocation of funds has most likely underfunded the entire region.

The CDI ranks counties by the highest frequency per hazard - including wildfires, hail, and drought⁷ - that are not eligible for mitigation using CDBG-MIT funds. CDBG-MIT funds can only be used to address mitigation needs related to the identified risks from hurricanes/tropical storms/tropical depressions, severe coastal/riverine flooding, and for counties eligible for the 2015 and 2016 grant competitions, tornados. The CDI was also calculated using all 240 counties in Texas, and not the 140 counties eligible for CDBG-MIT funding.

Because the scores are weighted by the relative impact of each hazard on property loss and human casualties, wildfires (an ineligible hazard) are weighted more heavily than riverine flooding or tornados (eligible hazards). The state's calculation method also normalized the distribution twice, pulling outliers - counties with the most severe risk for eligible hazards - towards the middle of the distribution, meaning that their relative

p. 41155

⁶ Following Hurricane Harvey, the MOD process for CDBG-DR funds also raised serious civil rights questions. SETRPC's methodology did not comply with the federal or state requirements by using weather data and not unmet need data and steered funds away from densely populated areas with concentrations of people of color. For example, Port Arthur received only about twice as much funding as cities with less than 1% of its population, and Beaumont received less than twice the funding of cities that are 0.5% of its size. The cities in the SETRPC region with the three highest percent Black non-Hispanic populations (Beaumont, Port Arthur, and Orange) were also the three cities allocated the lowest per capita funding for buyouts. The small cities that received the highest per-capita funding for buyouts were: Taylor Landing, 87.3% non-Hispanic White; Bevil Oaks, 81.8% non-Hispanic White; Pine Forest, 90.4% non-Hispanic White; Rose City, 88.4% non-Hispanic White, and Rose Hill Acres; 91.4% non-Hispanic White. Port Arthur, Beaumont, and Orange also had the highest number of damaged owner-occupied homes in the region according to FEMA data (which undercounts damage to LMI households).

⁷ Eligible hazards for the 2015 and 2016 flood competitions did include tornados, the criteria for reallocation of these funds is in 5.4.1 and 5.4.2 of the Amendment.

risk for eligible hazards looks smaller than it actually is. If the CDI was based only on eligible counties and eligible hazards, it would result in a shift in county rankings. Using the state-calculated CDI is likely to divert funds away from the areas most affected by hurricanes/storms/depressions and coastal/riverine flooding - the two hazards that the majority of CDBG-MIT funds must address - and the areas of the state most vulnerable to storms and flooding are also some of the areas with the largest populations of affected persons.

In addition, the CDI only calculates risk based on data from the past 20 years, up to 2018. Failing to include any factor that accounts for the increasing severity of disasters – for example Tropical Storm Imelda (DR-4466-TX) - and the effect of climate change also skews the allocation away from the most at-risk areas. On February 15, 2022, the National Aeronautics and Space Administration (NASA), the National Oceanic and Atmospheric Administration (NOAA), the Department of Homeland Security (DHS), ACOE, the Department of Defense (DOD), and FEMA updated their 2017 report on sea-level rise. The updated report predicts that the sea level along U.S. coastlines will rise between 10 to 12 inches on average above current levels by 2050 which will significantly increase coastal flooding; particularly on the East and Gulf Coast.⁸

The Federal Register Notice allocating these funds is clear that “mitigation solutions designed to be resilient only for threats and hazards related to a prior disaster can leave a community vulnerable to negative effects from future extreme events.” (84 Fed. Reg. 45847) Grantees must mitigate the risks of future disasters, for example, “[g]rantees must consider high wind and continued sea-level rise and . . . the frequency and intensity of precipitation events.” (84 Fed. Reg. 45847) These are, again, disaster events that are particularly high-risk for the region.

SETRPC should not use a measure that does not accurately measure the risk associated with hurricanes, tropical storms and depressions, and severe coastal and/or riverine flooding.

Nor does the CDI include increased risks from the impact of natural disasters on industrial or otherwise hazardous uses that may result in explosions, toxic spills, and air pollution releases. Again, this is a particular issue for the SETRPC region – the location of the largest refinery in North America – as well as hazardous uses like chemical storage

⁸ NASA, NOAA, DHS, FEMA, ACOE, DOD, EPA, USGS, “Global and Regional Sea Level Rise Scenarios for the United States”, February 15, 2022. Available: <https://oceanservice.noaa.gov/hazards/sealevelrise/sealevelrise-tech-report-sections.html>

tanks, many of which are in close proximity to residential neighborhoods. SETRPC should use proximity to these hazards as an objective factor.

B. Social Vulnerability Index (SoVI) and LMI Percentage

The Social Vulnerability Index is an objective factor that identifies existing conditions of inequality and most urgent need, and is, therefore, critical to an equitable distribution of funds that complies with CDBG and other civil rights requirements, and that helps ensure the most effective use of funds. Use of the SoVI is a critical component of any distribution of public funding and SETRPC should use this factor in its MOD.

However, determining SoVI score at the county level rather than at a lower geographic level means that areas with greater economic inequality will have lower SoVI scores, even if there are areas within those counties with very high levels of social vulnerability and urgent mitigation needs. This may steer funds away from the hardest-hit areas that are most affected by pre-existing inequities and where mitigation funds would be most effective.

In general, research shows that low-income and people of color population groups are statistically minimized at the county scale, while census tracts or block groups are more inclusive scales. Even Dr. Cutter, who originally developed the SoVI, first published her SoVI Index on a county-basis, but then shifted to a census-tract basis in order to more accurately identify areas of vulnerability.

The Notice states that “[t]he action plan must describe the impacts of the use of CDBG-MIT funds geographically by type at the lowest level practicable (e.g., county level, zip code, neighborhood, or census tract).” (84 Fed. Reg. 45864) An analysis at the county level will not accurately identify the most impacted and distressed areas, where LMI populations live, or where social vulnerability is most prevalent.

CDBG-MIT grantees are also specifically required to “assess how the use of CDBG-MIT funds may affect members of protected classes under fair housing and civil rights laws, [and] racially and ethnically concentrated areas of poverty”. (84 Fed. Reg. 45847) Use of the SoVI at an appropriate geographic level is critical to this analysis. Identifying the most impacted and distressed areas at the county level is not enough to meet the specific needs of low-income people at the sub-county level. This is exactly how disaster recovery and mitigation programs systematically exclude the lower-income families and communities that are least protected, most impacted by disasters, and face the greatest

future risks. We note that Action Plan Amendment 1 was not approved by HUD because it failed to include this analysis. SETRPC's analysis of how its MOD will affect these areas and populations should also be provided for public comment before the draft MOD is submitted to GLO.

C. FEMA and NFIP Data

FEMA's own National Advisory Council, chaired by Texas Department of Emergency Management Chief Nim Kidd, found that:

[m]any FEMA programs do not consider the principle of equity in financial assistance relief. Damage assessments are based on property ownership, which immediately focuses on the wealthier parts of a community, and disadvantages renters and the homeless population. The Public Assistance Program most benefits communities that can afford to pay the required match and can navigate the complexities of the contracting agencies. The Individual Assistance Program is more accessible to those with time, income, and access. The National Flood Insurance Program inadvertently assists the wealthier segment of the population by serving only those who can afford to buy flood insurance.⁹

FEMA and NFIP data must be used with the knowledge that it undercounts damage to low- and moderate-income families and communities, and that disaster recovery programs perpetuate these disparities.

In many communities, information about available resources following natural disasters is spread by word-of-mouth, leading to reduced applications for programs like FEMA Individual Assistance in rural areas and communities lacking in social infrastructure. Lower numbers of FEMA applications may also reflect, for example, lack of access to the internet or Disaster Recovery Centers in rural areas or specific neighborhoods. Even in communities where residents are knowledgeable about FEMA programs, high levels of distrust in government generally and in FEMA specifically can prevent residents from applying for assistance through FEMA programs. FEMA rejects high rates of applicants for Individual Assistance programs, so in communities that have been struck by repeated disasters, applications for FEMA Individual Assistance programs can decline over time as residents learn that these programs are functionally inaccessible.

SETRPC should use the total number of FEMA Individual Assistance applications rather

⁹ NAC Report at 12.

than the number of accepted applications. Overall, FEMA's denial rates after Hurricane Harvey were extraordinarily high.¹⁰ Denial rates particularly high for lower-income households. Applicant households earning more than \$70,000/year were rejected for individual assistance only 10% of the time while applicants earning less than \$15,000/year were denied 46% of the time.¹¹ This statistic does not reflect varying degrees of damage but rather varying degrees of access to the program and resources to navigate the bureaucratic hurdles, as well as subjective assessments by FEMA inspectors, many of whom had minimal training.

SETRPC should use FEMA data that includes applications for personal property damage, and other FEMA data that records damage to rental housing units, in order to take renters into account. Renters, particularly low-and moderate-income (LMI) renters, are among the populations most vulnerable to natural disasters and must rely on landlords and developers to repair or rebuild rental housing. Most disaster recovery assistance for rental housing does not go to renters directly or ends well before rental housing is rebuilt. Between 2006 and 2015, only \$3.05 billion of CDBG-DR grants went to affordable rental housing, while \$13.6 billion went to homeowners. CDBG-DR funding for new affordable rental housing construction took an average of 4.6 years to be expended, and because only 51% of the rebuilt housing has to be affordable to LMI (under 80% of AMI) renters, pre-disaster affordable rental housing is often replaced with less affordable housing - if it is replaced at all. Mitigating the risk to rental housing - particularly affordable rental housing - should be prioritized.

SETRPC must account for the fact that FEMA damage amount data also undercounts damage to both lower-income renters and homeowners. If FEMA inspectors make a subjective assessment that a renter's personal property was not worth \$2000 or that

¹⁰ Dreier, H. (2021, June 23). FEMA pressed on historically high rejection rates for disaster survivors. Washington Post. https://www.washingtonpost.com/national/fema-pressed-on-historically-high-rejection-rates-for-disaster-survivors/2021/06/23/40edf97c-d43a-11eb-ae54-515e2f63d37d_story.html

¹¹ Adams, A. (2018, November 30). Low-income households disproportionately denied by FEMA is a sign of a system that is failing the most vulnerable. <https://texashousers.net/2018/11/30/low-income-households-disproportionately-denied-by-fema-is-a-sign-of-a-system-that-is-failing-the-most-vulnerable/> Denials based on heir property ownership are an additional barrier, particularly for households in Black communities where this form of ownership is more prevalent. Dreier, H., & Ba Tran, A. (2021, July 11). 'The real damage': Why FEMA is denying disaster aid to Black families that have lived for generations in the Deep South. Washington Post. <https://www.washingtonpost.com/nation/2021/07/11/fema-black-owned-property/>

damages to a home were not worth at least \$8000 or attribute a building's condition to "deferred maintenance" rather than storm damage - these disaster survivors are not included in FEMA data. Low FEMA damage assessments may not reflect less damage so much as the socioeconomic status of the neighborhood; wealthier communities will *prima facie* have higher property values and hence higher recorded damage.

There are similar problems with NFIP data. For example, by federal definition, all NFIP Repetitive Loss properties must have flood insurance because FEMA tracks the number of claims made on these properties. Repetitive loss data, therefore, excludes low-income families, who cannot afford flood insurance. FEMA has special programs for Repetitive Loss properties but no special programs for low-income communities.

Additionally, many of the homes that flooded during Hurricane Harvey and subsequent disasters were not located in flood plains and are much less likely to have flood insurance. In Harris County, 75% of the 204,000 homes and apartment units that flooded during Hurricane Harvey were outside of the 100-year floodplain.¹²

II. Prioritization of Projects and Eligible Uses

The MOD should prioritize projects that protect the most people over the most property value.

Any methodology that uses property value will fail to prioritize LMI families and communities as required by the Notice. If an assessment of risk is based on the total cost of damages to property, assets, and public infrastructure, then damage costs would be higher in wealthier areas because of the higher value of the property and assets, and because of higher past investments in infrastructure. Lower-income people and communities have, by definition, lower-value properties and fewer investments in public infrastructure. As a result, mainstream approaches to calculating the "most impacted" will disproportionately privilege wealthier areas.

SETRPC should prioritize flood mitigation projects, and projects that protect the largest

¹² Hunn, David, Matt Dempsey, & Mihir Zaveri. (2018, March 30). "Harvey's Floods: Most Homes damaged by Harvey were Outside Floodplain, Data Show." Houston Chronicle. <https://www.houstonchronicle.com/news/article/In-Harvey-s-deluge-most-damaged-homes-were-12794820.php#:~:text=Hurricane%20Harvey%20damaged%20more%20than,of%20homeowners%20uninsured%20and%20unprepared.>

number of people, including regional projects.¹³ These are the types of projects that CDBG-MIT is intended to fund and the most effective use of this funding. Including regional projects would also help ensure that high-risk jurisdictions are not denied mitigation for lack of capacity.

Jurisdictions and entities that received funding in the Hurricane Harvey Round 1 Statewide Competitive Grant Program should not be eligible for additional funding. In addition, jurisdictions that were offered HMGP Supplemental or Coastal Resiliency funds and did not apply for or accept those funds should not be eligible for Regional MOD funds.

Please don't hesitate to contact us with any questions or concerns about our comments. We look forward to the opportunity to review the preliminary draft MOD.

Sincerely,
Madison Sloan
Director, Disaster Recovery Project
msloan@texasappleseed.org

¹³ We want to emphasize that while we endorse the use of these funds for larger, high-impact projects, those projects may need to include targeted local infrastructure investments to ensure that they provide mitigation for everyone in the project area. For example, following Hurricane Dolly, the LRGVCD proposed improving its regional drainage structure. This would have benefitted incorporated areas with engineered drainage but excluded the colonias; concentrations of low-income families and families of color without engineered drainage that were not connected to the regional drainage system. The same areas that were most impacted by Hurricane Dolly, many colonias had standing water for over a month, rendering them inaccessible and increasing their rates of water and mosquito-borne diseases, would not have benefitted from a project that was intended to mitigate the most significant damage and for which colonia families were being counted towards the region's LMI National Objective. Similarly, in eligible areas where historical disinvestment has resulted in inadequate infrastructure and other deficiencies which increase neighborhood vulnerability, any larger project must include the localized infrastructure necessary to ensure that those communities are served by projects funded with CDBG-MIT funds.

Jefferson County
Drainage District No. 6
6550 Walden Rd. • Beaumont, Texas 77707
Telephone (409) 842-1818
Fax (409) 842-2729
Established in 1920

Board of Directors:

Joshua W. Allen, Sr.
Charles “Chuck” Guillory
Bernie Daleo
Anthony Malley, III
Charles “Chuck” Kiker, III

Dr. Joseph G. Majdalani, PE, CFM
General Manager
Doug S. Canant, Jr., PE, RPLS, CFM
District Engineer
Chuck Oakley, CPA
Chief Financial Officer
Karen J. Stewart, MBA, CTCD
Chief Business Officer

February 28, 2022

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703
Attn: Shanna Burke, Executive Director

RE: South East Texas Regional Planning Commission (SETRPC) Community Development Block Grant – Mitigation (CDBG-MIT) Method of Distribution (MOD)

Dear Ms. Burke,

Please accept this letter as the official comments from Jefferson County Drainage District No. 6 (DD6) associated with the South East Texas Regional Planning Commission’s (SETRPC) development of the Regional Method of Distribution (MOD) associated with the Community Development Block Grant – Mitigation program (CDBG-MIT) as administered and directed by the Texas General Land office (GLO).

As you may know, DD6 is the largest special purpose district within the region. Our service area covers over 500 square miles which includes the City of Beaumont, Bevil Oaks, China, Nome, the census designated place of Fannett, as well as various other unincorporated regions within Jefferson County. This area represents approximately 40% of the population of the entire SETRPC region. To further put this into perspective, the DD6 service area is nearly the size of the City of Houston.

The sole mission of DD6 is to develop, maintain, and implement flood mitigation projects within its jurisdictional boundaries. However, with the impact of recent storm events, and the ever-increasing threat of future events, the District is seeking alternative options to secure needed funding to these critical projects within the region. In lieu of raising taxes, which are the lowest of any other drainage district in the region, the District has pursued various federal programs. Most recently, the District applied for approximately \$600 million in funding from the GLO’s CDBG-MIT Harvey competition. These proposed projects would have significant impacts and long-term benefits to the populations which they service. Unfortunately, due to the CDBG-MIT Harvey Competition scoring criteria, the jurisdictional boundaries of DD6 were not considered, nor was its past competency in managing more than \$130 million in awarded federal grant projects. The scoring metrics were biased to a special purpose district whose jurisdictional boundaries did not fall completely within the boundaries of an existing City or County. Thereby causing our applications to fall out of the funding range. Little consideration was given to our applications’ benefit to the population and the protection of life and property as a result of the proposed improvements.

While there may be other potential funding opportunities, there exists no greater opportunity for the District than the current Method of Distribution that is being developed by SETRPC for over \$142 million. As such please consider the following points

Inclusion of Special Purpose Districts within the Regional MOD

Special Purpose Districts were determined to be included as eligible applicants within the CDBG-MIT Hurricane Harvey competition as conducted by the GLO. We believe our efforts and discussions with leadership at the GLO were instrumental to ensure inclusion of Special Purpose Districts within the State Action Plan and resulting competition. The inclusion of Special Purpose Districts within the SETRPC should be highly considered and we adamantly request the regional consideration and submission of the Waiver to the GLO to include these districts within the development of this MOD.

This is not an unreasonable request. As previously stated, the GLO allowed Special Purpose Districts participation in the Harvey competition. Since the regional MOD is solely for the Harvey impacted regions, it would stand to reason that these districts would also be included. Moreover, the GLO's amended Action Plan includes the allocation of \$750 million to Harris County for the development of a County-wide MOD. The structure of Harris County's \$750 million allocation allows for Special Purpose Districts to be included without the request for a waiver. Given that the GLO has established this precedence, it seems duly reasonable that the GLO will approve the waiver, if submitted, by the SETRPC.

Regional Set-Aside for Major Drainage Projects

The CDBG-MIT funding was developed and approved by the legislature to be a forward-thinking effort to address the devastating impacts of natural disasters. The GLO's interpretation of this unique funding opportunity has encouraged jurisdictions within the eligible regions to develop projects that take aim at lessening the effects of disasters on life and property.

The disasters that lead to this funding opportunity are all related to flooding events. Since the funding is intended for mitigation activities (forward thinking solutions) related to future disaster events (flooding being the most prevalent for our region), then it would stand to reason that this MOD should consider a regional set-aside for major flood mitigation projects. The drainage districts within the region, specifically DD6 as pointed out in the opening of this letter, provide flood mitigation projects that work, with appropriate regard for community and natural values. The District accomplishes this by devising and implementing hazard mitigation plans and maintaining the infrastructure. As a result, a set-aside amount should be considered from this allocation.

We understand that this regional set-aside approach has been approved by the Houston-Galveston Area Council of Governments (HGAC) in which this region set-aside \$62 million (approximately 13% of the regional allocation) for projects that would have regional and multi-jurisdictional projects. Given that DD6 covers a large expanse of property and population, we respectfully request the consideration of a similar regional set-aside from the SETRPC MOD for regional and multi-jurisdictional projects.

Evaluation Metrics

The CDBG-MIT Harvey competition included several evaluation factors that were detrimental to application scoring – not only for DD6 applications, but for many others. Factors such as the County Composite Disaster Index (CDI), Social Vulnerability Index (SVI), and Per Capita Market Value (PCMV), are not adequate evaluation metrics and should not be considered with this methodology.

Rather, we would recommend factors that consider populations within the 100- and 500-year flood plains, disaster impacts from Hurricane Harvey and Tropical Storm Imelda (most impactful disaster events associated with the CDBG-MIT legislation for this region), previous CDBG-MIT funding awards, and management capacity of the jurisdiction to effectively and efficiently implement program funds.

This is an incredible opportunity for our region, and I understand the magnitude of your efforts to develop an equitable distribution of funds. We respectfully request that you strongly consider including special purpose districts, like DD6, in this equitable distribution. I appreciate your consideration of these talking points and look forward to reviewing the forthcoming Method of Distribution.

Respectfully,

A handwritten signature in black ink that reads "Joseph Majdalani". The signature is written in a cursive style with a large, sweeping initial "J".

Dr. Joseph G. Majdalani, P.E.
General Manager
Jefferson County Drainage District No. 6

Public Hearing Phase - Public Comments

Method	From	Comment	Response
Public Hearing (8/16/22)	City of Beaumont	Read a letter that was later retracted. Please see the new letter.	Please see attached letter.
Public Hearing (8/16/22)	City of Port Arthur	Recognizes the value of a regional approach to the drainage challenges for the city of Port Arthur and beyond. May leave cities zeroed out. Round One- Agrees with the City of Beaumont Comments. Applied for a large project and award any funding, appealed the scoring errors, if fixed they would have been funded. Believes that the city could move more quickly than a regional approach. PA has a 60% LMI Population. Believes that the regional scope is does not account for local needs, nor accountability to those members of the city of Port Arthur. The city does have a positive relationship with DD7 and intends to continue the positive relationship they are worried about accountability and would like caveats added to the MOD. Would like five members to represent the city of Port Arthur and want the board to select projects. Wants the MOD to add goals and achievement levels.	Please see attached letter.
Public Hearing (8/16/22)	Orange County Drainage District	Orange County is one of three counties receiving funding and is only receiving \$31 Million. Was a little concerned that our distribution wasn't higher for Orange County but understands considering the factors. Has already held a meeting with cities, county, and other entities to work together on the plan. Had the highest-ranking unfunded project from Round One. Orange County supports the plan.	Please see attached letter.
Public Hearing (8/16/22)	Henry Abney City of Nome	Agrees 100% with drainage. Represents small cities in Western Jefferson County. Water and sewer plant both unfunded \$500,00 grant does nothing. Consider Smaller cities in Western Jefferson County.	The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Mitigation Method of Distribution (MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts. We appreciate your support for funding drainage projects. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We understand the difficulties that small cities have faced when trying to obtain funding for projects. We believe that the massive drainage issues that Southeast Texas faces can be solved through regional collaboration, and this funding provides essential support for such projects. Once again, thank you for participating in the CDBG-MIT MOD development process. Community leader input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.

Public Hearing Phase - Public Comments

Public Hearing (8/16/22)	Judge Wayne McDaniel Hardin County Judge	Supports the MOD. Citizen comments support drainage improvements . Agrees that we should have gotten more money but seems fairs. Intends to work with all cities within the county, along with MUD’s and other entities. Also intends to work with Orange County and DD6 to make sure to have a regional approach that helps with the regions drainage issues. Although the decision has not been made but it looks like the project that will be chosen will benefit the citizens Hardin and the citizens of Beaumont by trying to divert water straight to the Neches River rather than coming down to the bayou as it does now. Thinks if we all work together, we will certainly be able to use this large amount of funding that's coming to Southeast Texas to greatly improve drainage throughout Southeast Texas to improve the lives of the citizens of Southeast Texas.	The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Mitigation Method of Distribution (MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts. We also appreciate your support for funding drainage districts. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We believe that the massive drainage issues that Southeast Texas faces can be solved through regional collaboration, and this funding provides essential support for such projects. Once again, thank you for participating in the CDBG-MIT MOD development process. Community leader input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.
Public Hearing (8/16/22)	Judge Gothia Orange County Judge	Supports the MOD. Understands that all projects are important to communities. After looking at the overall scope of projects decided the best approach was to let the Drainage Districts handle the funding. Projects will affect all of Orange and creates less flooding for orange County residents which is the main goal, but the project will also help the City of Beaumont and Jefferson County residents. Regional Projects have been discussed and regional approach is the best approach for this round. Full support of this approach.	The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Mitigation Method of Distribution (MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts. We also appreciate your support for funding drainage districts. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We believe that the massive drainage issues that Southeast Texas faces can be solved through regional collaboration, and this funding provides essential support for such projects. Once again, thank you for participating in the CDBG-MIT MOD development process. Community leader input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.
Public Hearing (8/17/22)	John Laycock Texas Appleseed	Had a question regarding if the Drainage Districts already know their projects or will there be a separate selection process for the projects.	The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Mitigation Method of Distribution (MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts. As Mrs. Burke stated at the public hearing, the drainage districts do have some projects listed in their Hazard Mitigation plans. However, they can apply to GLO with any projects they may have, not just the ones stated in the plan. Once again, thank you for participating in the CDBG-MIT MOD development process. Community input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.
Public Hearing (8/17/22)	Commissioner Johnny Trahan Orange County	Supports the MOD The proposed methodology of 80% for population and 20% for social vulnerability index is fair to all entities and ensures that all citizens of the region will benefit. Will be submitting a letter.	Please see attached letter.

Public Hearing Phase - Public Comments

<p>Public Hearing (8/17/22)</p>	<p>Josh Allen Jefferson County Drainage District No. 6</p>	<p>Supports the MOD. Drainage has been an issue for quite some time. LMI is a good factor and ensure the greatest number of people will benefit.</p>	<p>Please see attached letter.</p>
<p>Public Hearing (8/17/22)</p>	<p>Jefferson County Drainage District No. 7</p>	<p>We at Jefferson County Drainage District No. 7 are in full support of the Method of Distribution for the allocation of U.S. Department of Housing and Urban Development Community Development Block Grant Mitigation Regional Mitigation Program funds. We appreciate the consideration of the South East Texas Regional Planning Commission and the Texas General Land Office in the administration of these funds. DD7 looks forward to continued cooperation to address the regions drainage needs.</p>	<p>The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Mitigation Method of Distribution (MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts. We also appreciate your support for funding drainage districts. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We believe that the massive drainage issues that Southeast Texas faces can be solved through regional collaboration, and this funding provides essential support for such projects. Once again, thank you for participating in the CDBG-MIT MOD development process. Community input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.</p>

Public Comment Phase (8/5/22 – 8/22/22)

Method	From	Comment	Response
Letter	City of Beaumont	Please see the attached letter.	Please see attached letter.
Letter	City of Port Arthur	Please see the attached letter.	Please see attached letter.
Letter	Orange County Drainage District	Please see the attached letter.	Please see attached letter.
Letter	Commissioner Johnny Trahan Orange County	Please see attached letter.	Please see attached letter.
Letter	Josh Allen Jefferson County Drainage District No. 6	Please see attached letter.	Please see attached letter.
Email	Jefferson County Drainage District No. 7	We at Jefferson County Drainage District No. 7 are in full support of the Method of Distribution for the allocation of U.S. Department of Housing and Urban Development Community Development Block Grant Mitigation Regional Mitigation Program funds. We appreciate the consideration of the South East Texas Regional Planning Commission and the Texas General Land Office in the administration of these funds. DD7 looks forward to continued cooperation to address the regions drainage needs.	The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Mitigation Method of Distribution (MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts. We also appreciate your support for funding drainage districts. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We believe that the massive drainage issues that Southeast Texas faces can be solved through regional collaboration, and this funding provides essential support for such projects. Once again, thank you for participating in the CDBG-MIT MOD development process. Community input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.
Letter	Meg Duffy & Madison Sloan Texas Appleseed	Please see attached letter.	Please see attached letter.



City of Beaumont

Robin Mouton
Mayor

August 19, 2022

Ms. Shanna Burke
Executive Director
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

Dear Ms. Burke:

After further discussion with our partners at Jefferson County Drainage District #6 and learning additional information, I would like to retract our letter of objection, dated August 11, 2022, to the proposed Community Development Block Grant-Mitigation (CDBG-MIT) Method of Distribution (MOD) and offer our support.

We are confident that our partners at DD6 will utilize the mitigation funding to further efforts to mitigate future impacts from flooding within the city.

Sincerely,

Robin Mouton
Mayor



August 25, 2022

Mayor Robin Mouton
City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

VIA Email

SUBJECT: Response to Comment Made Regarding the South East Texas Regional Planning Commission Community Development Block Grant Mitigation Method of Distribution

Dear Mayor Mouton:

The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Community Development Block Grant Mitigation Method of Distribution (CDBG-MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts.

We also appreciate your support for funding drainage districts. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We believe that the massive drainage issues that Southeast Texas faces can only be solved through regional actions, and this funding provides essential support for such projects.

Once again, thank you for participating in the CDBG-MIT MOD development process. Community leader input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Shanna Burke".

Shanna Burke
Executive Director

President – Terri Gauthier, Bridge City | 1st VP – Michael Sinegal, Jefferson County | 2nd VP – Wayne McDaniel, Hardin County
3rd VP – Johnny Trahan, Orange County | 4th VP – Mark Allen, Jasper County | 5th VP – Glenn Johnson, Port Neches
Treasurer – Kimberly Cline, Lumberton | Secretary – Amanda Gates, Kirbyville

Executive Director – Shanna Burke

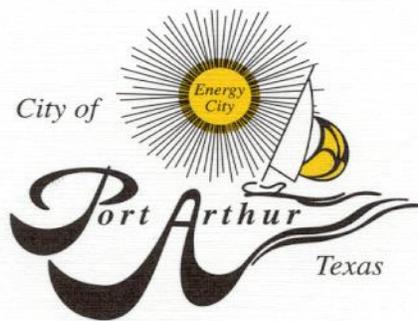
2210 Eastex Freeway Beaumont, Texas 77703-4929

(409) 899-8444 | (409) 347-0138 fax

setrpc@setrpc.org | <http://www.setrpc.org>

THURMAN BILL BARTIE, MAYOR
INGRID HOLMES, MAYOR PRO TEM

COUNCIL MEMBERS:
CAL JONES
THOMAS KINLAW III
KENNETH MARKS
CHARLOTTE MOSES
DONALD FRANK, SR.



RONALD BURTON
CITY MANAGER

SHERRI BELLARD, TRMC
CITY SECRETARY

VAL TIZENO
CITY ATTORNEY

Southeast Texas Regional Planning Commission
CDBG-MIT Regional Mitigation Program
Method of Distribution Comments
2210 Eastex Freeway
Beaumont, TX 77703

City of Port Arthur Public Comments
Submitted via email – mitmod@setrpc.org

SETRPC,

The City of Port Arthur has reviewed the DRAFT version of the SETRPC Method of Distribution for the CDBG-MIT Regional Mitigation Program released on August 5, 2022. In response to the DRAFT, the City of Port Arthur respectfully submits the following comments for Public Record and consideration by SETRPC:

- The City of Port Arthur recognizes the value in a regional approach to addressing the overwhelming need for flood control and drainage improvements in the Port Arthur area, in Jefferson County, and in the entire coastal region of Texas. In principle, the City of Port Arthur does not fundamentally object to a regional approach to flood control and drainage improvements that benefit the City of Port Arthur. However, there is concern that the principle of a regional approach and the practice of a regional approach in this method of distribution in which funding of \$41.3M is directly allocated to Drainage District 7 may indeed leave much, perhaps too much, to the interpretation and vision of a single entity versus a collective mindset and effort from a required collaborative effort.
- Given the six year time expectation of the Texas General Land Office for projects utilizing these funds to be completed and the reality that one of those six years has elapsed, the City of Port Arthur suggests that the timeliness of the much needed drainage improvement projects already identified and ready for advancement could prove to be a more expeditious option, providing actual results well in advance of five more hurricane and rainfall seasons.
- The City of Port Arthur reflects to the SETRPC that in the CDBG-MIT Round 1 submission of a \$92M drainage improvement project submitted as a complimentary project to a parallel project from DD7 was scored just short of selection for funding and included scoring errors that would have changed the funding outcome for the City. Additionally, had the Round 2 process been followed as originally planned, the City of Port Arthur project would have certainly been funded. The current shift in the allocation plan and the proposed Method of Distribution potentially leaves the City of Port Arthur receiving no CDBG-MIT funding again, despite its position in the original process.

- With the CDBG-MIT requirement of LMI participation, it is noted that the City of Port Arthur with a LMI population of over 60% based on the most recent census data is ripe for compliance with the goals of HUD without manipulating data or seeking waivers from the federal guidelines. Furthermore, much of the LMI population in Port Arthur resides in some of the most flood prone areas of the region.
- As previously stated, the City of Port Arthur supports a regional approach that accounts for the local needs and priorities of the relative cities and communities for whom the “anticipated” regional improvements are to benefit. The concern is that in many cases, a single project for DD7 such as their proposed pump station improvement project submission in CDBG-MIT Round 1 could easily exhaust the entirety of the proposed \$41.3M direct allocation which without a complimentary project within the City of Port Arthur, such as the complimentary project also submitted in CDBG-MIT Round 1, significantly decreases, or eliminates the local efficacy of the regional approach. In this illustration, a DD7 project to improve its pump station capacity is of little value until and unless the City of Port Arthur can fund a series of projects that delivers more storm water volume to the improved pumps of DD7. It is this potential gap in planning and project selection that causes some concern with the current MOD DRAFT.
- The City of Port Arthur suggests consideration of some specific and formal guidance and tangible measure of a proposed project to ensure that project(s) reflect the proportionate makeup of the DD7 Board and the proportionate funding benefit to the given areas represented and served by DD7. In other words, within the regional approach for the use of the Regional Mitigation Program funds, the City of Port Arthur requests that two fifths of the associated benefits of a given project be measurably tracked to be directly beneficial to the City of Port Arthur.

The City of Port Arthur has enjoyed and expects to continue to enjoy a positive and cooperative relationship with DD7 and believes that both entities do indeed share a common interest in protecting the lives, properties, and businesses of Port Arthur. There is confidence that with some specific and targeted guidance the DRAFT MOD can and will meet the intended purpose to effectively distribute the available funding in a manner that ensures fair, equitable, and reasonable protection to the region and its members.

Respectfully submitted,



Craig P. Taffaro, Jr.
Ardurra
Consulting Director of Disaster Recovery
On behalf of the City of Port Arthur



August 25, 2022

Mr. Craig P. Taffaro, Jr.
City of Port Arthur
444 4th Street
Port Arthur, TX 77640

VIA Email

SUBJECT: Response to Comment Made Regarding the South East Texas Regional Planning Commission Community Development Block Grant Mitigation Method of Distribution

Dear Mr. Taffaro:

The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Community Development Block Grant Mitigation Method of Distribution (CDBG-MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts.

We also appreciate your support for regional projects. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. The massive drainage issues that Southeast Texas faces can only be solved through regional actions, and this funding provides essential support for such projects.

We understand that the City of Port Arthur has concerns regarding how the drainage districts might spend funding. Based on past actions of these entities, the SETRPC believes that they will keep to the core of the CDBG-MIT MOD and work in cooperation with other entities on projects that will benefit the most at risk of flooding. Southeast Texas has faced some of the strongest and most destructive natural disasters the nation has seen, and every time the region has come back stronger. This resilience is thanks to all the communities in Southeast Texas' support of each other. Although these entities are in the early days of determining which projects to fund, we have already begun to hear the drainage districts partake in conversations with cities and the counties of Hardin and Orange speak about potential projects that will benefit not only their residents but the residents of Jefferson County.

All entities receiving funding have a history of regional cooperation and strong relationships with cities and counties. To meet LMI requirements, the entities will have to work cooperatively. These requirements will no doubt be monitored closely by both GLO and HUD and ensure that heavily impacted, and disadvantaged areas and citizens benefit from the selected projects.

The SETRPC too feels more dollars should have been allocated to our region, considering the area's risk, amount of damage, and population. Regarding hurricanes, the regions north of Southeast Texas

President – Terri Gauthier, Bridge City | 1st VP – Michael Sinegal, Jefferson County | 2nd VP – Wayne McDaniel, Hardin County
3rd VP – Johnny Trahan, Orange County | 4th VP – Mark Allen, Jasper County | 5th VP – Glenn Johnson, Port Neches
Treasurer – Kimberly Cline, Lumberton | Secretary – Amanda Gates, Kirbyville

Executive Director – Shanna Burke
2210 Eastex Freeway Beaumont, Texas 77703-4929
(409) 899-8444 | (409) 347-0138 fax
setrpc@setrpc.org | <http://www.setrpc.org>

may feel the effects of a hurricane, but their residents and infrastructure will never have to take a direct hit from such a force of nature. As you are aware, the SETRPC was not involved with the decisions made in Round One or the total amount allocated to the region. All the SETRPC could do was ensure that the funding provided to the area was distributed fairly and met all state guidelines and federal regulations.

Once again, thank you for participating in the CDBG-MIT MOD development process. Community input is vital to ensure that everyone in a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.

Sincerely,



Shanna Burke
Executive Director



Orange County Drainage District

8081 Old Hwy 90, Orange, TX 77630
(409)745-3225 (409)745-3004 fax

August 17, 2022

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703-4929

Attn: Shanna Burke

RE: SETRPC's CDBG-MIT MOD

Ms. Burke,

I am hereby submitting comments with regard to the method of distribution ("MOD") proposed by South East Texas Regional Planning Commission on behalf of the Orange County Drainage District ("OCDD"). Specifically, the OCDD supports the proposed MOD, which includes an allocation of \$31,091,100.00 to the OCDD. The basis for our support of the MOD is as follows:

- Orange County is one of three counties eligible to receive the CDBG-MIT funds. If the funds were being distributed evenly among all three counties (Orange, Hardin and Jefferson), the amount of \$47,626,000.00 would be distributed to eligible entities in Orange County.
- The OCDD had a joint meeting with representatives of Orange County and representatives of the cities of Orange, Bridge City, Pinehurst, and Vidor for purposes of discussing the drainage needs within Orange County, and the best manner of utilizing the CDBG-MIT funds for a regional type drainage improvement project. Considering various drainage improvement projects throughout Orange County that are currently being planned and/or designed, consensus was reached among all participating entities that the best use of the CDBG-MIT funds would be for the design and construction of a large regional detention pond in the western portion of Orange County, specifically the "Tiger Creek Detention Pond" ("The Project").
- The OCDD applied for CDBG-MIT funding for the Project in the GLO's CDBG-MIT Competition – Round 1, and the Project was ultimately graded by the GLO as the highest-ranked project that was not funded. Had the GLO had a second-round competition as originally contemplated, the Project most likely would have been fully funded (in excess of the \$31,091,100).

- Drainage Districts have not been considered eligible for CDBG-DR funds in recent years, which has unfortunately limited the drainage districts' ability to further improve drainage throughout the districts. The GLO determined that drainage districts were eligible for CDBG-MIT funds, and it is the post-Harvey goal and direction of the Texas legislature, the TWDB and the GLO to promote regional drainage improvement projects. The drainage districts are very capable of designing and constructing these regional projects.

The OCDD is appreciative of the GLO and SETRPC for this funding opportunity, and we further appreciate the opportunity to provide these comments.

Sincerely,



Don Carona
General Manger

cc: Judge John Gothia
Commissioner Johnny Trahan
Director Hal LaPray (OCDD)



August 25, 2022

Mr. Don Carona
General Manger
Orange County Drainage District
8081 Old Hwy 90
Orange, Texas 77630

VIA Email

SUBJECT: Response to Comment Made Regarding the South East Texas Regional Planning
Commission Community Development Block Grant Mitigation Method of Distribution

Dear Mr. Carona:

The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Community Development Block Grant Mitigation Method of Distribution (CDBG-MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts.

We also appreciate your support for the CDBG-MIT MOD. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We believe that the massive drainage issues that Southeast Texas faces can only be solved through regional actions, and this funding provides essential support for such projects.

Once again, thank you for participating in the CDBG-MIT MOD development process. Community leader input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.

Sincerely,

Shanna Burke
Executive Director

President – Terri Gauthier, Bridge City | 1st VP – Michael Sinegal, Jefferson County | 2nd VP – Wayne McDaniel, Hardin County
3rd VP – Johnny Trahan, Orange County | 4th VP – Mark Allen, Jasper County | 5th VP – Glenn Johnson, Port Neches
Treasurer – Kimberly Cline, Lumberton | Secretary – Amanda Gates, Kirbyville

Executive Director – Shanna Burke

2210 Eastex Freeway Beaumont, Texas 77703-4929

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setrpc@setrpc.org | <http://www.setrpc.org>



Johnny Trahan
Commissioner Pct. 1
Orange County
123 S 6th Street
Orange, Texas 77630

Shanna Burke
Executive Director
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703-4929

Dear Ms. Burke:

I am submitting this letter in support of the proposed Method of Distribution (MOD) for CDBG-MIT. The proposed methodology of 80% for population and 20% for social vulnerability index is fair to all entities and ensures that all citizens of the region will benefit. Too often the larger cities have gotten a disproportionate share of grant funds and leaving the rural areas once again underserved.

Orange County has suffered multiple natural disasters in the past 17 years. Storms such as Rita, Ike, Harvey, Imelda, Delta, and Laura, as well as the 2015 and 2016 Sabine River Floods. So obviously we have been hit with the lion share of damage and emergencies. In all honesty we could use additional funds but realize for this round of funds the Planning Commission is serving three Counties.

I also believe the focus on drainage projects is correct. If we can prevent some of these flooding events by improving the drainage in our region, we can eliminate the need for some of these other peripheral projects. Orange County is unfortunately unique in that it sits at the bottom of two River Basins and also has two Bayous that bring water from North of the County all the way through to Sabine Lake. So, drainage is always at the forefront of our thoughts.

Ms. Burke

Date

Page 2

The leaders of the Cities and other entities met in Orange to discuss this opportunity, and all agreed that a large regional project was the best approach. At this meeting there were two projects discussed but a detention pond on Tiger Creek was chosen as a project we could complete with this grant. The Orange County Drainage District is best positioned to manage this project.

In fact, the three Drainage Districts are the right choice to complete drainage improvements in Orange and Jefferson Counties. Hardin County does not have a Drainage District, so understandably the County will manage it there.

Sincerely,

Johnny Trahan
Commissioner Pct. 1
Orange County



August 25, 2022

Commissioner Johnny Trahan
Orange County
123 S 6th Street
Orange, Texas 77630

VIA Email

SUBJECT: Response to Comment Made Regarding the South East Texas Regional Planning Commission Community Development Block Grant Mitigation Method of Distribution

Dear Commissioner Trahan:

The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Community Development Block Grant Mitigation Method of Distribution (CDBG-MIT MOD) at the public hearing held on 8/17/2022 and the submitted letter. As you know, this funding is significant and will significantly impact flood mitigation efforts.

The SETRPC appreciates your support for funding drainage districts and the factors used to determine the allocations. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We agree that the massive drainage issues that Southeast Texas faces can only be solved through regional actions, and this funding provides essential support for such projects.

Once again, thank you for participating in the CDBG-MIT MOD development process. Community leader input is vital to ensure a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Shanna Burke".

Shanna Burke
Executive Director

President – Terri Gauthier, Bridge City | 1st VP – Michael Sinegal, Jefferson County | 2nd VP – Wayne McDaniel, Hardin County
3rd VP – Johnny Trahan, Orange County | 4th VP – Mark Allen, Jasper County | 5th VP – Glenn Johnson, Port Neches
Treasurer – Kimberly Cline, Lumberton | Secretary – Amanda Gates, Kirbyville

Executive Director – Shanna Burke

2210 Eastex Freeway Beaumont, Texas 77703-4929

(409) 899-8444 | (409) 347-0138 fax

setrpc@setrpc.org | <http://www.setrpc.org>

Jefferson County
Drainage District No. 6
6550 Walden Rd. • Beaumont, Texas 77707
Telephone (409) 842-1818
Fax (409) 842-2729
Established in 1920

Board of Directors:

Joshua W. Allen, Sr.
Charles "Chuck" Guillory
Bernie Daleo
Anthony Malley, III
Charles "Chuck" Kiker, III

August 19, 2022

Dr. Joseph G. Majdalani, PE, CFM
General Manager
Kristin Ferguson, CPA
Chief Financial Officer
Karen J. Stewart, MBA, CTCD
Chief Business Officer

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703
Attn: Shanna Burke, Executive Director

RE: South East Texas Regional Planning Commission (SETRPC) Community Development Block Grant – Mitigation (CDBG-MIT) Conditional Method of Distribution (MOD)

Dear Ms. Burke,

Please accept this letter as the official comments from Jefferson County Drainage District No. 6 (DD6) associated with the South East Texas Regional Planning Commission's (SETRPC) proposed conditional Regional Method of Distribution (MOD) associated with the Community Development Block Grant – Mitigation program (CDBG-MIT), as administered and directed by the Texas General Land office (GLO).

The District recognizes flood mitigation as the hazard which our community leaders brought up the most during the previous two public planning meetings for CDBG-MIT-MOD. DD6 is uniquely poised to respond to this regional concern. As a Special Purpose District, our sole mission is to develop, maintain, and implement flood mitigation projects within our regional jurisdictional boundaries. Those boundaries include the City of Beaumont, Bevil Oaks, China, Nome, the census designated place of Fannett, as well as various other unincorporated regions within Jefferson County. DD6 has an exceptional history of developing and implementing forward thinking flood mitigation projects that take aim at lessening the effects of disasters on life and property. The District has past competency in managing more than \$130 million in awarded federal grant projects and has an independent Hazard Mitigation Plan approved by FEMA.

We believe our efforts and ongoing discussions with leadership at the GLO over the past three years were instrumental to ensure inclusion of Special Purpose Districts within the State Action Plan. The District is grateful to SETRPC for their ongoing confidence resulting in the unprecedented forward-thinking recommendation of the conditional MOD. We offer our full support in favor of the Conditionally Approved Preliminary MOD proposed by SETRPC for CDBG-MIT funds.

Respectfully,



Joshua W. Allen, Sr.

President, Board of Directors
Jefferson County Drainage District No. 6



August 25, 2022

Mr. Joshua W. Allen, Sr.
President, Board of Directors
Jefferson County Drainage District No. 6
6550 Walden Rd.
Beaumont, Texas 77706

VIA Email

SUBJECT: Response to Comment Made Regarding the South East Texas Regional Planning Commission Community Development Block Grant Mitigation Method of Distribution

Dear Mr. Allen:

The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort you spent providing comments regarding the conditionally approved Community Development Block Grant Mitigation Method of Distribution (CDBG-MIT MOD). As you know, this funding is significant and will significantly impact flood mitigation efforts.

We also appreciate your support of the MOD. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. We believe that the massive drainage issues that Southeast Texas faces can only be solved through regional actions, and this funding provides essential support for such projects.

Once again, thank you for participating in the CDBG-MIT MOD development process. Community input is vital to ensure well-rounded decisions are made, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.

Sincerely,

Shanna Burke
Executive Director

President - Terri Gauthier, Bridge City | 1st VP - Michael Sinegal, Jefferson County | 2nd VP - Wayne McDaniel, Hardin County
3rd VP - Johnny Trahan, Orange County | 4th VP - Mark Allen, Jasper County | 5th VP - Glenn Johnson, Port Neches
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Executive Director - Shanna Burke
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August 22, 2022

Glenda Lacy
Director, Disaster Recovery Division
Southeast Texas Regional Planning Commission
Attn: CDBG-MIT Comments
2210 Eastex Freeway
Beaumont, TX 77703

Via email to: mitmod@setrpc.org

Texas Appleseed Comments on the SETRPC Draft Method of Distribution
for Hurricane Harvey Community Development Block Grant - Mitigation (CDBG-MIT)
Regional Mitigation Program Funds

Dear Ms. Lacy:

Thank you for the opportunity to comment on SETRPC's draft MOD for Hurricane Harvey Community Development Block Grant - Mitigation (CDBG-MIT) funding. Texas Appleseed is a non-profit public interest law center whose mission is to promote social, racial, and economic justice for all Texans by changing unjust laws and policies that prevent Texans from realizing their full potential. Appleseed has worked on disaster recovery issues in Texas since Hurricane Rita in 2005.

The CDBG-MIT program is a unique and significant opportunity for Texas to carry out strategic and high-impact activities in high-risk areas to mitigate future disasters and losses. The program defines mitigation as activities that: Increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship by lessening the impact of future disasters.

As stated in the MOD, the urgent need for flood control and drainage projects is well understood across the region after the devastation caused by flooding during Hurricane Harvey and past and subsequent disasters. We strongly support SETRPC's decision to limit CDBG-MIT funding to flood control and drainage projects, and to allocate the funding to Drainage Districts that cover larger areas of the region instead of subdividing the funding between individual jurisdictions in small amounts that preclude the large-scale mitigation measures that CDBG-MIT is intended to fund. SETRPC's consideration of the capacity to apply for and administer these funds is also important. However, for larger and multi-jurisdiction drainage projects to be effective, they must work in conjunction with local flood control efforts, provide tangible benefits at the neighborhood level, and ensure that historically disinvested areas are not excluded from the mitigation provided by these funds.

The distribution factors chosen by SETRPC, population and social vulnerability at the census tract level, which prioritize protecting the largest number of people and the most vulnerable areas should also help ensure that CDBG-MIT funds are used in a more effective way. The entire region's ability to recover from a disaster and future resilience require SETRPC to redress historical disinvestment and ensure that the most geographically and socially vulnerable communities have protection from flooding.

The Federal Register Notice allocating these CDBG-MIT funds is clear that "[t]he level of CDBG-MIT funding available to most grantees cannot address the entire spectrum of known mitigation and resilience needs."¹ Consistent with the structure of the Federal disaster recovery system, "HUD restates that disaster recovery is a partnership between Federal, state, and local government and CDBG-MIT grantees should invest in their own recovery . . . HUD expects grantees to contribute to their recovery through the use of reserve or "rainy day" funds, borrowing authority, or retargeting of existing resources."² There are also additional Federal funds to address mitigation needs, including FEMA's Hazard Mitigation Grant Program.

The United States Department of Housing and Urban Development (HUD) emphasized that "[u]nlike other forms of Federal disaster-recovery assistance, CDBG-DR and CDBG-MIT grants have a statutory focus on benefitting vulnerable lower-income people and

¹ 84 FR 45840

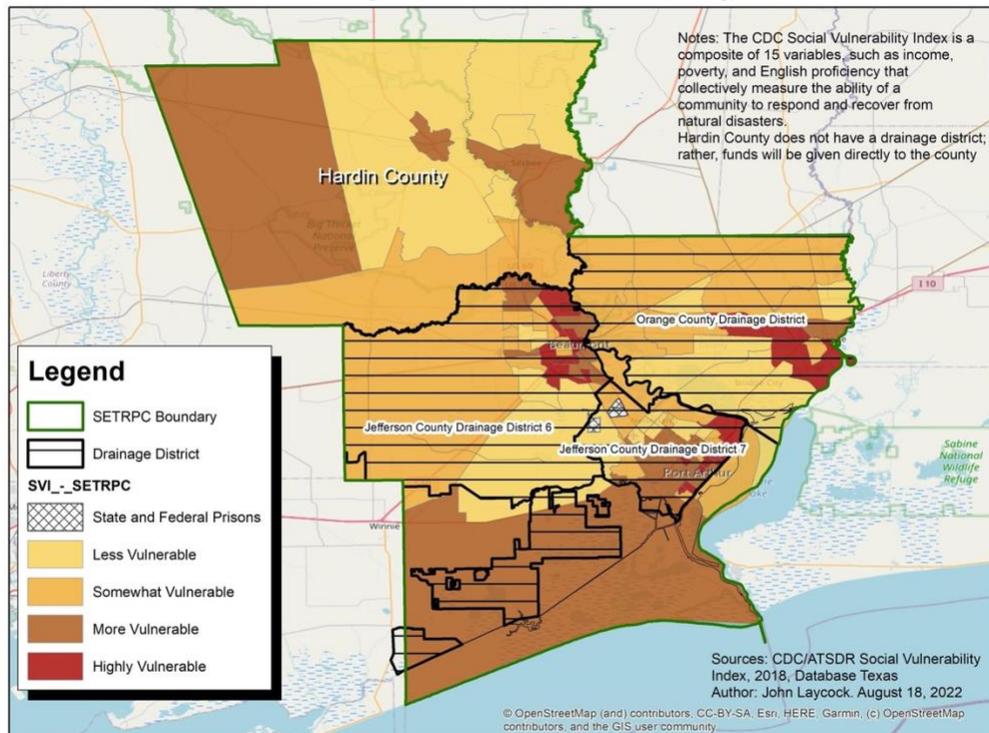
² 84 FR 45839 ("The ultimate value of this mitigation funding appropriation is not limited to the projects and activities implemented with the funds but will also encompass how state and local partners are motivated to improve many of their governmental functions to better position jurisdictions to be resilient in the face of future disasters.")

communities and targeting the most impacted and distressed areas.”³ “All grantees must prioritize the protection of LMI individuals and describe in the action plan how their proposed programs and projects will reflect that priority.”⁴ MOD projects must demonstrate *actual benefit* to lower-income people and communities in the most impacted and distressed areas; the inclusion of these communities in the project area is not sufficient to show LMI benefit or comply with federal requirements. We want to emphasize that while we endorse the use of these funds for larger, high-impact projects, those projects may need to include targeted local infrastructure investments to ensure that they provide mitigation for everyone in the project area. For example, following Hurricane Dolly, the LRGVCD proposed improving its regional drainage structure. This would have benefitted incorporated areas with engineered drainage, but excluded the colonias, concentrations of low-income families and families of color without engineered drainage that were not connected to the regional drainage system. The very areas that were most impacted by Hurricane Dolly - many colonias had standing water for over a month rendering them inaccessible and increasing their rates of water and mosquito-borne diseases - would not have benefitted from a project that was intended to mitigate the greatest damage and for which colonia families were being counted towards the region’s LMI National Objective. Similarly, in eligible areas where historical disinvestment has resulted in inadequate infrastructure and other deficiencies which increase neighborhood vulnerability, any larger project must include the localized infrastructure necessary to ensure that those communities are actually served by projects funded with CDBG-MIT funds.

³ 84 FR 45838 (Friday, August 30, 2019). Emphasis added.

⁴ 84 FR 45856.

Social Vulnerability and SETRPC Drainage Districts



To improve the MOD, SETRPC should consider what funding recipient municipalities are receiving from other sources. For example, the cities of Sour Lake, West Orange, and Vidor have received \$28.5 million in funding from the Hurricane Harvey Statewide Competition, while Jefferson County, where almost half the SETRPC population and the overwhelming majority of its Black and Hispanic/Latino residents live, and which was devastated by Hurricane Harvey has received no CDBG-MIT funding.⁵

⁵ The exclusion of vulnerable communities from the benefit of CDBG-MIT projects may also violate federal civil rights law and program requirements. See, e.g., HUD's March 4, 2022, Letter Finding Noncompliance with Title VI and Section 109, Case Number: 06-21-1483-6/9 finding that GLO's design and operation of the Hurricane Harvey Statewide Competition discriminated on the basis of race and national origin by using scoring criteria that substantially disadvantaged Black and Hispanic residents.

	Hardin County	Orange County	Jefferson County
Total Population:	56,973	84,742	253,704
Black	5.7%	9.2%	34.4%
Hispanic/Latino	6.8%	9.3%	23.1%
White*	84.9%	78.8%	38.0%
Poverty, % pop.	10.4%	15.1%	18.3%

*White alone, not Hispanic or Latino⁶

The U.S. Department of Housing and Urban Development (HUD) found that GLO's design and operation of the Hurricane Harvey Statewide Competition discriminated on the basis of race and national origin by using scoring criteria that substantially disadvantaged Black and Hispanic residents.⁷ These scoring criteria consequentially disadvantaged heavily impacted areas of the state, including Jefferson County as a whole, and in particular, the cities of Port Arthur and Beaumont. We note that GLO used many of the same scoring criteria to allocate Regional MOD Program funding between the COGs, and SETRPC was once again comparatively underfunded based on its population, level of disaster damage, and level of future disaster risk.

We reiterate that SETRPC's draft MOD includes a number of decisions, including limiting eligible projects to flood control and drainage projects, allocating funds to multi-jurisdiction entities, considering the capacity of entities to administer these funds, and using population and SOVI as distribution factors, that are a substantial step forward from both its own previous CDBG-DR MODs and the draft MODs for CDBG-MIT funds proposed by other COGs. The MOD should, however, include additional factors to help ensure that the projects submitted for these funds most effectively benefit vulnerable lower-income people and communities and target the most impacted and distressed areas in compliance with CDBG-MIT program requirement and other federal law; the use of more suitable distribution factors to suballocate funds alone does not ensure that they will produce the type of mitigation projects contemplated by Congress in its appropriation of CDBG-MIT funding.

Please don't hesitate to contact us if you have questions or concerns about our comments. We look forward to reviewing future revisions to the MOD.

⁶ U.S. Census Data. Available:

<https://www.census.gov/quickfacts/fact/table/hardincountytexas,orangecountytexas,jeffersoncountytexas/PST045221>

⁷ See; HUD's March 4, 2022 Letter Finding Noncompliance with Title VI and Section 109, Case Number: 06-21-1483-6/9.

Sincerely,

Meg Duffy
Policy Analyst, Texas Appleseed
mduffy@texasappleseed.org

Madison Sloan
Director of Disaster Recovery and Fair Housing
Texas Appleseed
msloan@texasappleseed.org



August 25, 2022

Meg Duffy / Madison Sloan
Texas Appleseed
1609 Shoal Creek Blvd., Suite 201
Austin, TX 78701

VIA Email

SUBJECT: Response to Comment Made Regarding the South East Texas Regional Planning Commission Community Development Block Grant Mitigation Method of Distribution

Dear Ms. Duffy and Ms. Sloan:

The South East Texas Regional Planning Commission (SETRPC) appreciates the time and effort Texas Appleseed spent providing comments regarding the conditionally approved Community Development Block Grant Mitigation Method of Distribution (CDBG-MIT MOD) on 8/22/2022. As you know, this funding is significant and will significantly impact flood mitigation efforts.

We also appreciate your support for funding drainage districts and the factors used to determine the allocations. SETRPC staff worked hard to ensure the funding would be allocated effectively and benefit the most vulnerable in our communities. The massive drainage issues that Southeast Texas faces can only be solved through regional actions, and this funding provides essential support for such projects.

We understand that Texas Appleseed has concerns regarding how the drainage districts might spend the funding. Based on past actions of these entities, the SETRPC believes that they will keep to the core of the CDBG-MIT MOD and work in cooperation with other entities on projects that will benefit the most at risk of flooding. Southeast Texas has faced some of the strongest and most destructive natural disasters the nation has seen, and every time the region has come back stronger. This resilience is thanks to all the communities in Southeast Texas' support of each other. Although these entities are in the early days of determining which projects to fund, we have already begun to hear the drainage districts partake in conversations with cities and the counties of Hardin and Orange speak about potential projects that will benefit not only their residents but the residents of Jefferson County.

All entities receiving funding have a history of regional cooperation and strong relationships with cities and counties. To meet LMI requirements, the entities will have to work cooperatively. These requirements will no doubt be monitored closely by both GLO and HUD and ensure that heavily impacted, and disadvantaged areas and citizens benefit from the selected projects.

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The SETRPC too feels more dollars should have been allocated to our region, considering the area's risk, amount of damage, and population. Regarding hurricanes, the regions north of Southeast Texas may feel the effects of a hurricane, but their residents and infrastructure will never have to take a

direct hit from such a force of nature. As you are aware, the SETRPC was not involved with the decisions made in Round One or the total amount allocated to the region. All the SETRPC could do was ensure that the funding provided to the area was distributed fairly and met all state guidelines and federal regulations.

Once again, thank you for participating in the CDBG-MIT MOD development process. Advocate input is vital to ensure that everyone in a community is heard, and all comments the SETRPC receives are considered throughout the development process. Should you have any questions, please don't hesitate to contact us.

Sincerely,



Shanna Burke
Executive Director