A Seat at the Table: How to Engage in Houston-area Flood Mitigation
Jordan Macha
Executive Director, Bayou City Waterkeeper
Trends in Flood Mitigation Funding

- Deepwater Horizon oil spill settlement - $16B for restoration across the Gulf; more than $1B for Texas
- Texas Flood Infrastructure Fund (FIF, SB 7) - $793M
- Community Development Block Grant Mitigation Funds (CDBG-MIT) - $4.3B for Texas
- FEMA Building Resilient Infrastructure and Communities (BRIC) - hundreds of millions of dollars annually

Welcome > Funding Overview > CDBG-MIT > Public Commenting > Community Conversations
CDBG-MIT 101: Big Opportunities Ahead for Houston’s Flood Infrastructure

Danielle Goshen
Water Policy & Outreach Specialist, Galveston Bay Foundation
In August 2019 the U.S. Department of Housing and Urban Development (HUD) allocated nearly $4.3 billion to Texas in Community Block Development Grant - Mitigation (CDBG-MIT) funds. Texas was among 14 grantees for the 2015, 2016, and 2017 presidentially declared disasters to receive the first round of CDBG-MIT funds. Funds are administered by Texas General Land Office (GLO).
Purpose of CDBG-MIT Funds

- HUD defines mitigation as:
  “Those 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.”

- At least 50% of CDBG-MIT funds must fund projects that support Low- to Moderate-Income (LMI) persons

- All CDBG-MIT funds must benefit either a HUD or State identified Most Impacted and Distressed (MID) counties and zip codes (with at least 50% benefiting HUD MIDs)
Texas State Action Plan

• HUD requires grantees to develop a State Action Plan which provides:
  • Mitigation Needs Assessment;
  • Detailed use of funds (ex. eligibility criteria, eligible applicants, maximum award amounts); and
  • Allocation budget
• GLO’s State Action Plan for Texas was approved by HUD in March 2020
• GLO provided additional guidance in their CDBG-MIT Competition Application Guide
Categories of Eligible CDBG-MIT Activities

- **Infrastructure**
  - Construction of risk reduction infrastructure or retrofitting existing infrastructure to increase resistance to disasters

- **Housing**
  - Buyouts, residential retrofit or new construction

- **Economic development**
  - Financing programs for commercial mitigation functions

- **Planning and administration**
  - Developing building codes and land use plans, updating FEMA HMPs and risk-related mapping and data collection

- **Matching funds**
  - Use of CDBG-MIT funds as match to other federal agency programs’ state/local cost share (ex. HMGP)
CDBG-MIT’s Emphasis on Green and Natural Infrastructure

- GLO encourages applicants to incorporate **nature-based solutions**, including natural or green infrastructure, into projects.

- Natural infrastructure refers to natural and nature-based systems – for example, wetlands, prairies, bioswales, and natural floodplains – that provide essential services and benefits to society, including flood protection, erosion control, and water purification.

- Natural infrastructure has become a **focus of numerous local studies and planning efforts** throughout the Houston area.
Overview of CDBG-MIT Programs (11)

- **Local and Regional Mitigation**
  - (3) State Mitigation Competitions
  - COG MODs
  - HMGP: Supplemental
  - Coastal Resiliency Program

- **Housing**
  - Housing Oversubscription Supplemental
  - Resilient Home Program

- **Planning**
  - Hazard Mitigation Plans
  - Resilient Communities Program
  - Regional and State Planning

![Table of Programs](image)
CDBG-MIT State Mitigation Competitions: Eligible projects

- Flood control and drainage improvements
- Infrastructure improvements
- Natural or green infrastructure
- Communications infrastructure
- Public facilities
- Buyouts or Acquisition
- Housing incentives
- Activities designed to relocate families outside of floodplains
- Public service within the 15% cap
- FEMA HMGP cost share for CDBG-MIT eligible projects
- Economic development
- Structure elevation
- Rehabilitation, reconstruction, and new construction of affordable multi-family housing

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<tr>
<th>Programs</th>
<th>LMI Amount</th>
<th>Total Allocation</th>
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<tr>
<td>2015 Floods State Mitigation Competition</td>
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<td>2016 Floods State Mitigation Competition</td>
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<td>Hurricane Harvey State Mitigation Competition</td>
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<td>Regional and State Planning</td>
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<td>State Administration</td>
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<td>Total</td>
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*50% LMI Requirement = $1,868,735,050
CDBG-MIT State Mitigation Competitions: Who can apply?

- **2015 Floods ($46m)**
  - Cities
  - Counties
  - Indian Tribes
  - Councils of Governments
  - *Ineligible*: City of Houston; City of San Marcos

- **2016 Floods ($147m)**
  - Cities
  - Counties
  - Indian Tribes
  - Councils of Governments

- **Hurricane Harvey ($2.14b)**
  - Cities
  - Counties
  - Indian Tribes
  - Councils of Governments
  - State Agencies
  - Services Districts
  - Port Authorities
  - River Authorities
Applications now open for the three state mitigation competitions:

- 2015 Floods State Mitigation Competition ($46m)
- 2016 Floods State Mitigation Competition ($147m)
- Hurricane Harvey State Mitigation Competition Round 1 ($1b)

Totals more than $2.3 billion in mitigation projects
Applications are due October 28, 2020

GLO’s CDBG-MIT Competition Application Guide
CDBG-MIT State Mitigation Competitions: Scoring Factors

- Applications are graded using 8-9 different scoring criteria
- Projects must score at least 65 points to be eligible
- Depending on demand, no applicant will be awarded funds for their second application until all successful eligible applicants have been awarded funding at least once

MIT Scoring Factors

- Hurricane Harvey and 2015/2016 Floods Scoring Factors:*
  - County Composite Disaster Index: up to 10 points
  - Project Type Identified in Local Adopted Plan: Flat 5 points
  - Social Vulnerability Index: up to 10 points
  - Management Capacity: Up to 15 points
  - Per Capita Market Value: up to 10 points
  - Project Impact (2 factors): Up to 25 points
  - LMI National Objective: Flat 20 points
  - Leverage of Funds: Flat 5 points

- Additional Scoring Factor for Hurricane Harvey:*
  - Mitigation Resiliency Measures: Flat 5 points

*Qualifying applications will score at least 65 points (qualifying score does not guarantee approval for funding)
CDBG-MIT State Mitigation Competitions: 4 main public participation opportunities

Public Participation Opportunities with the Applicant

1. **14-day notice and comment** on projects before applicants submit projects to the GLO
2. Other opportunities identified in an applicant’s Citizen Participation Plan

GLO’s Public Participation Opportunities

3. Notice and Comment to the GLO on “substantial amendments”
   - Includes projects that are $100 million or more
4. Public comment at or participation in Citizen Advisory Committee (CAC) meetings
   - Nominations due September 8th
   - Must meet at least 2x per year
   - CACs must “solicit and respond” to public comments; GLO will have a representative at these meetings
Tracking Projects

- Texas Press Association’s public notice portal
- Houston Public Works’ news and public notices website
- Harris County’s public notice portal
Contact Info

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Galveston Bay Foundation

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Tips for Effective Commenting

Amy Reed, Staff Attorney
Stephanie Oehler, Public Interest Law Fellow
Environmental Law Institute
• Non-profit
• Non-partisan
• Gulf program focused on public participation in government funding processes (BP oil spill)

www.eli-ocean.org/gulf
Today’s Discussion

• What makes a “good” public engagement process?
• Ways to participate: what is “public commenting”?
• Tips for written comments
• Tips for verbal comments
• Virtual participation – special considerations
• Helpful resources

Parts of the following presentation are derived from ELI’s “Step-by-Step Tips for Writing Effective Public Comments” fact sheet, which was adapted from ELIZABETH D. MULLIN, THE ART OF COMMENTING: HOW TO INFLUENCE ENVIRONMENTAL DECISIONMAKING WITH EFFECTIVE COMMENTS, 2ND EDITION (Envtl L. Inst. 2013).
What makes a “good” process for engaging the public?

• Does the process:
  • Provide an opportunity for public engagement prior to project approvals (e.g. public meeting where a proposed project is discussed in-depth)?
  • Take the needs of disadvantaged and/or vulnerable communities into account (e.g., translated materials are provided, meetings are appropriately located and formatted)?
  • Explain the process and reasons for selecting projects?
  • Meaningfully respond to public comments and make changes as necessary?
  • Involve the community in project implementation (e.g. include community members in monitoring or management)?
Ways to Participate

Process is likely to include different ways to participate, ranging from formal to informal:

• Formal, e.g.:
  ➢ Submitting written comments
  ➢ Speaking on the record at public meetings (verbal comments)

• Informal, e.g.:
  ➢ Meeting with decision-makers
  ➢ Organizing and encouraging other community members to get involved
What is a “public comment”?

• When government entities consider whether to take major actions that may have far-reaching effects, they typically must ask for public comments on the proposed action.

• For many federal-level actions, public notice and an opportunity to comment is required by law before the action can proceed.

• These comment periods provide an opportunity for members of the public to provide input, share experiences, and propose specific changes.

Remember that it’s public: Any comments that you submit to a government entity may be available to the rest of the public, so do not include any information that you would not want others to see.
Why submit a comment?

• The goal of commenting is to help the agency make an informed decision about how best to move forward, based on a comprehensive understanding of the facts and issues.

• Submitting comments on proposed environmental actions is a way to make your voice heard and to influence decisions on the issues you care about.

• In most government processes, when a comment is made part of the public record, the agency is required to respond in some way before finalizing its decision.
Types of Public Comments

Written commenting
- A process that allows individuals, organizations, agencies, and businesses to provide written input on proposed decisions.
- Like a letter to the decision-maker that explains your opinions about the decision (e.g., if it should be changed).

Verbal commenting
- Oral remarks made at a public meeting that explain your opinions about the decision.
- Verbal comments may be provided at a microphone in the open at a meeting, or to a court reporter sitting at a table.
To Do: Before You Comment

Comment periods are typically short—often just 30 days—so it is a good idea to prepare as much as possible beforehand.

A few ideas for how to get ready for a comment period:

- **Set the stage** by preparing yourself, and possibly coordinating with others.
- Identify, collect, and review **background information**.
- **Create a checklist** of important considerations.
Reviewing the Document

Before you can write an effective comment, you must be familiar with the document (e.g., project proposal or draft plan):

✓ **Get oriented**: Review the table of contents and flip through the document.

✓ **Read the document and take notes**: Check against your checklist of what you understand should be included, for substantive or technical errors or omissions, and for accuracy and consistency.

✓ **Review your notes**: Once you have finished, this will help you identify any major problems in the document, as well as major themes.
Preparing to Comment

✓ Define your objectives.

Ask yourself: What do you hope to achieve through your comment? (Are you trying to support, stop or delay a particular action, to ensure that the decision or document is in line with your organization’s policies, or to catch and correct factual errors or data gaps?)

✓ Prepare to use clear organization, formatting, and language.

Remember that the person responsible for reviewing your comment may have hundreds of other comments to read. To get your message across, frame your comment in a clear, concise, and convincing manner.
Writing the Comment

A few general tips for writing a convincing comment:

1. **Make the strongest possible points.**
   - **Pound the law:** Check whether the document omits or inadequately addresses something that is required by law, and check whether the action proposed could violate the law.
   - **Pound the facts:** Check for facts that are presented incorrectly, facts that are left out, or facts that are included but not given adequate consideration.
   - **Pound the table:** When there are no legal or factual errors to address, you can resort to critiquing the process involved in producing the document.
Writing the Comment

2. Be specific.
   - Specify the aspects of the proposed action that you’re most concerned with, and identify specific reasons why.
   - Use specific examples to illustrate concerns (real or hypothetical).
   - Suggest specific language when possible and appropriate.
Writing the Comment

3. Look on the bright side.
   • State what you support as well as what you disagree with.
   • Offer helpful solutions. Whenever possible, offer suggestions for how the document’s authors can address a concern or solve a problem (such as timing, design, etc.).

4. Help strengthen the record.
   • Provide supplemental information, if it’s needed. If you have access to any facts or articles that were not included in the document, consider providing a copy along with your comment, or pointing to a source of information.
Organizing Your Comment

• If you have more than one major concern, open your comment with a summary section like "Major Concerns" or "General Comments".

• Use headings and sub-headings to separate your points.

• For specific concerns, order your comments page-by-page to make it easier for the reviewer to locate places in the document you are referencing.

• Avoid dense blocks of text.

• Follow good writing practices (use topic sentences, keep each sentence under 50 words, use the active voice).

• Phrase your comments as statements, not questions*, and use respectful language.
Tips for Verbal Commenting

• Define your objectives. Especially important when your time is limited! Develop your comment in a way that best supports and clearly articulates your objectives.

• Pick one to three key points to emphasize. Be sure to make your points clear, and avoid getting bogged down by less important details. You typically will have only a few minutes to speak, so keep your statement concise.

• Practice. Use notecards and practice your statement. You don’t need to have it memorized, but it’s a good idea to rehearse beforehand, especially for timekeeping.

• Bring extra copies. If you’re providing a verbal comment in person, consider printing written copies of your statement to bring with you. You may have an opportunity to leave copies with meeting officials or to enter them as part of the record.
Participating at a Distance: Considerations for Virtual Participation

1. **When and where will the meeting be held?**
   - Virtual meetings may be held via webinar or live stream, conference call, television broadcast, or another platform.
   - The choice of platform may influence the form your comments will take.

2. **Encourage others to attend, ask questions, and share comments.**
   - Share information about virtual public meetings with your networks.

3. **Notify hosts of any services that would improve accessibility.**
   - Request translation services, paper documents, or other accommodations that will ensure all interested stakeholders can attend and meaningfully participate.
Tips for Virtual Participation

4. Register for virtual public meetings in advance.
   • Organizers may send access information via email.
   • Follow-up communications may also be sent after the meeting.

5. Meeting materials or presentations may be available online.
   • Check the project website for any presentation or materials to review.
   • These materials may help inform your questions and comments.

6. Note how comments will be accepted and prepare accordingly.
   • Verbal and/or written comments may be accepted.
   • Participation procedures should be provided in advance of the meeting.
   • Determine whether comments will be included in the official record.
7. **Connect with presenters and attendees.**
   - Presenters may be introduced before they speak.
   - You may be able to connect with other attendees depending on the platform, but this can be challenging to do virtually.

8. **Note whether the meeting is being recorded.**
   - Many agencies are recording meetings and making them available online.
   - Watch meetings again or share with your networks.

9. **Provide agencies with feedback.**
   - Was the meeting accessible? Did it allow for commenting?
   - Your suggestions may help improve the structure of future meetings.
Following Up on Your Comment

If you want to increase the likelihood that your comment is addressed, you may want to follow up after you’ve submitted it.

Some follow-up options include:

• Speaking at a public meeting or hearing;
• Rallying support for your position among agencies or citizen groups;
• Meeting with an official decisionmaker;
• Going to the press.
Helpful Resources

ELI Resources
• Step-by-Step Commenting Tips: Written and Verbal
• Educational Materials
  • Introduction to Public Participation Fact Sheet
  • Tips for Public Commenting Fact Sheet
• Examples of Public Comment Letters (scroll to bottom of page for examples)
• Stephanie’s blog post about virtual public participation
• Related ELI Resources
  • Good Projects Checklist
  • Guide to Participating in the Deepwater Horizon NRDA Process

Other Government and Non-Profit Resources
• Tips for Submitting Effective Comments from regulations.gov
• Center for Effective Government’s Regulatory Resource Center Website
Thank you!

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www.eli-ocean.org/gulf
The Consortium and the Community

Earthea Nance, PhD, PE, CFM
Associate Professor, Texas Southern University
Why was a Consortium Created?

FUNDERS
The consortium is funded with generous support from:
• Houston Endowment
• Kinder Foundation
• The Cynthia & George Mitchell Foundation

with additional support from:
• Walton Family Foundation
• Cullen Foundation
• Harte Charitable Foundation
• The Brown Foundation, Inc.

PARTNERS
• Rice University Kinder Institute for Urban Research
• Rice University Severe Storm Prediction, Education, and Evacuation from Disasters (SSPEED) Center
• Texas A&M University College of Architecture
• Texas A&M University-Corpus Christi, Harte Research Institute for Gulf of Mexico
• Texas A&M University-Galveston, Center for Texas Beaches & Shores
• Texas Southern University, Barbara Jordan-Mickey Leland School of Public Affairs
• Texas State University, The Meadows Center for Water and the Environment
• University of Houston Hines College of Architecture, Community Design Resource Center
• The University of Texas Energy Institute
• Houston Advanced Research Center (HARC)
• Local Initiatives Support Corporation-Houston

PROJECT MANAGER
• Huitt Zollars
The Consortium’s Work Plan

- Workshops and Tours with Residents, Local Experts, Outside Experts
- Meetings with Public Officials, Participation in Official Events, Group Dinners, Product Launch Events, Conferences
- Greater Houston Flood Mitigation Projects by Watershed
- Report 1: Strategies for Flood Mitigation in Greater Houston
- Report 2: The Flood Next Time: What We Can Do Now
- Research Paper 1: Detention and Drainage Regulations
- Research Paper 2: Development Regulations
- Resiliency Plan 1: East Aldine
- Resiliency Plan 2: Eastex Jensen
- Resiliency Plan 3: East Houston
- Resiliency Plan 4: Greenspoint
- Watershed Analysis 1: Greens Bayou Watershed Analysis & Resiliency Planning
- Watershed Analysis 2: Cypress Creek & Western Watershed Analysis of Flooding & Future Storage
- Affordable Multi-Family Housing: Risks and Opportunities
- Other Documents: Fact Sheets, Briefing Documents, Story Maps, Case Studies, Op-Eds
Watersheds + Neighborhoods

- 12 Workshops – mostly held at Rice University
- 4 Resiliency Plans – held in neighborhoods of Greens and Halls Bayous by the University of Houston
What Do Communities Want?

- Infrastructure improvements
- Access to flood recovery and mitigation funds
- Economic investment
- A clean and safe environment
- The list goes on.....
Street Elevation

Many residents in the northeast part of the city have houses that are below the elevation of the street.
Many residents want to elevate their home to keep their location and neighborhood, however most elderly residents do not prefer this option. Access to elevation resources is disproportionate in the extreme.
Drainage

Some neighborhoods have not had drainage improvements in 30 years. Mostly Black and brown people live in these neighborhoods.

Communities want good drainage in all neighborhoods.
Bayous

Bayou improvements are disproportionate across the region.

Neglected areas correspond with neighborhoods of color and poverty.

Communities want to see some accountability for this.
Many residents in the city want more green solutions for the purpose of neighborhood beautification and natural flood control.
Communities value authentic community engagement that addresses their needs and values their time.
For 3 years, communities have engaged in intense participation around flood recovery, mitigation, and resilience.

Plans are in place and the funding has arrived.

What could go wrong?
Let’s Talk About It
Thank You

earthea.nance@tsu.edu
www.houstonconsortium.com
More resources available at:

texaslivingwaters.org