



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

July 13, 2022

Lonnie Hunt, Executive Director
Deep East Texas Council of Governments
1405 Kurth Drive
Lufkin, TX 75904

Re: Deep East Texas Council of Governments (DETCOG) CDBG-MIT Regional Mitigation Program
Method of Distribution (MOD) Approval

Mr. Hunt:

The Texas General Land Office (GLO) Community Development and Revitalization program is approving the DETCOG Mitigation Method of Distribution (MOD). The MOD delivered to the GLO was initially submitted June 14, 2022, underwent review by GLO staff, and was submitted a final time with corrections made on July 12, 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: Deep East Texas (DETCOG)

Allocation Calculation Sheet Packet Page Number: 10, 11, 12

HUD MID and State MID Allocations

| | |
|-----------------------------------|----------------------|
| HUD MID Total | \$127,970,000 |
| State MID Total | \$ 33,572,000 |
| Grand Total COG Allocation | \$161,542,000 |

Table 1

Funding Limits

| | | |
|---------------------------------|---|-----------------------------|
| Minimum Amount Waiver Requested | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Minimum Amount | \$500,000 | |
| Maximum Amount | None | |

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.

In recent history, few regions in the United States have suffered from more natural disasters than Deep East Texas. Our region has been devastated by multiple hurricanes, tropical storms, and riverine flooding events. This includes four of the 11 costliest hurricanes in U.S. history: Katrina (2005), Harvey (2017), Ike (2008), and Rita (2005). Presidential disaster declarations were issued for all 12 of our counties for flooding in 2016, and 11 of the 12 counties for flooding in 2015. Newton County was particularly hard hit and was designated as “most impacted” by HUD in 2016. Seven Deep East Texas counties were included in the Presidential Disaster Declaration for Hurricane Harvey, with five counties designated by HUD as “most impacted and distressed” and two additional counties designated by the State of Texas as “most impacted and distressed.” One veteran county judge in the region reports that since he took office in 2007, his county has been under at least 11 Governor’s disaster declarations and eight Presidential declarations.

Even when our region does not suffer a direct hit from a storm, we often are severely impacted by mass evacuations from the neighboring Houston-Galveston and Beaumont-Port Arthur coastal regions.

To increase our resiliency to withstand and recover from these disasters in the future, major improvements are required in traditional infrastructure including drainage systems, roads and bridges, water and sewer systems, and emergency facilities.

This region also has tremendous needs in the area of communications. Communication is vital for both emergency preparedness and disaster recovery. Communications issues are magnified during an emergency situation when public officials are trying to provide timely information to residents, and many residents are seeking information or assistance to evacuate. Law enforcement and first responders are at increased risk because of their inability to directly communicate with each other. Deep East Texas has experienced all these issues with each disaster that has occurred. To achieve an acceptable level of resiliency, improvements are needed in two specific areas: (1) Broadband; and (2) Interoperable Public Safety Radio Communications.

Broadband is no longer a luxury, but a necessity. Without it our citizens are isolated during and after a disaster. Businesses, local governments, and service organizations which are important to disaster recovery cannot function efficiently without internet connectivity. Broadband is a basic building block of the future. The lack of it negatively impacts every aspect of our life in Deep East Texas, from public safety to economic development and job creation to education and healthcare. A major study commissioned by DETCOG found Deep East Texas is severely lacking in broadband availability compared to the rest of the state and nation. This is a region that suffers from historically low incomes, high poverty, poor health outcomes and low educational attainment. The lack of broadband exacerbates these problems.

The region's lack of interoperable public service radio communications is also well documented. Law enforcement officers and first responders working across our vast rural region often have poor communication with their agencies and no interoperable communications to connect them to other agencies. This is a significant problem every day in Deep East Texas, but it becomes an even larger issue when our region is dealing with a major disaster, and when thousands of evacuees from the upper Texas coast are travelling to or through our region to flee an oncoming hurricane.

This Method of Distribution:

- (1) Allocates \$105,542,000 (65.33% of available funding) to local jurisdictions, including seven counties, 14 cities, and the Alabama-Coushatta Tribe of Texas. Thus each community has the ability to implement mitigation projects that meet its own unique needs.
- (2) Sets aside \$56,000,000 (34.67% of available funding) for large regional projects that address two longstanding vulnerabilities of the region: broadband infrastructure and interoperable public safety communications. Both are essential to mitigate the impact of future disasters and make the entire region more resilient.
- (3) Allows all eligible activities, thus providing local jurisdictions maximum flexibility to identify needs and carry out projects designed to make their communities more resilient. Citizens are most engaged and best served when these decisions are made locally.
- (4) Creates separate funding formulas for HUD- and State-identified most impacted and distressed (MID) areas. In accordance with the State Action Plan, approximately 79% of available funding is allocated to HUD-MID areas and 21% is allocated to State-MID areas.

Reallocation of Declined Funds

Subject to GLO approval, the following process will be used to reallocate any declined funds:

1. Any funds that were allocated to a City or Indian Tribe that are declined as part of the MOD creation process will be reallocated to the County where the City or Indian Tribe is located. It is not necessary to reallocate a County's declined funds to a City because the County already has the ability fund projects within any of its Cities.

Table 3

Distribution Factors

The COG has selected the following distribution factors:

| Distribution Factor* | Weight | Documentation Source | Explanation of Factor Selection and Weighting |
|------------------------------|--------|---|---|
| Population | 33.3% | 2019 American Communities Survey | Ensures equitable distribution of funds to benefit residents of the impacted areas. Equal weighting with other factors. |
| Percentage of LMI Population | 33.3% | 2011-2015 American Communities Survey (data provided by GLO) | Meets requirement to use objective, replicable, and verifiable data that accounts for vulnerable populations. Equal weighting with other factors. |
| Composite Disaster Index | 33.3% | Center for Space Research at UT Austin (data provided by GLO) | Meets requirement to use objective, replicable, and verifiable data that accounts for potential impacts from future disasters. CDI is the best gauge of risks posed by various natural hazards. Equal weighting with other factors. |

Table 4

**Add more rows if needed*

Threshold Factors

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

| Threshold Factor* | Documentation Source | Explanation of Factor Selection |
|-------------------|----------------------|---------------------------------|
| Not applicable | | |
| | | |
| | | |
| | | |

Table 5

**Add more rows if needed*

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 checked="" type="checkbox"/> | The COG has chosen not to limit subrecipients in the region to projects meeting regional priority activities. | | |
| -OR- | | | |
| <input type="checkbox"/> | The COG has limited subrecipients in the region to selecting projects meeting the following regional priority activities: | | |
| <input 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"/> | Natural or green infrastructure | <input type="checkbox"/> | Communications infrastructure |
| <input type="checkbox"/> | Public Facilities (shelter, library, etc.) | <input type="checkbox"/> | Provision of generators |
| <input type="checkbox"/> | 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"/> | Removal of debris |
| | | <input type="checkbox"/> | Streets or bridges |
| | | <input type="checkbox"/> | Other infrastructure improvements |
| | | <input type="checkbox"/> | Public Services (<i>within the 15% cap</i>) |
| | | <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 |
|--------------------------|-----|-------------------------------------|----|

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.

Not applicable

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.

We encourage all jurisdictions to consider the needs of LMI households as they develop projects and strive to meet the 51 percent LMI objective on all projects. Entities receiving the largest allocations have the flexibility to develop multiple projects to ensure the LMI objective is achieved. We use the following methodology to ensure more than 50% of the funding will meet the LMI objective.

- The largest single award is the set-aside for regional broadband and interoperable radio projects. A preliminary analysis determined that the regional broadband project can be targeted to meet the LMI objective. Therefore at least \$47,250,000 of the regional set aside is required to meet the LMI objective, allocated proportionately between HUD-MID and State-MID areas served by the project.
- All jurisdictions receiving a combined allocation exceeding \$1,750,000 are required to expend at least 35% of their allocation on LMI projects.

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): | January 13, 2022, at 7:00 pm | (1) May 31, 2022, at 2:00 pm (online) (2) May 31, 2022, at 6:00 pm (in person) |
| Location(s): | Tyler County Senior Citizens Center 201 Veterans Way Woodville, Texas 75979 | (1) GoToMeeting Online Webinar (2) Tyler County Senior Citizens Center 201 Veterans Way Woodville, Texas 75979 |
| Total Attendance: | 17 persons | (1) 12 persons (online) (2) 13 persons (in person) |

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 | January 7, 2022 | May 20, 2022 |
| <input checked="" type="checkbox"/> Fax | January 6, 2022 | May 20, 2022 |
| <input type="checkbox"/> Hand Delivery | | |
| <input checked="" type="checkbox"/> Certified Mail | January 5, 2022 | May 19, 2022 |

Table 11

Website Notice. As required, public notice was posted on the COG website at least **five (5)** days in advance:

| Website Notice | Public Planning Meeting | MOD Public Hearing |
|-----------------------|--------------------------------|---------------------------|
| Date(s) | December 29, 2021 | May 17, 2022 |

Table 12

Published Notice. As required, notice of the public hearing was published in at least one regional newspaper at least **three (3)** days in advance. Notice of the public hearings were published in the following regional newspaper(s):

| Newspaper Name | Public Planning Meeting | MOD Public Hearing |
|--|--------------------------------|---------------------------|
| | Date Published | Date Published |
| Polk County Enterprise (Polk County) | January 6, 2022 | May 22, 2022 |
| Kirbyville Banner (Jasper County) | January 5, 2022 | May 25, 2022 |
| Newton County News (Newton County) | January 5, 2022 | May 25, 2022 |
| San Augustine Tribune (San Augustine County) | January 6, 2022 | May 26, 2022 |
| Sabine County Reporter (Sabine County) | January 6, 2022 | May 25, 2022 |
| San Jacinto News-Times (San Jacinto County) | January 6, 2022 | May 26, 2022 |
| Tyler County Booster (Tyler County) | January 6, 2022 | May 26, 2022 |
| Jasper Newsboy (Jasper County) | | May 25, 2022 |

Table 13

Public Comment Period

Provide the dates of the public comment period for the COG MOD.

| | | | | | |
|-------------|-------------------|-----------|--------------|--------------|-----|
| Start Date: | December 29, 2021 | End Date: | June 2, 2022 | No. of Days: | 156 |
|-------------|-------------------|-----------|--------------|--------------|-----|

Table 14

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.

DETCOG conducted a Public Planning Meeting and solicited written comments by mail or email. A bilingual Public Notice was emailed, faxed, and/or mailed to the following persons and organizations within the seven-county Harvey Disaster Area with the request that it be posted on their public bulletin boards:

Counties, Cities, School Districts, Public Housing Authorities; Members of the Texas Legislature; Texas Health and Human Services offices in Sabine, Tyler and Polk Counties; Tri-County Community Action; Burke (regional mental health authority); Floodplain Administrators, Public Works Departments, Emergency Management Coordinators, River Authorities, Conservation Groups, Historical Preservation Groups, and 86 Churches.

The bilingual Public Notice was posted on the DETCOG website and social media pages, and in the Texas Register at the Texas Secretary of State website.

The bilingual Public Notice was published in local newspapers in each of the seven disaster counties: San Augustine, Sabine, Newton, Jasper, Tyler, Polk, and San Jacinto Counties.

Citizen Participation, continued...

After receiving conditional approval of the Preliminary MOD we posted the MOD for public comment and conducted two additional public hearings – one online and one in-person. These two public hearings were publicized in the same fashion as the first Public Planning Meeting, including direct notices to the above-named organizations, online postings, and newspaper legal notices in each of the seven counties. Each of the seven Harvey disaster counties was represented at one or both of the hearings. At the hearings we reviewed the MOD development process and each detail of the proposed MOD, and received comments. All comments, plus all written comments received, were reviewed by DETCOG staff and shared with our governing board.

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).

The bilingual Public Notices which were widely distributed throughout the public comment period included the following notifications:

DETCOG will provide for reasonable accommodations for persons attending DETCOG functions. Requests from persons needing special accommodations should be received by DETCOG staff 24-hours prior to the function. The public hearing will be conducted in English and requests for language Interpreters or other special communication needs should be made at least 48 hours prior to a function. Please call (936) 6342247 for assistance. For information about this posting, please call (936) 634-2247.

DETCOG proporcionará adaptaciones razonables para las personas que asisten a las funciones de DETCOG. Las solicitudes de personas que necesiten adaptaciones especiales deben ser recibidas por el personal de DETCOG 24 horas antes de la función. La audiencia pública se llevará a cabo en inglés y las solicitudes de intérpretes de idiomas u otras necesidades especiales de comunicación deben realizarse al menos 48 horas antes de una función. Llame al (936) 634-2247 para obtener ayuda. Para obtener información sobre esta publicación, llame al (936) 634-2247.

No requests for accommodations were received.

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: | Lonnie Hunt |
| 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.



July 5, 2022

Signature

Date

Lonnie Hunt

Executive Director

Printed Name

Title

LHunt@detcog.gov

(936) 634-2247 ext. 5266

Email Address

Telephone Number

DETCOG ALLOCATION SUMMARY AND CALCULATION WORKSHEETS (Approved by DETCOG Board 6-8-2022)

HUD MID CALCULATIONS

| COG: | | DETCOG | | | | | | | | | | | | | | | | | | | | |
|-------------------------------|-------------------------------------|----------------|---------------------|--------------------------|------------|----------------|--------------------------------------|--------------------------|------------|----------------|---------------------|--------------------------|------------------------------|----------------|----------------|--|--|--|------------------------------|--|------------------------------|------------------------------------|
| HUD MID Allocation: | | \$ 127,970,000 | | | | | | | | | | | | | | | | | | | | |
| Net After Floors & Set-Asides | | \$ 60,276,000 | | | | | | | | | | | | | | | | | | | | |
| City or County | 1st Distribution Factor: Population | | | | | | 2nd Distribution Factor: LMI Percent | | | | | | 3rd Distribution Factor: CDI | | | | | | Weighted Factor Distribution | County Floors and Set-Asides for Regional Projects | Final Allocation Not Rounded | Final Allocation Rounded to \$1000 |
| | Total Population | Factor Weight: | Factor Measure (FM) | Factor Measure Share (%) | Weight (W) | Factor Funding | Factor Measure (FM) | Factor Measure Share (%) | Weight (W) | Factor Funding | Factor Measure (FM) | Factor Measure Share (%) | Weight (W) | Factor Funding | | | | | | | | |
| Jasper County | 35,506 | 0.2792 | 0.333333 | 0.4231 | 0.1980 | 0.333333 | 0.3978,716 | 3.17 | 0.2000 | 0.333333 | 4,018,400 | 13,607,001 | 5,000,000 | 18,607,001 | 18,607,000 | | | | | | | |
| Newton County | 13,914 | 0.1094 | 0.333333 | 0.4205 | 0.1968 | 0.333333 | 3,954,267 | 3.97 | 0.2505 | 0.333333 | 5,032,507 | 11,185,161 | 5,000,000 | 16,185,161 | 16,185,000 | | | | | | | |
| San Jacinto County | 28,180 | 0.2216 | 0.333333 | 0.449 | 0.2101 | 0.333333 | 4,222,273 | 2.85 | 0.1798 | 0.333333 | 3,612,757 | 12,287,419 | 5,000,000 | 17,287,419 | 17,287,000 | | | | | | | |
| Polk County | 37,338 | 0.2936 | 0.333333 | 0.4335 | 0.2029 | 0.333333 | 4,076,515 | 2.82 | 0.1779 | 0.333333 | 3,574,728 | 13,550,580 | 5,000,000 | 18,550,580 | 18,551,000 | | | | | | | |
| Tyler County | 12,228 | 0.0962 | 0.333333 | 0.4105 | 0.1921 | 0.333333 | 3,860,229 | 3.04 | 0.1918 | 0.333333 | 3,853,608 | 9,645,839 | 5,000,000 | 14,645,839 | 14,646,000 | | | | | | | |
| DETCOG - Regional Projects | - | - | - | - | - | - | - | - | - | - | - | - | 42,694,000 | 42,694,000 | 42,694,000 | | | | | | | |
| Total | | | | | | | | | | | | | \$ 60,276,000 | \$ 67,694,000 | \$ 127,970,000 | | | | | | | |

STATE MID CALCULATIONS

| COG: | | DETCOG | | | | | | | | | | | | | | | | | | | | |
|-------------------------------|-------------------------------------|----------------|---------------------|--------------------------|------------|----------------|--------------------------------------|--------------------------|------------|----------------|---------------------|--------------------------|------------------------------|----------------|---------------|--|--|--|------------------------------|--|------------------------------|------------------------------------|
| State MID Allocation: | | \$ 33,572,000 | | | | | | | | | | | | | | | | | | | | |
| Net After Floors & Set-Asides | | \$ 10,266,000 | | | | | | | | | | | | | | | | | | | | |
| City or County | 1st Distribution Factor: Population | | | | | | 2nd Distribution Factor: LMI Percent | | | | | | 3rd Distribution Factor: CDI | | | | | | Weighted Factor Distribution | County Floors and Set-Asides for Regional Projects | Final Allocation Not Rounded | Final Allocation Rounded to \$1000 |
| | Total Population | Factor Weight: | Factor Measure (FM) | Factor Measure Share (%) | Weight (W) | Factor Funding | Factor Measure (FM) | Factor Measure Share (%) | Weight (W) | Factor Funding | Factor Measure (FM) | Factor Measure Share (%) | Weight (W) | Factor Funding | | | | | | | | |
| Polk County | 11,575 | 0.2921 | 0.333333 | 0.4335 | 0.2261 | 0.333333 | 773,711 | 2.82 | 0.3082 | 0.333333 | 1,054,649 | 2,828,049 | - | 2,828,049 | 2,828,000 | | | | | | | |
| Tyler County | 9,290 | 0.2345 | 0.333333 | 0.4105 | 0.2141 | 0.333333 | 732,661 | 3.04 | 0.3322 | 0.333333 | 1,136,927 | 2,671,929 | - | 2,671,929 | 2,672,000 | | | | | | | |
| Sabine County | 10,471 | 0.2643 | 0.333333 | 0.5191 | 0.2707 | 0.333333 | 926,490 | 1.35 | 0.1475 | 0.333333 | 504,885 | 2,335,716 | 5,000,000 | 7,335,716 | 7,336,000 | | | | | | | |
| San Augustine County | 8,286 | 0.2091 | 0.333333 | 0.5542 | 0.2891 | 0.333333 | 989,137 | 1.94 | 0.2120 | 0.333333 | 725,539 | 2,430,306 | 5,000,000 | 7,430,306 | 7,430,000 | | | | | | | |
| DETCOG - Regional Projects | - | - | - | - | - | - | - | - | - | - | - | - | 13,306,000 | 13,306,000 | 13,306,000 | | | | | | | |
| Total | | | | | | | | | | | | | \$ 10,266,000 | \$ 23,306,000 | \$ 33,572,000 | | | | | | | |

CALCULATION OF ALLOCATIONS TO JURISDICTIONS

| HUD MID AREAS | | | | | | | | | | STATE MID AREAS | | | | | | | | | |
|----------------------------------|--------------------------------------|----------------------|------------------------------|--------------------|-------------------------|-----------------------------------|---|------------------------------------|--------------------------------------|----------------------|--------------------------------|--------------------|-------------------------|----------------------------------|----------------------|--|--|--|--|
| Jurisdiction | Jurisdiction Population ^c | Jurisdiction Percent | HUD MID Allocation (Rounded) | Jurisdiction Share | Jurisdiction Allocation | Jurisdiction Allocation (Rounded) | * | Jurisdiction | Jurisdiction Population ^c | Jurisdiction Percent | State MID Allocation (Rounded) | Jurisdiction Share | Jurisdiction Allocation | Jurisdiction Allocated (Rounded) | * | | | | |
| Polk County | 37,338 | | \$ 18,551,000 | | | | | Polk County | 11,575 | | \$ 2,828,000 | | | | | | | | |
| Alabama Coushatta Tribe | 680 | 1.8212% | | \$ 337,851 | \$ 500,000 | \$ 500,000 | A | City of Corrigan | 2,298 | 19.8531% | \$ 561,447 | \$ 561,447 | \$ 561,447 | \$ 561,000 | | | | | |
| City of Goodrich | 327 | 0.8758% | | \$ 162,467 | - | - | B | City of Onalaska | 2,779 | 24.008% | \$ 678,964 | \$ 678,964 | \$ 678,964 | \$ 679,000 | | | | | |
| City of Livingston | 5,115 | 13.6992% | | \$ 2,541,335 | \$ 2,541,335 | \$ 2,541,000 | | | | | | | | | | | | | |
| City of Seven Oaks | 72 | 0.1928% | | \$ 35,772 | - | - | B | | | | | | | | | | | | |
| Incorporated Population | 6,194 | | | \$ 15,473,575 | \$ 15,509,665 | \$ 15,510,000 | | Incorporated Population | 5,077 | | | | | | | | | | |
| County Share (unincorporate) | 31,144 | 83.4110% | | \$ 18,551,000 | \$ 18,551,000 | \$ 18,551,000 | | County Share (unincorporate) | 6,498 | 56.1382% | \$ 1,587,589 | \$ 1,587,589 | \$ 1,587,589 | \$ 1,588,000 | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| Tyler County | 12,228 | | \$ 14,646,000 | | | | | Tyler County | 9,290 | | \$ 2,672,000 | | | | | | | | |
| City of Ivanhoe | 1,614 | 13.1992% | | \$ 1,933,157 | \$ 1,933,157 | \$ 1,933,000 | | City of Chester | 391 | 4.2088% | \$ 112,460 | \$ - | \$ - | \$ - | B | | | | |
| City of Woodville | 2,776 | 22.7020% | | \$ 3,324,934 | \$ 3,324,934 | \$ 3,325,000 | | City of Colmesneil | 626 | 6.7384% | \$ 180,051 | \$ - | \$ - | \$ - | B | | | | |
| Incorporated Population | 4,390 | | | \$ 9,387,909 | \$ 9,387,909 | \$ 9,388,000 | | Incorporated Population | 1,017 | | | | | | | | | | |
| County Share (unincorporate) | 7,838 | 64.0988% | | \$ 14,646,000 | \$ 14,646,000 | \$ 14,646,000 | | County Share (unincorporate) | 8,273 | 89.0527% | \$ 2,379,489 | \$ 2,672,000 | \$ 2,672,000 | \$ 2,672,000 | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| Jasper County | 35,506 | | \$ 18,607,000 | | | | | Sabine County | 10,471 | | \$ 7,336,000 | | | | | | | | |
| City of Brownell | 275 | 0.7745% | | \$ 144,114 | \$ - | \$ - | B | City of Hemphill | 1,319 | 12.5967% | \$ 924,094 | \$ 924,094 | \$ 924,094 | \$ 924,000 | | | | | |
| City of Jasper | 7,583 | 21.3570% | | \$ 3,973,888 | \$ 3,973,888 | \$ 3,974,000 | | City of Pritchard | 619 | 5.9116% | \$ 433,672 | \$ 500,000 | \$ 500,000 | \$ 500,000 | A | | | | |
| City of Kirbyville | 2,631 | 7.4100% | | \$ 1,378,782 | \$ 1,378,782 | \$ 1,379,000 | | Incorporated Population | 1,938 | | | | | | | | | | |
| Incorporated Population | 10,489 | | | \$ 13,110,216 | \$ 13,254,330 | \$ 13,254,000 | | County Share (unincorporate) | 8,533 | 81.4917% | \$ 5,928,234 | \$ 5,911,906 | \$ 5,912,000 | \$ 5,912,000 | | | | | |
| County Share (unincorporate) | 25,017 | 70.4885% | | \$ 18,607,000 | \$ 18,607,000 | \$ 18,607,000 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| Newton County | 13,914 | | \$ 16,185,000 | | | | | San Augustine County | 8,286 | | \$ 7,430,000 | | | | | | | | |
| City of Newton | 2,199 | 15.8042% | | \$ 2,557,914 | \$ 2,557,914 | \$ 2,558,000 | | City of Broadus | 332 | 4.0088% | \$ 297,702 | \$ - | \$ - | \$ - | B | | | | |
| Incorporated Population | 2,199 | | | \$ 13,627,086 | \$ 13,627,086 | \$ 13,627,000 | | City of San Augustine | 1,889 | 22.7975% | \$ 1,693,853 | \$ 1,693,853 | \$ 1,694,000 | \$ 1,694,000 | | | | | |
| County Share (unincorporate) | 11,715 | 84.1958% | | \$ 16,185,000 | \$ 16,185,000 | \$ 16,185,000 | | Incorporated Population | 2,221 | | | | | | | | | | |
| | | | | | | | | County Share (unincorporate) | 6,065 | 73.1958% | \$ 5,438,444 | \$ 5,736,147 | \$ 5,736,000 | \$ 5,736,000 | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| San Jacinto County | 28,180 | | \$ 17,287,000 | | | | | Regional Projects | | | \$ 13,306,000 | | | | | | | | |
| City of Goldsring | 1,029 | 3.6515% | | \$ 631,239 | \$ 631,239 | \$ 631,000 | | DETCOG (Set-aside) | | | \$ 13,306,000 | \$ 13,306,000 | \$ 13,306,000 | \$ 13,306,000 | | | | | |
| City of Point Blank | 761 | 2.7005% | | \$ 466,835 | \$ 500,000 | \$ 500,000 | A | | | | \$ 13,306,000 | \$ 13,306,000 | \$ 13,306,000 | | | | | | |
| City of Shepherd | 3,202 | 11.3627% | | \$ 1,964,265 | \$ 1,964,265 | \$ 1,964,000 | | | | | | | | | | | | | |
| Incorporated Population | 4,992 | | | \$ 14,224,661 | \$ 14,191,496 | \$ 14,192,000 | | | | | | | | | | | | | |
| County Share (unincorporate) | 23,188 | 82.2853% | | \$ 17,287,000 | \$ 17,287,000 | \$ 17,287,000 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| Regional Projects | | | \$ 42,694,000 | | | | | | | | | | | | | | | | |
| DETCOG (Set-aside) | | | | \$ 42,694,000 | \$ 42,694,000 | \$ 42,694,000 | | | | | | | | | | | | | |
| | | | | \$ 42,694,000 | \$ 42,694,000 | \$ 42,694,000 | | | | | | | | | | | | | |
| Total HUD MID Allocations | | | \$ 127,970,000 | | | | | Total State MID Allocations | | | \$ 33,572,000 | | | | \$ 33,572,000 | | | | |

* FOOTNOTES
 Minimum allocation is \$500,000. Within each County, if a local jurisdiction's formula allocation is at least two-thirds of the minimum allocation, funds are moved from the county's allocation to provide that jurisdiction with the required minimum. If a local jurisdiction's formula allocation is less than two-thirds of the minimum allocation, the funds for that jurisdiction are rolled into the County's allocation. Counties have the option of carrying out projects in both unincorporated and incorporated areas.
 A - Jurisdiction received additional funds from the County's allocation to reach minimum allocation amount.
 B - Jurisdiction's allocation was less than two-thirds of minimum allocation amount; funds were rolled into County's allocation.
 C - Population source: 2019 American Communities Survey (US Census Bureau)

ALLOCATION SUMMARY

| COG: | DETCOG | HUD MID | | |
|---------------------------|--------------------------|--------------------------------|----------------------|----------------|
| Total Allocation: | | \$ 161,542,000 | | |
| Entity | Allocation | Percentage of Total Allocation | LMI Portion | LMI Percentage |
| Jasper County | \$ 13,254,000 | 10.36% | \$ 4,638,900 | 35.00% |
| City of Jasper | \$ 3,974,000 | 3.11% | \$ 1,390,900 | 35.00% |
| City of Kirbyville | \$ 1,379,000 | 1.08% | \$ - | 0.00% |
| Newton County | \$ 13,627,000 | 10.65% | \$ 4,769,450 | 35.00% |
| City of Newton | \$ 2,558,000 | 2.00% | \$ 895,300 | 35.00% |
| Polk County | \$ 15,510,000 | 12.12% | \$ 5,428,500 | 35.00% |
| Alabama-Coushatta Tribe * | \$ 500,000 | 0.39% | \$ - | 0.00% |
| City of Livingston | \$ 2,541,000 | 1.99% | \$ 889,350 | 35.00% |
| San Jacinto County | \$ 14,192,000 | 11.09% | \$ 4,967,200 | 35.00% |
| City of Coldspring | \$ 631,000 | 0.49% | \$ - | 0.00% |
| City of Point Blank * | \$ 500,000 | 0.39% | \$ - | 0.00% |
| City of Shepherd | \$ 1,964,000 | 1.53% | \$ 687,400 | 35.00% |
| Tyler County | \$ 9,388,000 | 7.34% | \$ 3,285,800 | 35.00% |
| City of Ivanhoe | \$ 1,933,000 | 1.51% | \$ 676,550 | 35.00% |
| City of Woodville | \$ 3,325,000 | 2.60% | \$ 1,163,750 | 35.00% |
| DETCOG (Regional) | \$ 42,694,000 | 33.36% | \$ 36,000,000 | 84.32% |
| Total | \$ 127,970,000.00 | 100.00% | \$ 64,793,100 | 50.63% |
| State MID | | | | |
| Entity | Allocation | Percentage of Total Allocation | LMI Portion | LMI Percentage |
| Polk County | \$ 1,588,000 | 4.73% | \$ 555,800 | 35.00% |
| City of Corrigan | \$ 561,000 | 1.67% | \$ - | 0.00% |
| City of Onalaska | \$ 679,000 | 2.02% | \$ - | 0.00% |
| Sabine County | \$ 5,912,000 | 17.61% | \$ 2,069,200 | 35.00% |
| City of Hemphill | \$ 924,000 | 2.75% | \$ - | 0.00% |
| City of Pheasant * | \$ 500,000 | 1.49% | \$ - | 0.00% |
| San Augustine County | \$ 5,736,000 | 17.09% | \$ 2,007,600 | 35.00% |
| City of San Augustine | \$ 1,694,000 | 5.05% | \$ - | 0.00% |
| Tyler County | \$ 2,672,000 | 7.96% | \$ 935,200 | 35.00% |
| DETCOG (Regional) | \$ 13,306,000 | 39.63% | \$ 11,250,000 | 84.55% |
| Total | \$ 33,572,000.00 | 100.00% | \$ 16,817,800 | 50.09% |

DETCOG ALLOCATION SUMMARY AND CALCULATION WORKSHEETS

NOTES:
 Minimum allocation is \$500,000.
 * If a local jurisdiction's formula allocation is at least two-thirds of the minimum allocation, it is rounded up to the minimum.
Other Eligible Entities Which Do Not Meet the Threshold for Allocations:
(These communities' allocations have been rounded up to the county because they did not meet the minimum threshold.)
 (Jasper County)
 City of Browndell
 (Polk County)
 City of Goodrich
 City of Seven Oaks
 (San Augustine County)
 City of Broaddus
 (Tyler County)
 City of Chester
 City of Colmesneil



Minutes – Public Planning Meeting

Hurricane Harvey CDBG-Mitigation Method of Distribution (MIT MOD)

January 13, 2022 - 7:00 P.M.

Tyler County Senior Citizen Center

201 Veterans Way, Woodville, Texas

The meeting was called to order at 7:00 p.m. by Lonnie Hunt, Executive Director of the Deep East Texas Council of Governments (DETCOG).

Attendees were:

Mark Allen (Jasper County Judge)
Jacques Blanchette (Tyler County Judge)
Joe Blacksher (Tyler County Commissioner)
Mary Walters (Tyler County Commissioners Assistant)
Cheryl Downing (Alabama Coushatta-Tribe of Texas)
Fritz Faulkner (San Jacinto County Judge)
Daryl Melton (Sabine County Judge)
John McElfish (Grant Works)
Keith Payne (Grant Works)
Bill Hoppe (Raymond K. Vann & Associates)
Lesley Waxman (David J. Waxman Inc.)
Lonnie Hunt (DETCOG Executive Director)
Bob Bashaw (DETCOG Regional Services Director/Regional Planner)
Carolyn Stephenson (DETCOG Regional Services Staff)
Mickey Slimp (DETCOG Consultant)
Shanna Burke (Southeast Texas Regional Planning Commission)
Jennifer Harris (Texas General Land Office)

Lonnie Hunt facilitated the discussion, utilizing a slide presentation (slides are attached). He covered the following subjects:

- Purpose and outline of the meeting.
- Process and timeline for MOD development.
- Eligible areas within the Deep East Texas region (including Jasper County).
- The difference between areas designated as HUD Most Impacted and State Most Impacted.
- The amount of funding allocated to the region under the State Action Plan Amendment One, including a breakdown of funding for HUD Most Impacted Areas and State Most Impacted Areas and the required amount that must serve low-to-moderate income (LMI) areas.
- Explanation of what mitigation is, eligible activities, and ineligible activities.
- Possible objective factors that could be used in the MOD formula.

- Other requirements or factors to be considered, including the following:
 - o The COG will have to do separate allocations for HUD-MID and State-MID funds.
 - o GLO has set minimum project amount at \$1 million but the COG may request a waiver to lower that minimum.
 - o The possibility of setting a “floor” (minimum allocation) for each county.
 - o The method the COG has used in previous MODs to allocate funding to local jurisdictions within a county.
- He stressed that the final approval of the MOD would rest with the DETCOG Board of Directors, subject to review and approval by the GLO.

The audience was invited and encouraged to offer comments and ask questions about the Method of Distribution. A variety of comments and questions were received.

Summary of Comments, Questions, and Responses

Lesley Waxman (David J. Waxman Inc.):

Why are they using zip codes in most impacted areas in a mitigation program? Isn't mitigation about the future and not the past?

Lonnie Hunt (DETCOG Executive Director):

That decision was made by HUD. We were instructed to do it this way.

Judge Jacques Blanchette (Tyler County Judge):

Would there be a benefit county- and city-wise, if the waiver asking for a minimum project size of less than \$1 million be requested up front?

Lonnie Hunt:

The process of developing the MOD will guide us as to whether to request a waiver. We will need to submit the waiver request when we submit the preliminary MOD to GLO.

Lesley Waxman:

Is the \$161 million only going to be divided among the seven counties plus the cities in those counties?

Lonnie Hunt:

The eligible entities include units of local government, COG's, and Indian Tribes. We could also request a waiver to allow inclusion of other entities like river authorities.

Lesley Waxman:

Is DETCOG going to get funding?

Lonnie Hunt:

That will be determined in the Method of Distribution. If the region gets the full \$161 million, I personally would like to see some of it used to address regional needs like broadband and interoperable radio communications.

Lesley Waxman:

Sure, I agree.

Lonnie Hunt:

So how do the rest of you feel about that?

Judge Jacques Blanchette:

I agree, we have people in all sorts of places in this county that would benefit from access to broadband.

Commissioner Joe Blackshear (Tyler County Commissioner):

I agree totally on the need for broadband and radio communications.

Lesley Waxman:

DETCOG is putting together the MOD and it is eligible to receive the funding?

Lonnie Hunt:

Yes, in this case Councils of Governments are eligible to receive funding. The GLO has encouraged large-scale regional projects. COGs would be most likely to manage that type of project.

Lesley Waxman:

So, you wouldn't be using it over in other parts of the region like Angelina County, would you?

Lonnie Hunt:

No, these funds can only be spent to benefit these seven counties (Harvey disaster counties).

Judge Mark Allen (Jasper County Judge):

The state is just starting to work on broadband, but DETCOG would be able to get it to our folks quicker, wouldn't it?

Lonnie Hunt:

We have been working on bringing broadband to this region for several years and have already received a grant to install a broadband network in northern Newton County. We are ahead of the rest of the state in being able to design and install a broadband network to serve a wide range of customers.

Commissioner Joe Blackshear:

Could we be the first to have broadband?

Bob Bashaw (DETCOG Regional Planner):

In terms of broadband, installations by for-profit companies are being driven by return on investment. When the customers are located far apart, like in a rural environment, the investment is high, and the return is low. In the DETCOG region 65 percent of the population live outside of incorporated cities. What will those people do if only the cities get broadband?

Lonnie Hunt:

Are there any other comments about the MOD and this process?

Judge Daryl Melton (Sabine County Judge):

I would like to see project eligibility opened up to all the different types of projects. The needs in Sabine County could be different from what San Jacinto County needs. We should all be able to do eligible projects that serve our needs. Also, when these projects come in under budget the remaining funds should be reallocated to be used in other eligible parts of the region and not be immediately returned to the control of the Texas GLO.

Judge Mark Allen:

I agree with Judge Melton that we shouldn't limit the type of projects that can be done with these funds. I also think we need to set a floor on the funding allocation low enough for the types of projects our cities and counties need. We need to keep these funds to where they benefit the people in this region and not immediately be taken away when we are good stewards and our projects come in under budget.

And we all know that we need the interoperable radio communications for our first responders. We have patched, and patched, and patched until we just don't have good radio coverage over large areas in all of these seven counties and these improvements to that system are badly needed.

As for broadband, we are working with Charter Communications to use their RDOF funds from the FCC to bring fiber optics to the homes in our cities – but that leaves out lots of our folks that live in the country. DETCOG is committed to bring their service to those folks and I think it's sorely needed.

Judge Jacques Blanchette:

I agree with Judge Allen. For at least four years there has been recognition of the interoperable radio needs in this region. And Covid has heightened the awareness of how important broadband is to our families, businesses, and government activities. There have been other efforts to find a way to pay for these radio and broadband plans that have just not panned out. When these additional funds were added to our original mitigation allocation, we were able to see there are enough funds to take care of our county and city projects, and have funds for broadband and radio and I fully support these additional funds being used for them.

Lonnie Hunt:

Are there any more questions or comments? There have been comments about all eligible projects being allowed – how do you feel about that?

Bill Hoppe (Raymond K. Vann & Associates):

I certainly agree.

Lesley Waxman:

I don't think there should be limits on eligible activities – in one town it may be a roof on a building and just down the road a drainage improvement. There are too many different needs to go restricting them.

Lonnie Hunt:

Any other comments on mitigation needs? If not, are there any comments or questions on objective factors?

Lesley Waxman:

I sure would not use past competitions in my opinion.

Judge Mark Allen:

I think that past damages should be considered in the factors.

Judge Daryl Melton:

I would think you are going to have to use population, poverty, and damages as factors.

Lonnie Hunt:

How do you feel about this Composite Disaster Index and Social Vulnerability Index?

(No responses)

Lonnie Hunt:

Are there any other suggestions?

(No responses)

Lonnie Hunt:

Then let's talk about minimums and maximums. I'll ask the grant consultants: Realistically, how much does it take to do a valid project in the CDBG world?

Lesley Waxman:

I'll go with \$500,000.

Bill Hoppe:

I concur, in the past we could do a good project for \$400,000, but all that's changed.

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Here recently we've had trouble getting bidders, but I know that will change.

Judge Daryl Melton:

I'm concerned about my smaller cities. One is a little over 1,000 population, one is a little under 1,000, and with a minimum of \$500,000 they may not be funded to do a project. What about \$300,000?

Judge Mark Allen:

It would be helpful if the smaller cities at least had some allocation to get them started on a project.

Lonnie Hunt:

Any other comment or considerations?

Lesley Waxman:

Circle back to the letters where entities certify they have eligible projects. If I am working on a project, will I have to prove they are an LMI Project?

Lonnie Hunt:

More clarification is needed what they will be asked to certify. We have been encouraging every city and county to go ahead and develop a list of projects – and rank them in order of priority.

Lesley Waxman:

Do you know how long we will have to respond?

Lonnie Hunt:

No, we have not been given a timeline.

Lesley Waxman:

Any information on the new survey methodology?

Lonnie Hunt:

No, we do not have any information on that.

Lesley Waxman:

We were hoping these projects would not be based on LMI. Does Harris County and Houston have to meet the LMI?

Lonnie Hunt:

Yes, they do.

Lesley Waxman:

I would like to see a third public meeting for further discussion before the MOD is finalized (expressing concern that the public will not see the MOD until the meeting at which it is finally approved).

Lonnie Hunt:

We will release the MOD before the public hearing on April 5, 2022, and there will be a public comment period before it is finalized.

Lonnie Hunt reminded the audience that written comments will be accepted until April 5 but encouraged comments to be submitted as early as possible so they can be considered during the process of developing the preliminary MOD.

The meeting adjourned at 8:42 p.m.



Comments – Public Planning Meeting

Hurricane Harvey CDBG-Mitigation Method of Distribution (MIT MOD)

January 13, 2022 - 7:00 P.M.

Tyler County Senior Citizen Center
201 Veterans Way, Woodville, Texas

The following is a summary of oral comments, questions, and responses during the meeting. Written comments and responses are also attached to this document.

Lesley Waxman (David J. Waxman Inc.):

Why are they using zip codes in most impacted areas in a mitigation program? Isn't mitigation about the future and not the past?

Lonnie Hunt (DETCOG Executive Director):

That decision was made by HUD. We were instructed to do it this way.

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ATTACHED BELOW ARE WRITTEN COMMENTS RECEIVED FROM:

- 1. Texas Appleseed (Madison Sloan, Disaster Recovery and Fair Housing Director)**
- 2. T. L. L. Temple Foundation (Wynn Rosser, President and CEO)**

Email from Texas Appleseed (received 1-12-2022):

Dear Bob:

Thank you for sending us the notice of public hearings on DETCOG's MOD process. Could you clarify whether the purpose of tomorrow's hearing is to take comment on DETCOG's Citizen Participation Plan (I could not find one on the website) or on how the COG should conduct the MOD process itself?

Given high levels of community spread of COVID-19, particularly the serious risk to persons who are immunocompromised, elderly, otherwise high risk - and who may have disabilities that make them more vulnerable to hospitalization and death if they contract COVID-19 - is DETCOG providing any option for remote public comment either in general or as a reasonable accommodation for persons with disabilities?

Thank you, and I look forward to your response.

Sincerely,
Maddie

Madison Sloan
Director, Disaster Recovery and Fair Housing Project
Texas Appleseed
1609 Shoal Creek Blvd., Ste. 201
Austin, TX 78701
512.473.2800, ext. 108
msloan@texasappleseed.org
www.texasappleseed.org

DETCOG Response (sent by email 1-12-2022):

Ms. Sloan:

Tomorrow's public meeting is an opportunity for comments concerning how DETCOG goes about developing the Method of Distribution (MOD) for Hurricane Harvey Mitigation funds being allocated to eligible entities in the 7 Deep East Texas Counties (Jasper, Newton, Polk, Sabine, San Augustine, San Jacinto & Tyler) - that were included in the Presidential Disaster Declaration for Hurricane Harvey.

We will be outlining the Texas General Land Office (TxGLO) prescribed process for developing this MOD ([Regional Mitigation \(texas.gov\)](https://www.texas.gov)) and accepting comments from those in attendance. The meeting notice also contains information on how to submit written comments and the deadline for those submissions.

I hope this clarifies the purpose of tomorrow's meeting in Woodville.

Bob Bashaw,
DETCOG Regional Planner

Texas Appleseed Response (received 1-12-2022):

Re: MOD Public Comment Process

1 message

Maddie Sloan <msloan@texasappleseed.org>

Wed, Jan 12, 2022 at 12:56
PM

To: Bob Bashaw <bob.bashaw@detcog.gov>

Thank you Bob, that's helpful.

Sincerely,
Maddie



T.L.L. TEMPLE FOUNDATION

EST 1962

BUILDING A THRIVING DEEP EAST TEXAS

MEMORANDUM

TO: Mr. Bob Bashaw
Regional Planner, DETCOG

DATE: February 16, 2022

SUBJECT: Method of Distribution Public Comments

It is our understanding that DETCOG is seeking public comment on the method of distribution for community development block grant mitigation (CDBG-MIT) funds. We further understand that long-term recovery, economic revitalization, and affirmatively furthering fair housing are allowable purposes of funding. I am writing to encourage funding for broadband access, adoption, and use to be included as a way of furthering the allowable purposes stated above.

The DETCOG region is one of the most underserved, rural regions in the state. Half of the zip codes in our region do not have access to broadband. The lack of connectivity reduces economic growth and has a detrimental effect on households throughout the region, including eliminating remote healthcare, education, and employment opportunities. Investment in broadband has been demonstrated to invigorate the economy and grow jobs and is widely recognized as essential for the future of rural communities.

We believe an investment in broadband is aligned with the allowable purposes of the CDBG-MIT funds and that doing so would realize long-term economic, health, and education gains in our region.

Thank you for allowing us to comment.

Best regards.

Wynn Rosser, Ph.D.
President and CEO



Deep East Texas Council of Governments & Economic Development District

1405 Kurth Drive, Lufkin, Texas 75904
(936) 634-2247 Fax: (936) 639-2700

February 22, 2022

Wynn Rosser, Ph.D.
President and CEO
T.L.L. Temple Foundation
204 Champions Drive
Lufkin, Texas 75901

Dear Dr. Rosser,

Thank you for your letter of February 16, 2022, with comments on the Method of Distribution (MOD) for CDBG-Mitigation funds for the Deep East Texas region.

Communications infrastructure, including broadband, is an eligible activity for the use of these funds.

As we work through the MOD development process, your comments will be carefully considered by DETCOG staff and will be shared with members of our Hurricane Harvey Subcommittee and our Board of Directors which is ultimately responsible for adoption of the MOD.

Sincerely,

A handwritten signature in cursive script that reads "Lonnie Hunt".

Lonnie Hunt, Executive Director



Minutes – Public Hearing (Online)

Hurricane Harvey CDBG-Mitigation Method of Distribution (MIT MOD)

May 31, 2022 - 2:00 P.M.

Held via GoToMeeting Platform

The meeting was called to order at 2:02 p.m. by Lonnie Hunt, Executive Director of the Deep East Texas Council of Governments (DETCOG).

Attendees were:

Mark Allen (Jasper County Judge)
Daryl Melton (Sabine County Judge)
Jeff Boyd (San Augustine County Judge)
Sydney Murphy (Polk County Judge)
Kenneth Weeks (Newton County Judge)
David Brandon (San Jacinto County Commissioner)
Jon McClellan (AT&T)
Alex Swift (Texas General Land Office)
Mickey Slimp (DETCOG Consultant)
Bob Bashaw (DETCOG Regional
Carolyn Stephenson (DETCOG Regional Services Staff)
Lonnie Hunt (DETCOG Executive Director)

Lonnie Hunt facilitated the discussion, utilizing a slide presentation (slides are attached). He covered the following subjects:

- Purpose of meeting
- Review of MOD Development Process
- Funding allocated to Deep East Texas and eligible areas, including HUD MID and State MID
- Definition of mitigation distinction between disaster recovery and mitigation
- DETCOG Region Mitigation Priorities and how the proposed MOD addresses them
- Distribution Factors and MOD proposals
- Threshold Factors
- Eligible Activities
- Covered Projects
- Low- and moderate-income requirements and strategy
- Reallocation of Declined Funds
- Summary of proposed allocations and calculation worksheets
- Public comment process and timeframe

The audience was invited and encouraged to offer comments and ask questions about the Method of Distribution. A variety of comments and questions were received.

Summary of Comments, Questions, and Responses

Mark Allen:

First, I want to say thank you very much to you and your staff. I would like for GLO to consider that later down the line that if a city can't use all of its funding, it goes to the county, and if a county can't use all of its funding, it goes back to the regional pot so that other counties in the region could use it.

Sydney Murphy:

Ditto Judge Allen on efforts from DETCOG staff, and many thanks to GLO. I would like to also reiterate that any unused monies be allowed to stay within the DETCOG region, or that we be allowed to transfer any unutilized funds into the DETCOG regional projects so that everybody would benefit.

Lonnie Hunt thanked everyone for attending and reminded the audience that the public comment period would continue until June 2, 2022, and that written comments must be received by 4:30 pm on that date.

The meeting adjourned at 2:50 p.m.



Minutes – Public Hearing (In Person)

Hurricane Harvey CDBG-Mitigation Method of Distribution (MIT MOD)

May 31, 2022 - 6:00 P.M.

Tyler County Senior Citizen Center
201 Veterans Way, Woodville, Texas

The meeting was called to order at 6:00 p.m. by Lonnie Hunt, Executive Director of the Deep East Texas Council of Governments (DETCOG).

Attendees were:

Mark Allen (Jasper County Judge)
Joe Blacksher (Tyler County Commissioner)
Daryl Melton (Sabine County Judge)
(Leslie Waxman (DJW Incorporated)
Susan Stover (DJW Incorporated)
Cydnye Robinson (Texas General Land Office)
Jon McClellan (AT&T)
Cathy Bennett (Mayor, City of Ivanhoe)
Chris Bennett (City of Ivanhoe)
C. D. Woodrome (City of Ivanhoe)
Mickey Slimp (DETCOG Consultant)
Caroolyn Stephenson (DETCOG Regional Services Staff)
Lonnie Hunt (DETCOG Executive Director)

Lonnie Hunt facilitated the discussion, utilizing a slide presentation (slides are attached). He covered the following subjects:

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- Low- and moderate-income requirements and strategy
- Reallocation of Declined Funds
- Summary of proposed allocations and calculation worksheets
- Public comment process and timeframe

The audience was invited and encouraged to offer comments and ask questions about the Method of Distribution. A variety of comments and questions were received.

Summary of Comments, Questions, and Responses

Lesley Waxman (David J. Waxman Inc.):

Just so I'm clear, since we're talking about the (HUD MID) zip codes right now, we don't have to spend the money in the zip codes. That's not what we're talking about, correct?

Lonnie Hunt (DETCOG Executive Director):

The HUD MID funds can only be spent in the HUD MID areas. In Tyler and Polk Counties, that means those specific zip codes that are identified as HUD MID. Now technically, there could be an exception where a project could conceivably be done outside of that zip code, but only if you show that it is primarily benefiting the people who live within that zip code. But yes, the HUD MID money that goes to Tyler County will have to be spent in zip code 75979, and the Polk County HUD MID money will have to be spent in 77351 and 77335.

Lesley Waxman:

Excuse me it's been a long day. But help me here. This is mitigation, but we are going back to damages - is that true?

Lonnie Hunt:

This is not disaster recovery money, but mitigation money. Here's the way I explain it -- we're getting this money because of Hurricane Harvey, but the money is not meant to repair damages from Harvey. The money is for mitigation projects to make our communities and our region more resilient and better prepared to withstand the next hurricane or flood that comes along. We've never gotten mitigation money like this. The money we've received in the past has been disaster recovery money. We've already received some Harvey disaster recovery money – specifically looking at damages that occurred as a result of Harvey, and funding for projects to repair those damages and put things back in order. And again, these areas are getting this money because Harvey devastated them, but the purpose of the money is not just to recover from Harvey, but it's to prepare our communities to be more resilient and better prepared for the next disaster when it hits. And on the screen is the literal HUD definition of what mitigation is.

Lesley Waxman:

So based on the fact that we're thinking ahead, how was the decision made that we had to use the zip codes?

Lonnie Hunt:

It's my understanding that HUD told the state to use the zip codes and the state told us. That is not a DETCOG decision. If the decision were left to us, I don't think we'd be splitting the money by zip codes.

Mark Allen (Jasper County Judge):

And the Polk County zip codes include Goodrich and Livingston?

Lonnie Hunt:

Yes. and In reality, those zip codes include the majority of the county's population. That Tyler County zip code includes the city of Woodville and the City of Ivanhoe, which are the two largest cities, as well as rural areas around them. And in Polk County, a significant majority of the county's residents live within those two zip codes, which are the Livingston zip code, and the Goodrich zip code. As you can see on the map, that encompasses a very significant part of Polk County, including either all or virtually all the development around Lake Livingston. In fact, Polk County, just with the two zip codes, has more population than any other of the HUD MID counties. Jasper County would be a pretty close second, but there's more population in those zip codes of Polk than in the entirety of Jasper County, and San Jacinto and Newton as well.

Mark Allen:

Can this money be utilized in combination with other federal funding sources?

Lonnie Hunt:

I don't think so. But for the record, I don't know. That would be a question for GLO. I don't think that's addressed in the State Action Plan. The answer might depend on the rules of the other federal funding program. But cost share for HMGP grants is an eligible use.

Joe Blacksher (Tyler County Commissioner):

As far as the broadband plan goes, do y'all have a plan of what's going to take place when this does rollout? I'm mainly concerned about Tyler County.

Lonnie Hunt:

We have some ideas because we've had to have engineers do some preliminary work to give us scenarios of what we could do with this amount of money or that amount of money. But the specifics of the project will have to be worked out once if the money is actually allocated.

Susan Stover (David J. Waxman Inc):

Is DETCOG prepared to be the (broadband) provider? Or how do you plan to have people like who would they sign up with and pay and so forth? What's the plan there, once you get the infrastructure for it set up?

Lonnie Hunt:

Under the rules of the CDBG grant, like the one we are currently implementing in Newton County, DETCOG would be the grantee and therefore we will have to own the assets. But our intention is when the Newton County system gets built, or actually before it's finished, we will have a procurement -- an RFP process -- where we will solicit anybody and everybody that wants to make a proposal to tell us they're the best qualified, best equipped organization to deliver the service and run the system, and we'll award a contract or contracts. If we do this in multiple counties, conceivably, there could be one provider that is the deliverer of service everywhere. Or there could be -- if there are seven counties -- there could be seven providers. But under the rules of the grant, if the money is granted to DETCOG we can't just give the infrastructure away.

Susan Stover:

You also must deal with program income and report program income as it is rolled back into the project itself you don't have to give away.

Lonnie Hunt:

The program income is a valid consideration. We're not looking to make money. Revenue generated would go back into the system.

Jon McClellan (AT&T):

Would there be one RFP for broadband or one in each county?

Lonnie Hunt:

I envision one RFP, but it would be structured for maximum flexibility. So a provider could say we are willing to do all of it, or just this part of it.

C. D. Woodrome (City of Ivanhoe):

Is Lufkin or Angelina County part of this?

Lonnie Hunt:

No, this is strictly for the seven Harvey counties. This does not include Angelina, Nacogdoches, Trinity, Shelby, and Houston. (With regard to Interoperable Radio Communications) at the moment DETCOG has a SERI grant which is \$1 million, and we have applied for another \$2 million. The SERI grant we are currently implementing is targeting coverage up and down the US-59 / I-69 corridor, which is phase one of a broader project for the region. Assuming this (MOD funding) plays out, this would represent phase two of the broader plan which would add infrastructure in the south and east.

CD Woodrome:

Since Tyler County is a pass-through county (for hurricane evacuations), it's important for our folks to be able to communicate with the folks directly north of us in Angelina County as we are trying to send folks through.

Joe Blacksher:

One of my concerns is that Tyler County doesn't get put on the back burner with the broadband and radio communications.

Lonnie Hunt:

Tyler County will be in the mix.

Susan Stover:

So ultimately the GLO just wants to see within the Region that 51 percent is spent (referring to the LMI requirement)? So there may be some flexibility as projects are determined?

Lonnie Hunt:

Maybe, but we can't promise that. My understanding is that HUD just requires the State of Texas to spend half the money on LMI projects. But to ensure that goal is met, each COG has to have a plan to ensure half the money for each region goes toward LMI projects. If there is any flexibility at a later date, it would be up to the GLO. They will not allow us to write that into the MOD.

Mark Allen:

I am talking about after the MOD.

Jon McClellan:

What is the timeline for the RFP (for a broadband project)?

Lonnie Hunt:

We don't know, but I will tell you that this is never a fast process.

Susan Stover:

The mitigation competition was 225 applications statewide and it took almost a year from application to award. That's just the contract. Then no funds can be obligated the environmental approval.

Lonnie Hunt:

Yes, it usually takes at least 6 months for environmental approval.

Susan Stover:

From what we understand, as soon as the MOD is approved you can submit applications. There is no hard fast deadline set. Get it in as quickly as possible. It sounds like DETCOG is taking the hit for the LMI -- that's a good thing for the region. I am not sure that everyone understands what the impact of that is to this region.

Lesley Waxman:

Do we know when the MOD will be approved?

Lonnie Hunt:

No, but you know I am an eternal optimist. I don't think it will take a long time.

Susan Stover:

Since the comment period ends June 2nd, when will you present to the MOD to the GLO (for final approval)?

Lonnie Hunt:

Tentatively we are proposing to go to our Board for final adoption on June 8th. But that depends on how many comments we receive -- we must respond to each one. There are things we have to do before we can submit it to the GLO. But it won't take us long. Give me a few days after final adoption by our Board.

Mark Allen:

I will just say a real quick thank you to Lonnie, the Disaster Committee and the Harvey Sub Committee, and all the people involved in this. The reality is, we are trying to save lives. I know there is a lot of money out there and everybody wants a piece of the pie. We're focusing on this funding to build better infrastructure, improve our roads and drainage, also to help first responders to have better communications.

Lonnie Hunt:

Are there any further comments?

Lonnie Hunt thanked everyone for attending and reminded the audience that the public comment period would continue until June 2, 2022, and that written comments must be received by 4:30 pm on that date.

The meeting adjourned at 7:47 p.m.



Summary of Comments

Online Public Hearing on Proposed Hurricane Harvey CDBG-Mitigation Method of Distribution (MIT MOD)

May 31, 2022 - 2:00 P.M.

Hosted by DETCOG Online via GoToMeeting Conference Link

Opening Comments by Lonnie Hunt, DETCOG Executive Director

Lonnie Hunt stated that this is the first of two public hearings to receive comments on the proposed Method of Distribution for Hurricane Harvey CDBG-Mitigation Funds for the Deep East Texas Region. A second in-person public hearing will be held tonight at 6 o'clock at the Senior Citizens Center in Woodville, Texas, and written comments will be received until June 2nd. Using a PowerPoint Slide presentation, he reviewed the MOD Development Process and the contents of DETCOG's proposed MOD. He noted that the Texas General Land Office has conditionally approved the DETCOG MOD, which has now been posted for the public to review and comment on. He encouraged the audience to ask questions at any time during the presentation. He also stated that questions could be posted in the chat room.

Summary of Comments, Questions, and Responses

Mark Allen (Jasper County Judge):

First, I want to say thank you very much to you (Lonnie Hunt) and your staff at DETCOG. I would like for GLO to consider that, later down the line, that if a city can't use all of its funding, it goes to the county, and if a county can't use all of its funding, it goes back to the regional pot so that other counties in the region could use it.

Sydney Murphy (Polk County Judge):

Ditto, Judge Allen, on efforts from DETCOG staff, and many thanks to GLO. I would like to also reiterate that any unused monies should be allowed to stay within the DETCOG region, or that we be allowed to transfer any un-utilized funds into the DETCOG regional projects so that everybody would benefit.

Lonnie Hunt asked again if there were any further comments or questions. There were none. He reminded the audience about tonight's public hearing in Woodville, and the opportunity to submit written comments through June 2nd.



Summary of Comments
In-Person Public Hearing on Proposed Hurricane Harvey
CDBG-Mitigation Method of Distribution (MIT MOD)

May 31, 2022 - 6:00 P.M.
Tyler County Senior Citizen Center
201 Veterans Way, Woodville, Texas 75979

Opening Comments by Lonnie Hunt, DETCOG Executive Director

Lonnie Hunt stated that this is the second of two public hearings to receive comments on the proposed Method of Distribution for Hurricane Harvey CDBG-Mitigation Funds for the Deep East Texas Region. An online public hearing was held earlier today, and written comments will continue to be received until June 2nd. Using a PowerPoint Slide presentation, he reviewed the MOD Development Process and the contents of DETCOG's proposed MOD. He noted that the Texas General Land Office has conditionally approved the DETCOG MOD, which has now been posted for the public to review and comment on. He encouraged the audience to ask questions at any time during the presentation. Printed copies of the MOD were provided for those in attendance.

Summary of Comments, Questions, and Responses

Lesley Waxman (David J. Waxman Inc.):

Just so I'm clear, since we're talking about the (HUD MID) zip codes right now, we don't have to spend the money in the zip codes. That's not what we're talking about, correct?

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I will just say a real quick thank you to Lonnie, the Disaster Committee and the Harvey Sub Committee, and all the people involved in this. The reality is, we are trying to save lives. I know there is a lot of money out there and everybody wants a piece of the pie. We're focusing on this funding to build better infrastructure, improve our roads and drainage, also to help first responders to have better communications.

Lonnie Hunt:

Are there any further comments?

Lonnie Hunt:

I want to thank everyone for being here. Make sure Carolyn has everyone signed in.
I have 7:47 PM - This meeting is adjourned.



T.L.L. TEMPLE FOUNDATION

EST 1962

BUILDING A THRIVING DEEP EAST TEXAS

May 31, 2022

Bob Bashaw
DETCOG Regional Planner
1405 Kurth Drive
Lufkin, Texas 75904

Hello Mr. Bashaw,

Improving broadband access across rural East Texas is a strategic priority for the T.L.L. Temple Foundation. Access to broadband internet is necessary to fully participate in 21st century American life, connecting people to healthcare, education, economic opportunity, social and civic engagement, commerce, and entertainment opportunities. During disasters, reliable broadband access assumes even more urgency, particularly for isolated, sparsely populated rural communities that require connectivity to mitigate risk, respond to safety and health emergencies, and coordinate recovery efforts.

Unfortunately, for many rural East Texans, especially low- and moderate-income (LMI) households, dependable broadband is either not available or not affordable. Therefore, in the absence of significant regional investment in broadband infrastructure, East Texas will remain exposed to elevated disaster risks. By advancing regional broadband connectivity targeted to LMI households, the proposed Method of Distribution (MOD) for the Deep East Texas Regional Mitigation Program is forward-looking, establishing a foundation for community resilience and development. With affordable broadband access, rural East Texans living in most impacted areas will be better prepared to respond to future hurricanes, tropical storms, and flooding. East Texans will also be able to participate more fully in civic engagement, earn online education credentials, and remotely access healthcare through telemedicine.

The Deep East Texas Council of Governments is a high-capacity, core partner for the T.L.L. Temple Foundation. This MOD leverages previous foundation investments in assessing, mapping, planning, and coordinating broadband deployment and accessibility across rural East Texas. For future disaster resilience and broad-based, cross-sector rural development, there is no more impactful investment than broadband connectivity, and the T.L.L. Temple Foundation supports the proposed MOD for the Deep East Texas Regional Mitigation Program.

Sincerely,

Wynn Rosser, Ph.D.
President & CEO



Deep East Texas Council of Governments & Economic Development District

1405 Kurth Drive, Lufkin, Texas 75904
(936) 634-2247 Fax: (936) 639-2700

June 8, 2022

Wynn Rosser, Ph.D.
President & CEO
T.L.L. Temple Foundation
204 Champions Drive
Lufkin, Texas 75904

Dr. Rosser,

Thank you for your letter dated May 31, 2022, providing comments on the proposed Method of Distribution (MOD) for the Hurricane Harvey Regional Mitigation Program for the Deep East Texas Region.

As part of the MOD process, DETCOG is required to respond to each person or organization that submits comments. This letter is written to fulfill that obligation.

Your letter speaks to the importance of providing the citizens of Deep East Texas, especially low- and moderate-income households, with dependable and affordable broadband. During our MOD public planning process, we received similar comments from others. Our proposed MOD does include a significant set-aside for a regional broadband project to address this need.

Your comments are appreciated. The DETCOG Board of Directors is responsible for adoption of the MOD. Prior to adoption, the MOD will be reviewed by our Hurricane Harvey Subcommittee which may make a recommendation to the Board. Your comments will be shared with both the Board of Directors and Harvey Subcommittee for their consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lonnie Hunt". The signature is written in a cursive, flowing style.

Lonnie Hunt, Executive Director

David S. Brandon, CFM
Commissioner Precinct 3
San Jacinto County, Texas
938-520-9221



Mr. Bob Brashaw
DETCOG Regional Planner
1405 Kurth Drive
Lufkin, Texas 75904

June 1st, 2022

RE: Comment to Proposed Method of Distribution- Hurricane Harvey Regional Mitigation Program- Deep East Texas

Dear Mr. Brashaw.

First, I would like to give a Thank You to DETCOG and all the people who put in their time and efforts in producing the Proposed MOD for utilizing these fund as to try to be a fair as reasonably practical.

We as a Commissioners Court approved accepting the MOD yesterday as we did not have much choice since it was a take it or lose it decision. In the discussion however a conversation was had as to the allocations.

My comment is as follows: Since San Jacinto County was the only County totally deemed to be " Most Impacted" while other were affected in various Zip Codes and Cities, it seems that the county should be disbursed more share than allowed especially since we were excluded from the State Mid Calculation side. Using the population methodology is not a fair and equitable method given the CDI (Composite Disaster Index). It should have offset the equation since for example, Imelda only impacted San Jacinto County in this region which is the reason for the CDI. But on appearance we are all equalized at the .333%. I believe, this adds validity to saying that San Jacinto County, by location, is more prone to Higher Risk than others on the face value. The goal is to make Infrastructure more Resilient and Hardened which is why such a calculation is diversified and subjective when used and not actually Risk Based.

I refer to FR /Vol.86, No.3/ Wednesday, January 6, 2021/Notices page 569; Appendix A- Detailed Methodology- Allocation of CDBG-MIT Funds for Most Impacted and Distressed Areas as set up by the Department of Housing and Urban Development. This was used in the 2018 Declarations but was supplemental to 2017 DR's.

I think in true fairness, a Risk Rank Score by points of true impacted areas should be included as to even the field since populations methods will, as in this case, outweigh the Most Impacted and Distressed Communities/Counties with a lesser population which reduces the tax base from not only residents but EDA and businesses reducing the intent of Resiliency.

Respectfully Submitted,

A handwritten signature in blue ink that reads "David S. Brandon".



June 8, 2022

The Honorable David S. Brandon
Commissioner, Precinct 3
San Jacinto County, Texas

Commissioner Brandon,

Thank you for your letter dated June 1, 2022, providing comments on the proposed Method of Distribution (MOD) for the Hurricane Harvey Regional Mitigation Program for the Deep East Texas Region.

As part of the MOD process, DETCOG is required to respond to each person or organization that submits comments. This letter is written to fulfill that obligation.

I would like to point out that San Jacinto County is not the only county which HUD deemed as Most Impacted and Distressed (“HUD MID”). In fact, the entire counties of San Jacinto, Jasper, and Newton were designated as HUD MID. In addition, the zip codes of 77351 and 77335 in Polk County and 75979 in Tyler County were also designated as HUD MID.

I would also note that population is just one of several distribution factors that are used in the proposed funding formula. We were tasked with creating a formula that is based on “objective, replicable, and verifiable data that accounts for vulnerable populations and potential impacts from future disasters.” The distribution factors in the proposed MOD satisfy those requirements, and were selected based on input received during our public planning process. The percentage of low- and moderate-income households (LMI) is used to account for vulnerable populations, and the Composite Disaster Index (CDI) is used to account for potential impacts from future disasters.

Your comments are appreciated. The DETCOG Board of Directors is responsible for adoption of the MOD. Prior to adoption, the MOD will be reviewed by our Hurricane Harvey Subcommittee which may make a recommendation to the Board. Your comments will be shared with both the Board of Directors and Harvey Subcommittee for their consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lonnie Hunt".

Lonnie Hunt, Executive Director



June 2, 2022

Deep East Texas Council of Government
ATTN: Lonnie Hunt, Executive Director
210 Premier Drive
Jasper, TX 75951
Submitted via email to lhunt@detcog.org

Re: Texas Appleseed Comments on the Deep East Texas Proposed Method of Distribution for the Hurricane Harvey CDBG-MIT Regional Mitigation Program

Dear Mr. Hunt:

Texas Appleseed¹ appreciates the opportunity to provide comments on the DETCOG Proposed Method of Distribution (MOD), covering \$161,542,00 in Community Development Block Grant for Mitigation (CDBG-MIT) funds allocated by the U.S. Department of Housing and Urban Development (HUD) by Federal Register Notice, 84 F.R. 169 (August 30, 2019).

We appreciate the CDBG-MIT program is entirely new. This is the first time Congress has ever appropriated CDBG-MIT funding. While Texas jurisdictions have extensive experience with the CDBG-DR program, that experience cannot be applied directly to

¹ 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.

CDBG-MIT funds. As HUD notes in the Federal Register Notice allocating these funds “CDBG-MIT funds are to be used for distinctly different purposes than CDBG-DR funds.”²

The Federal Register definition of “mitigation” recognizes the importance of reducing long-term risk and the suffering and hardship caused by disasters; “[f]or purposes of this notice, mitigation activities are defined 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.”³

I. DETCOG Failed to Comply with Citizen Participation Requirements

The Federal Register Notice (FR Notice) setting out Allocations, Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Mitigation Grantees (CDBG-MIT) mandates a “robust” citizen participation process to “mitigation activities are developed through methods that allow all stakeholders to participate . . . because citizens recovering from disasters are best suited to ensure that grantees will be advised of any missed opportunities and additional risks that need to be addressed” and “[a]lso, each local government receiving assistance from a State grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided in notices providing waivers and alternative requirements for this grant).” (84 FR 45838, 45869) DETCOG has failed to comply with with the requirements of 24 CFR 570.486, the waivers and alternative requirements provided in 84 FR 45838⁴, the alternative requirements provided in the State of Texas CDBG-MIT Action Plan Amendment 1 and the Texas CDBG-MIT Regional Mitigation Program COG Method of Distribution Guidance published by the Texas General Land Office (GLO).

The State’s MOD Guidance clearly requires a citizen participation process that goes beyond a single public hearing, including bringing community members “into discussions regarding the MOD”, “consult[ing]” local governments and departments, “gather[ing]

² 84 FR 45838

³ 84 FR 45940 and 45838

⁴ Under the applicable waivers, the State did not need to include the specific requirements in 24 CFR 570.486, and instead established alternative citizen participation plan requirements for the COGs in Action Plan Amendment 1 and the MOD Guidance. The State’s Action Plan requires that “each COG follow a citizen participation process.” (AP Amendment 1 at 257) The details of the citizen participation process required by the Action Plan are laid out in the State’s MOD Guidance and its subrecipients must comply with those requirements in order to comply with federal obligations.

input” from “organizations that may have knowledge about needed mitigation efforts in the community”, and “contact[ing]and work[ing] with” organizations representing members of protected classes.” The MOD Guidance clearly anticipates that there will be not only “additional meetings, hearings and workshops and other requests for public comment contributing toward the development of the MOD” and requires that the Citizen Participation Plan “include a list of those contacted and consulted in the development of the MOD.”⁵

DETCOG did provide notice of its Public Planning Meeting to eligible units of local government and other stakeholders, “including local organizations interested in fair housing issues and representing protected classes of individuals” - by mail, fax, email, and phone.⁶ Unfortunately, that notice contained information that was not entirely accurate and may have made it difficult for the public to comment on the specific planning issues related to this MOD.

First, the notice was not clear that the amount of CDBG-MIT funding was conditional; AP Amendment 1 had not been approved by HUD at the time.

Second, the Notice states that CDBG-MIT funds can be used for “activities related to disaster relief, long-term recovery, restoration of infrastructure and housing, [and] economic revitalization” as well as mitigation activities, which conflates CDBG-DR and CDBG-MIT funding. CDBG-MIT funds can only be used for mitigation activities that are “consistent with the Mitigation Needs Assessment provided in the Grantee’s Action Plan.”⁷ Unlike CDBG-DR funds, which must have a “tie-back” to a specific disaster and address unmet recovery need related to that disaster, CDBG–MIT funds do not require such a “tie-back” to the specific qualified disaster that has served as the basis for the grantee’s allocation of CDBG–MIT funds.⁸

Hurricane Harvey damage should be a primary indicator of the need for mitigation and ongoing unmet need and should be used to prioritize mitigation activities, particularly since these CDBG-MIT funds were allocated based on damage from Hurricane Harvey

⁵ MOD Guidance at 7. None of the three Citizen Participation Plans we reviewed distinguished between stakeholders to whom the COG gave notice of the public hearing and stakeholders who were “consulted” in the development of the MOD.

⁶ Notice posted on Twitter and Facebook, January 5, 2022.

⁷ 84 FR 45840 (For the purposes of this Notice, mitigation activities are defined 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.); 84 FR 45848

⁸ 84 FR 45848

and can only be used to mitigate risks from “hurricanes, tropical storms and depressions, and flooding” in accordance with the Action Plan and consistent with the State’s Mitigation Needs Assessment.⁹ DETCOG’s notice is not clear that these funds can only be used for mitigation projects, and in fact states that these funds can be used for disaster recovery, failing to provide the public with notice of the actual topic of the Planning Meeting.

The notice also states that funding is for “the most impacted and distressed areas resulting from Presidentially-declared disasters that occurred in 2015, 2016, and 2017.” The CDBG-MIT funding allocated through the Regional Mitigation Program cannot be used in areas with Presidential declarations for 2015 and 2016 disasters, the can only be used in the most impacted and distressed areas for Hurricane Harvey in 2017.¹⁰

Third, the notice informs the public that there will be two hearings "to see[k] input on the MOD" and provides a deadline for written public comment yet does not clarify that the second hearing and public comment period will be after the preliminary MOD is approved by the GLO. The notice states that “[w]ritten and oral comments regarding the MOD will be taken at public hearings scheduled for the following dates, times, and locations” and that written comments “must be received by DETCOG by 4:30 p.m. on Tuesday, April 5, 2022.” Texas Appleseed was not present at the January 13, 2022 in-person meeting, and DETCOG did not post the public meeting presentation online although it did provide a copy upon request. The presentation itself includes a timeline of the MOD process, but provides “program day” and not dates for each projected milestone, and the written comment deadline is given as April 5, 2022.¹¹ Texas Appleseed planned to submit written comments by the April 5, 2022 deadline, but was informed on March 31, 2022 that the April 5, 2022 deadline was for comments on the preliminary MOD approved by GLO, and that the comment deadline would be extended because GLO had not yet provided preliminary approval.¹²

Fourth, DETCOG held only one in-person planning meeting; no virtual, phone, or written option was provided.¹³ At the time, the extremely contagious Omicron variant of the COVID-19 virus had become the dominant strain of COVID-19 in Texas. One month

⁹ Action Plan at 258. (“As outlined in Mitigation Needs Assessment, hurricanes/tropical storms/tropical depressions, and severe coastal/riverine flooding are the top two severe risks Texas experiences. Each proposed project must mitigate against one of these identified risks.”)

¹⁰ See, e.g. Action Plan at 257-258.

¹¹ DETCOG Public Meeting Presentation, May 31, 2022. On file with the author.

¹² March 31, 2022 email from Bob Bagshaw, DETCOG Regional Planner, to John Laycock, Texas Appleseed.

¹³ April 5, 2022 was the only written comment deadline presented in the notice or meeting presentation.

before the hearing, Texas had an average daily case count of 3,332 cases, and 1,822 new cases per day. By January 4, 2022, the day before DETCOG posted public notice of the planning meeting on social media, Texas’s daily average case count was 37,390 with 53,990 new cases per day, and by the day before the hearing, January 12, 2022, the state’s average daily case count was 52,466 with 73,895 new cases per day.¹⁴ Hospitalizations and deaths were also spiking. Attending a public meeting that required gathering indoors - potentially with limited ability to social distance - when local government entities had been prohibited from requiring masks¹⁵ was a high-risk activity, even for fully vaccinated Texans, in January 2022.

For certain populations, including the elderly, people with compromised immune systems, and persons with other pre-existing conditions,¹⁶ many of whom are people with disabilities,¹⁷ attending a meeting to give in-person public comment was extraordinarily high risk. Concerns for the health of vulnerable populations would also prevent people associated with people with disabilities, for example, persons who work at nursing homes or have immunocompromised family members, along with parents of children under five, from providing in-person public comments. Communities of color and low-income communities have also been disproportionately affected by COVID-19.¹⁸ In other words, it is the input of precisely the vulnerable populations and low- and moderate-income persons that the MOD Citizen Participation Plan places “particular emphasis” on, that were most likely to be excluded by the requirement that people appear in-person to provide input on the MOD planning process. The Public Planning Meeting was not actually accessible to these populations and DETCOG’s Citizen

¹⁴ Tracking Coronavirus in Texas: Latest Map and Case Count, The New York Times. Available: <https://www.nytimes.com/interactive/2021/us/texas-covid-cases.html> Data sources: Centers for Disease Control and Prevention, state governments, U.S. Census Bureau.

¹⁵ Executive Order GA-36, May 18, 2021. Available: https://gov.texas.gov/uploads/files/press/EO-GA-36_prohibition_on_mandating_face_coverings_response_to_COVID-19_disaster_IMAGE_05-18-2021.pdf

¹⁶ Razzaghi H, Wang Y, Lu H, et al. Estimated County-Level Prevalence of Selected Underlying Medical Conditions Associated with Increased Risk for Severe COVID-19 Illness — United States, 2018. *MMWR Morb Mortal Wkly Rep* 2020;69:945–950. DOI: <http://dx.doi.org/10.15585/mmwr.mm6929a1>

¹⁷ 42 U.S.C. §12132l “Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”; §12182(a). *See, also*: 28 CFR §35.130

¹⁸ See, e.g.: CDC: COVID-19 Available: <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html#:~:text=Impact%20of%20Racial%20Inequities%20on%20Our%20Nation's%20Health,-Racism%2C%20either%20structural&text=COVID%2D19%20data%20shows%20that,with%20non%2DHispanic%20White%20populations>; and, Jared Brey, “People Living in Formerly Redlined Neighborhoods at Higher Risk of COVID-19” *Next City*, September 11, 2020. Available at: <https://nextcity.org/daily/entry/housing-brief-people-in-formerly-redlined-neighborhoods-higher-risk-covid19>;

Participation Process did not comply with MOD Guidance or federal law.¹⁹

II. DETCOG Failed to Provide Justification for Waiver Requests

Action Plan Amendment 1 (AP) requires that COGs “[i]mplement a minimum of \$1,000,000 in CDGB-MIT funds to any local entity receiving funding through the MOD” but provides that “COGs may submit a waiver request **with justification** to lower minimum to the GLO.”²⁰ (emphasis added) GLO guidance requires that “[t]he waiver request must detail **which jurisdictions are targeted for the lowered award amount and the rationale for lowering the award amount**. That rationale must detail why a minimum award amount of \$1,000,000 **is infeasible**.”²¹ (emphasis added)

The proposed MOD indicates that DETCOG has requested a waiver to reduce the minimum funding amount to \$500,000 but has provided no justification for this waiver. DETCOG does not appear to have targeted particular jurisdictions for a lower award amount but simply to have applied its MOD formula and rounded any jurisdiction that would be allocated approximately \$330,000 up to a \$500,000 award. There is no rationale for lowering the award amount, let alone a rationale that details why a minimum award of \$1,000,000 meets the high standard of infeasibility.

Minimum allocation amounts are intended to ensure that jurisdictions are allocated enough funding to carry out meaningful larger-scale mitigation projects that reduce risk from future disasters. It is already too low and should not be waived.

We also note that this waiver allows a number of jurisdictions to spend 100% of their CDBG-MIT funding on projects that do not serve LMI households at all.

III. Methodology

The MOD distributes DETCOG’s allocation between local jurisdictions using three factors: total population, LMI percentage, and the GLO’s Composite Disaster Index (CDI); weighting each factor by one-third. We note that the MOD uses 2109 ACS data for total population but 2011-2015 ACS data provided by GLO for LMI percentage. Because each

¹⁹ We appreciate that DETCOG did provide a virtual option for public comment on the proposed MOD on May 31, 2022.

²⁰ Action Plan Amendment 1 at 259.

²¹ GLO MOD Guidance at 9.

factor is weighted equally, DETCOG should use directly consistent data across population factors; either 2019 or 2015 ACS data.

A. Population

Contrary to DETCOG's assertion that using population data "[e]nsures equitable distribution of funds to benefit residents of impacted areas" in its MOD, giving equal weight to population, LMI percentage, and CDI in fact results in an inequitable distribution of funds, and one which actually allocates less funding to the most impacted areas.

For example, if there were two cities with the same LMI percentage and CDI score, but one had a population of 3,000 people and the other a population of 1,000 people, DETCOG's methodology would allocate \$17.5 million to the larger city and \$12.5 million to the smaller city. However, the formula results in a per capita award of \$5,166 per capita for the larger city and \$12,500 per capita for the smaller city. Even increasing the weight of the population factor to 90% would still award more funding per capita to less populous jurisdictions.

More populous jurisdictions will be allocated less money per capita, **even if they have higher LMI percentages and higher CDI scores**. Under the proposed MOD, for example, the HUD-designated portion of Tyler County, which has the lowest LMI percentage and the median CDI of the 5 HUD-designated counties in DETCOG was allocated \$1,100 per capita, while Jasper County, which has a higher LMI percentage and higher CDI score was allocated \$600 per capita. Jasper County has three times the population of the HUD-designated portions of Tyler County. Looking at the total allocation to each county, including the State MID allocation to Tyler County, Tyler county's total allocation is \$17.3 million. Jasper County's total allocation is \$18.6 million, only \$1.3 million more than Tyler County, even though Jasper County has almost twice the population of Tyler County.²²

In other words, DETCOG's MOD allocates funding away from areas with higher disaster risk, more vulnerable populations, and where mitigation funding would protect more people; this is not only inequitable, it contravenes the purpose of these funds and makes mitigation less effective.

²² One possible alternative would be to start with the assumption that all jurisdictions should get the same base amount per capita and adjust that amount based on the disaster risk (CDI) and LMI percentage.

B. LMI Percentage

We suggest that DETCOG use the Social Vulnerability Index (SoVI) at a census tract level in addition to LMI percentage to most accurately identify and target the most impacted and vulnerable communities.

C. Composite Disaster Index

The MOD should use data indicating disaster risk, however, the CDI does not accurately represent comparative risk for hurricanes, tropical storms and depressions, and severe coastal or riverine flooding, the only risks this funding can be used to mitigate.

First, the calculation of the CDI included all 254 counties in Texas, and not solely the 140 counties eligible for CDBG-MIT funds. Comparing eligible areas to non-eligible areas creates a different distribution than calculating risks using just the 140 eligible counties; this distorts the CDI scores of eligible counties and results in a misallocation of CDBG-MIT funds. In other words, if the CDI was based only on eligible counties and eligible hazards, it would result in a shift in county rankings and funding awards. Ideally, DETCOG should use data showing comparative risk between only the Counties in DETCOG.

Second, 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. Counties are ranked by the highest frequency per hazard, including hazards that are not eligible for mitigation using CDBG-MIT funds. 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, an eligible hazard. The CDI methodology also normalizes the distribution twice which means that outliers, **counties with the most severe risk for eligible hazards, are pulled towards the middle of the distribution, meaning that their relative risk for eligible hazards looks smaller than it actually is.** A county with a higher CDI score may not actually have a higher level of risk from hurricanes and flooding so using the CDI may allocate funding away from the areas with the most hurricane and flood risk and, therefore, the most need and highest number of eligible projects.

IV. Regional Mitigation Projects

CDBG-MIT grants are intended to fund “strategic and high-impact activities to mitigate disaster risks and reduce future losses.”²³ DETCOG should be carrying out regional large-scale mitigation projects that meaningfully mitigate disaster risks rather than piecemealing out small amounts of money to local jurisdictions that are insufficient to carry out extensive mitigation projects, or result in jurisdictions carrying out projects that actually increase, for example, flood risk in other areas because there is no regional coordination.

DETCOG’s MOD highlights the region’s high level of risk from hurricanes and flooding, and states that “major improvements are required in traditional infrastructure.” However, not only does the MOD allocate 65.33% of funding to local projects with no regional impacts, it does not limit subrecipients to eligible activities that address the flood risk it identifies. The activity “provision of generators”, for example, might enable a facility to maintain power during a flood, but it does nothing to reduce the risk of that flooding in the first place.

We recognize that there are many urgent and important mitigation needs and that there is a lack of funding to meet the full range of these needs. However, CDBG-MIT is not intended to be the sole source of mitigation funding available to jurisdictions.

[D]isaster 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. 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.²⁴

CDBG-MIT funds have a specific statutory purpose and focus and must be used in compliance with federal and state requirements.

GLO requires COGs to “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**

²³ 84 FR 45383

²⁴ 84 FR 45838

reduction for hurricanes, tropical storms and depressions, and flooding.” (emphasis added) DETCOG’s MOD does not do so.

Texas Appleseed agrees that Broadband access is a critical need that exacerbates inequity. We have highlighted how the digital divide affected student engagement during the COVID-19 pandemic and encouraged the use of American Rescue Act Funds to expand broadband access, for example.²⁵ We support DETCOG’s commitment to expanding broadband access. However, CDBG-MIT is not an appropriate source of funding for this project when the region lacks sufficient flood protection infrastructure and there is significant other funding available, including \$500 million from the American Rescue Plan Act, \$100 million from the Infrastructure Investment and Jobs Act, and an undermined allocation from \$2.75 billion provided by the Digital Equity Act.

²⁶

Again, we do not question the need for broadband access in DETCOG or that increased access would potentially improve some aspects of disaster recovery. However, it would not reduce the risk of physical damage or loss of life and injury from hurricanes, tropical storms and depressions, and flooding. DETCOG should prioritize large-scale infrastructure projects that prevent or reduce flooding.

Similarly, the justification DETCOG provides for prioritizing interoperable public safety radio communications is only tangentially related to disaster mitigation, identifying the lack of interoperability as “a significant problem every day in Deep East Texas” and noting only that this is a larger problem during a disaster. DETCOG does not explain how increased interoperability would mitigate disaster risk. It is not clear how DETCOG determined this was a regional priority for disaster mitigation and not just a long-term need for which CDBG-MIT is a convenient source of funding.

We sympathize with how difficult it is to raise revenue and with the lack of state funding. However, the risks presented by more frequent and more severe disasters are the greatest threat to the continued physical and economic viability of communities in

²⁵ See: Andrew Hairston, Vicky Sullivan, and Ellen Stone, “Education Transformed: The K-12 Experience in Texas During the Coronavirus Pandemic” (March 2021) Available: https://www.texasappleseed.org/sites/default/files/EducationTransformed_Report032921-Fin.pdf and https://www.texasappleseed.org/sites/default/files/AmericanRescuePlanAct_newupdate_final.pdf

²⁶ See, e.g.: <https://comptroller.texas.gov/programs/broadband/funding.php>; “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

most-impacted areas. It is critical that these funds be used to begin to mitigate disaster risks on a large-scale regional level.

V. Low and Moderate-Income Requirements

“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.”²⁷ Other federal disaster recovery and mitigation programs, particularly those administered by FEMA and the ACOE, in fact, favor higher-income areas because they include a cost-benefit analysis based on property values. FEMA disaster assistance actually increases wealth inequality.

²⁸

Under the Federal Register Notice “[p]roposed mitigation programs **and projects** must prioritize the protection of low-and-moderate income (LMI) individuals.”²⁹ (emphasis added) DETCOG’s MOD does not do so on either a program or project level.

Even if the 50% LMI requirement applies only to the total regional allocation amount it is not clear that DETCOG’s MOD will meet this threshold. DETCOG has not included the analysis that it used to determine that “the regional broadband project can be targeted to meet the LMI requirement” nor does it include information about how this project will be targeted. While the lack of broadband access has a disproportionately negative effect on lower-income households generally and might contribute to long-term resilience generally, it does not necessarily benefit these households in the specific context of disaster mitigation. Historically underserved and marginalized populations are more likely to lack even a standard level of protective infrastructure and are particularly vulnerable to the direct effects of natural disasters. It is not clear for example, that broadband access would benefit lower-income areas that have severe flooding and have lost power, or from which families have had to evacuate during a disaster. DETCOG has not explained why it is prioritizing a regional broadband project

²⁷ 84 FR 45829

²⁸ See, e.g.: 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>

²⁹ 84 FR 45847 We do not agree that DETCOG can comply with this provision by spending 50% of its overall MOD program allocation to benefit LMI individuals.

over protective infrastructure, or why and how this project is targeted to meet the LMI objective.

The majority of DETCOG's funding, \$105.5 million, is not required to meet the 50% LMI requirement. Jurisdictions receiving an allocation of more than \$1.75 million are only required to expend 35% of their allocations on projects that serve LMI families, and jurisdictions that receive less than \$1.75 million can spend 100% of their allocations on non-LMI projects. This is the only funding that will potentially be used for the protective infrastructure that DETCOG identifies as its greatest mitigation need, and the majority of it will not serve the LMI individuals that CDBG-MIT funding is intended to help. Each jurisdiction should be required to spend at least 50% of its allocation on projects that benefit LMI families.

CDBG-MIT funds should not be used to provide protective infrastructure to high-income communities while LMI families are only provided with increased broadband access which will not be usable if their homes flood or if they do not have access to devices that can connect to the internet. This does not align with effective mitigation strategies or DETCOG's stated commitment to equity and may in fact increase the poverty and poor health outcomes that DETCOG intends to prevent.³⁰

Per the Federal Register Notice,

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 . . . [t]he 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.³¹

Texas Appleseed acknowledges both the first-of-its-kind nature of this funding that makes this process more difficult and the extraordinary levels of need in Deep East Texas. However, we do not believe that DETCOG has carefully and rigorously evaluated proposed projects and activities, has a strategic plan to meet the minimum 50% LMI

³⁰ See footnote 26.

³¹ 84 Fed. Reg. 45838; 45839-45840

requirement, or has used appropriate data and formulae to appropriately and equitably distribute CDBG-MIT funds.

We urge DETCOG to take advantage of the “unique and significant opportunity for grantees to use this assistance in areas impacted by recent disasters to carry out strategic and high-impact activities to mitigate disaster risks and reduce future losses.”³² We encourage DETCOG to revise its MOD in response to our comments and would be happy to provide any further information that might be helpful to you.

Sincerely,

Madison Sloan
Director, Disaster Recovery and Fair Housing Project
Texas Appleseed
msloan@texasappleseed.org
737-900-9438

³² 84 FR 45383



June 8, 2022

Madison Sloan
Director, Disaster Recovery and Fair Housing Project
Texas Appleseed
Delivered by email to msloan@texasappleseed.org

Dear Ms. Sloan:

Thank you for your letter dated June 2, 2022, which provides comments on the proposed Method of Distribution (MOD) for the Hurricane Harvey Regional Mitigation Program for the Deep East Texas Region.

I respectfully offer this response to the areas of concern presented in your letter:

I. Compliance with Citizen Participation Requirements

Adhering to guidance provided to us by the Texas General Land Office (GLO), DETCOG developed a Citizen Participation Plan which we believe met the required objectives. To reach low- and moderate-income residents we included outreach to minority representatives from each county, local and regional public housing programs, local Health and Human Services offices, public health districts, and the regional mental health authority. We conducted additional outreach to fair housing advocacy organizations including Texas Appleseed and others. Our Citizen Participation Plan was reviewed and approved by the GLO before we began the MOD development process. As you note, this CDBG-Mitigation funding is different from past CDBG-Disaster Recovery funding. Throughout this process, in all public meetings and other outreach activities including the Public Planning Meeting, we have explained the difference between Disaster Recovery and Mitigation and noted that this funding is for mitigation activities. With regard to the amount of funding stated in the first public notice, I am not clear on the exact date that HUD approved Amendment 1, but the amount included in our notice was in fact the amount that is included in Amendment 1. Our original projected deadline for public comments was April 5, 2022, because we originally believed the process would move faster and we would be ready to present the MOD to our governing board for final approval by that date. We did state in the Public Planning Meeting that if we did not receive conditional approval from the GLO in time to meet that date, the deadline would be extended, and in fact, our public comment period opened on December 29, 2021, and continued for a period of more than five months, closing on June 2, 2022.

II. Justification for Waiver Requests

Our request for a waiver to reduce the minimum allocation from \$1,000,000 to \$500,000 was based on input received from the leadership of all seven of our Harvey counties, plus comments made our Public Planning Meeting. There was a consensus that \$1,000,000 was too high in a rural region like Deep East Texas. While we are confident that most of the projects in our region will exceed \$1,000,000, we feel it is important to allow as many communities as possible to participate in this funding opportunity. In our waiver request we made the case that lowering the minimum to \$500,000 would allow more communities in Deep East Texas to benefit. GLO reviewed and approved our waiver request, and in fact, this enabled seven additional jurisdictions (six small cities and the Alabama-Coushatta Tribe of

Texas) to receive enough funding to carry out a project. Without the waiver, they would not have the opportunity to develop their own local projects.

III. Methodology

There were a number of distribution factors that could have been used. During our Public Planning Meeting we outlined at least 10 different objective factors that we had identified, and asked for input for more suggestions from the public. The input we received supported the use of three factors with equal weighting: (1) Overall Population; (2) Percentage of LMI Population; and (3) the Composite Disaster Index. Considering this public input, we determined this combination of factors met the requirement to use objective, replicable, and verifiable data that accounts for vulnerable populations and potential impacts from future disasters.”

IV. Regional Mitigation Projects

In a large rural region like Deep East Texas, there are some mitigation projects that can best be addressed on a regional basis. At the same time, each of our communities has its own mitigation needs which can best be addressed at the local level. “Local projects” benefit the entire region. The communities of Deep East Texas work together, support each other, and depend on each other. When a problem exists in any community, the entire region suffers. When a local need is successfully mitigated in any community, the entire region benefits.

V. Low- and Moderate-Income Requirements

The MOD encourages all jurisdictions to consider the needs of LMI households as they develop projects and strive to meet the 51 percent LMI objective on all projects. Because of the income characteristics of our region, we are confident that we will not just meet the LMI requirement as a region, we will greatly exceed it. However, we are tasked with developing a strategy to ensure that at least half of the funding allocated to Deep East Texas meets the LMI objective. The allocation to Deep East Texas in Amendment 1 is for a grand total of \$161,542,000, of which at least \$80,771,000 must meet the LMI objective. Our MOD exceeds that by requiring that at least \$81,610,900 must meet the LMI objective.

Your comments are appreciated. The DETCOG Board of Directors is responsible for adoption of the MOD. Prior to adoption, the MOD will be reviewed by our Hurricane Harvey Subcommittee which may make a recommendation to the Board. Your comments will be shared with both the Board of Directors and Harvey Subcommittee for their consideration.

Sincerely,



Lonnie Hunt, Executive Director



June 30, 2022

The Honorable Mark Allen
Jasper County Judge
121 N. Austin, Room 106
Jasper, TX 75951

The Honorable Sydney Murphy
Polk County Judge
101 West Church Street
Livingston, TX 77351

Dear Judge Allen and Judge Murphy:

Thank you for participating in the online public hearing on the Method of Distribution (MOD) for the Hurricane Harvey Regional Mitigation Program for Deep East Texas which was held May 31, 2022, at 2:00 pm.

As part of the MOD process, DETCOG is required to respond to each person or organization that submits comments. This letter is written to fulfill that obligation. Following is a summary of your comments, followed by DETCOG's response.

Summary of Comments, Questions, and Responses

Mark Allen (Jasper County Judge):

First, I want to say thank you very much to you (Lonnie Hunt) and your staff at DETCOG. I would like for GLO to consider that, later down the line, that if a city can't use all of its funding, it goes to the county, and if a county can't use all of its funding, it goes back to the regional pot so that other counties in the region could use it.

Sydney Murphy (Polk County Judge):

Ditto, Judge Allen, on efforts from DETCOG staff, and many thanks to GLO. I would like to also reiterate that any unused monies should be allowed to stay within the DETCOG region, or that we be allowed to transfer any un-utilized funds into the DETCOG regional projects so that everybody would benefit.

DETCOG Response:

Thank you both for your comments. DETCOG also supports the reallocation of any unused or de-obligated funding to keep it within our region. However, the GLO does not currently have a concrete plan in place regarding unused or de-obligated funds. While it will not be addressed in our Method of Distribution, if such funds are identified, DETCOG will request that the funds remain in this region.

Sincerely,

A handwritten signature in blue ink that reads "Lonnie Hunt".

Lonnie Hunt, Executive Director

Notation of Updates Made to DETCOG MIT MOD

1. No changes were made to the Method of Distribution as a result of public comments received.
2. Two edits were made to the narrative in Risk Mitigation Section of the MOD Summary Form (Table 3).

- a. In the first paragraph of Table 3, the following sentence is re-worded to accurately reflect the number of Deep East Texas counties that were designated as HUD MID and State MID:

Seven Deep East Texas counties were included in the Presidential Disaster Declaration for Hurricane Harvey, with five counties designated by HUD as “most impacted and distressed” and two additional counties designated by the State of Texas as “most impacted and distressed.”

- b. In the last paragraph of Table 3, a correction is made to note that 14 cities (not 13) will receive allocations:

This Method of Distribution:

(1) Allocates \$105,542,000 (65.33% of available funding) to local jurisdictions, including seven counties, 14 cities, and the Alabama-Coushatta Tribe of Texas. Thus each community has the ability to implement mitigation projects that meet its own unique needs.

3. The section on “Reallocation of Declined Funds” was not changed, but was moved from its previous location on page 8 and included under “Regional Risk Mitigation” (Table 3) on page 2.
4. The following information was added under “Citizen Participation” (Table 15) on page 8:

Citizen Participation, continued...

After receiving conditional approval of the Preliminary MOD we posted the MOD for public comment and conducted two additional public hearings – one online and one in-person. These two public hearings were publicized in the same fashion as the first Public Planning Meeting, including direct notices to the above-named organizations, online postings, and newspaper legal notices in each of the seven counties. Each of the seven Harvey disaster counties was represented at one or both of the hearings. At the hearings we reviewed the MOD development process and each detail of the proposed MOD, and received comments. All comments, plus all written comments received, were reviewed by DETCOG staff and shared with our governing board.



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 25, 2022

Lonnie Hunt, Executive Director
Deep East Texas Council of Governments
1405 Kurth Drive
Lufkin, Texas 77901

Re: Deep East Texas Council of Governments (DETCOG) CDBG-MIT Regional Mitigation Program
minimum funding amount waiver request

Dear Mr. Hunt:

The Texas General Land Office Community Development and Revitalization program (GLO-CDR) has reviewed the request to reduce the minimum allocation to entities in the DETCOG Method of Distribution (MOD) for the Community Development Block Grant - Mitigation (CDBG-MIT) Regional Mitigation Program from \$1,000,000 to \$500,000. Because the approval of this waiver will allow for six additional cities and the Alabama-Coushatta Indian Tribe to benefit from the CDBG-MIT funding, 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 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, Policy Development Manager



February 24, 2022

Attention: Alex Swift, Planner / Policy Development
Community Development and Revitalization Division
Texas General Land Office
Hon. George P. Bush, Commissioner
Austin, Texas

Request for Waiver -- Minimum Funding Threshold Amount

The Deep East Texas Council of Governments (DETCOG) respectfully submits this request for a Waiver to reduce the Minimum Funding Threshold for the Deep East Texas Regional Mitigation Program (COG MOD). We request the minimum threshold and the minimum project size be reduced to \$500,000 for the Deep East Texas Method of Distribution.

This request has the unanimous support of the County Judges from the seven Deep East Texas counties which are eligible to receive funding through our Method of Distribution. Comments received at our region's Public Planning Meeting also support this request.

Approval of this waiver will allow more communities in Deep East Texas to benefit from this important CDBG-Mitigation funding. Under our proposed funding formula for the Deep East Texas MOD there are seven jurisdictions (six small cities plus the Alabama-Coushatta Indian Tribe) whose total funding allocation will be at least \$500,000 but less than \$1,000,000. This waiver will enable these seven jurisdictions to exercise more local control and improve their ability to withstand future disasters. Without the waiver, they will not have the opportunity to develop their own local projects.

While we expect the vast majority of projects from Deep East Texas to exceed \$1,000,000, a lower minimum is needed in a rural region like ours. To mitigate future disaster events for the residents of our smaller communities and obtain the maximum overall benefit for our region, we urge you to approve this request.

For planning purposes, and to allow our Method of Distribution to be finalized, it is important for this waiver to be approved as soon as possible. If you need any additional information, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Lonnie Hunt".

Lonnie Hunt, Executive Director

DETCOG RESOLUTION

Deep East Texas Council of Governments

ADOPTING THE METHOD OF DISTRIBUTION FOR THE CDBG-MITIGATION REGIONAL MITIGATION PROGRAM FOR DEEP EAST TEXAS

WHEREAS, the Deep East Texas Council of Governments (DETCOG) has entered into a Subrecipient agreement with the Texas General Land Office (GLO) whereby DETCOG is responsible for developing a local Method of Distribution allocating funds awarded to the Subrecipient under the Community Development Block Grant Mitigation Program, such funds having been appropriated under the Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (Public Law 115-123); and

WHEREAS, funds allocated under the Method of Distribution are to be used by eligible entities for mitigation projects that will address the current and future risks related to hurricanes, tropical storms and tropical depressions, and severe coastal and riverine flooding; and

WHEREAS, a Citizens Participation Plan was developed by DETCOG and approved by GLO to ensure a public and open process which included three public hearings, solicitation of written comments, public postings of information on the DETCOG website and social media pages, direct notices to stakeholders and eligible entities within the region, and other outreach activities; and

WHEREAS, the Board of Directors has reviewed the proposed Method of Distribution and reviewed all comments received from the public; and

WHEREAS, the Board of Directors finds that the proposed Method of Distribution uses objective, replicable, and verifiable data that accounts for vulnerable populations and potential impacts from future disasters to distribute funds in a fair and equitable manner for the Deep East Texas region and the eligible communities of the region;

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the Deep East Texas Council of Governments approves and adopts the Method of Distribution for the CDBG-Mitigation Regional Mitigation Program for Deep East Texas as presented on this date and authorizes its submittal to the Texas General Land Office for final review and approval. We designate the DETCOG Executive Director to act on DETCOG's behalf as signatory authority for any and all documents and forms which may be required related to this Method of Distribution.

ADOPTED by the Board of Directors of the Deep East Texas Council of Governments and Economic District on the 8th day of June, 2022.



Roy Boldon, President



Brandon Prescott, Secretary