

Texas General Land Office

Submission to the Texas House Natural Resources Committee Request for Information

Executive Summary

The Texas General Land Office (GLO) is responsible for administering federal Community Development Block Grant Disaster Recovery (CDBG-DR) and Mitigation (CDBG-MIT) funds that are appropriated by Congress to the US Department of Housing and Urban Development (HUD) for federally declared disasters. As the federal agency partner, HUD administers the appropriated funding to the State of Texas and the GLO administers programs and projects throughout eligible disaster areas to help Texans recover from disasters.

Since 2011, the GLO has administrated CDBG-DR funding for federally declared disasters dating back to Hurricane Rita in 2005, Hurricanes Ike and Dolly in 2008, the 2011 Bastrop Wildfires, the 2015 Floods, the 2016 Floods, and Hurricane Harvey in 2017. Soon, the GLO will also administer CDBG-DR funding appropriated for the South Texas Floods in 2018 and Tropical Storm Imelda and Lower Rio Grande Valley Floods in 2019. In addition to CDBG-DR programs and projects, the GLO is also responsible for administering a unique appropriation of mitigation funds known as CDBG-Mitigation.

The GLO is actively administering the following CDBG-DR grants:

Texas General Land Office CDBG-DR and CDBG-MIT Grant Programs		
Disaster Event	Appropriation	Grant Expiration
2008 Hurricanes Ike/Dolly	\$3,114,645,446	N/A
2011 Bastrop Wildfires	\$31,319,686	N/A
2015 Floods	\$74,568,000	April 5, 2023
2016 Floods	\$238,895,000	July 15, 2023
2017 Hurricane Harvey (initial)	\$57,800,000	June 23, 2024
2017 Hurricane Harvey	\$5,676,390,000	August 17, 2024
CDBG-Mitigation	\$4,297,189,000	2032

The GLO is actively administering the following CDBG-MIT grant programs:

Program	Allocation
2015 Floods State Mitigation Competition	\$46,096,950
2016 Floods State Mitigation Competition	\$147,680,760
Hurricane Harvey State Mitigation Competition	\$2,144,776,720
Regional Mitigation Program (COG MODs)	\$500,000,000
HMGP: Supplemental	\$170,000,000
Coastal Resilience Program	\$100,000,000
Housing Oversubscription Supplemental	\$400,000,000
Resilient Home Program	\$100,000,000
Hazard Mitigation Plans	\$30,000,000
Resilient Communities Program	\$100,000,000
Regional and State Planning	\$214,859,450

The GLO recently submitted to HUD the State Action Plans for the 2018 Floods in South Texas and the 2019 Tropical Storm Imelda and Lower Rio Grande Valley disaster event. Upon approval from HUD, the GLO will be able to implement disaster housing, infrastructure, and planning activities for the eligible jurisdictions. The 2018 South Texas Floods total CDBG-DR allocation is \$72.91 million. The total 2019 Disasters CDBG-DR allocation is \$212.74 million.

Following the 86th Legislative Session, the GLO has continued to engage with local, regional, state, and federal partners to administer the CDBG-DR and CDBG-MIT funding in the form of programs and projects across the State of Texas.

In relation to Interim Charge #1, the GLO coordinates with state agencies such as the Texas Water Development Board (TWDB) and the Texas Division of Emergency Management to address disaster recovery needs from Hurricane Harvey. The GLO is responsible for disaster recovery activities funded by Senate Bill 500, such as removing vessels and providing matching funds for studies and projects planned by the U.S. Army Corps of Engineers. While GLO is not directly responsible for aspects outlined in Senate Bill 7 nor Senate Bill 8, the GLO is supporting the Texas Water Development Board and Texas Division of Emergency Management's flood project and flood planning activities. The GLO is also responsible for aspects of Senate Bill 289, which amended the Texas Disaster Act of 1975 to require the GLO to work with the Hazard Reduction and Recovery Center at Texas A&M University to help local governments develop and implement local housing plans.

Senate Bill 7

In regard to Senate Bill 7, the GLO does not have a direct role in administering the Texas Infrastructure Resiliency Fund (TIRF) or the Flood Infrastructure Fund (FIF). However, the GLO implements programs and projects similar to the activities outlined in both TIRF and FIF, such as funding flood projects and conducting flood planning studies. Therefore, the GLO and TWDB have worked closely to coordinate activities to avoid the duplication of effort in regional flood planning and to support local governments seeking to fund flood infrastructure projects.

Since 2011, the GLO has administered CDBG-DR funding in the form of allocations or grant competitions to fund flood and drainage improvement projects and other disaster-impacted infrastructure projects. GLO flood project and drainage improvement activities differentiate from TWDB activities due to the origin of the funds, rules associated with the funds for grant timeline execution, and eligibility criteria. The GLO and TWDB are working together to minimize duplication of effort by actively assisting local governments in their determinations to pursue either CDBG-DR or CDBG-MIT funding from the GLO, TIRF or FIF funding from TWDB, Hazard Mitigation Grant Program (HMGP) funding from TDEM, and other potential grant opportunities from any of the three agencies. The interagency coordination was formalized with the formation of the Flood Information Clearinghouse Committee.

Since the 86th Legislative Session, the GLO, TWDB, and TDEM came together to create the [Flood Information Clearinghouse Committee \(FLICC\)](#), which meets on a monthly basis to coordinate on flood-related grantmaking activities and other agency program activities related to flooding.

FLICC has a website that provides information about each agency's current grant funding opportunities and has a function for local government partners to submit a single Request for Information (RFI)

containing project idea details that routes for review by the GLO, TDEM, and TWDB for high-level project eligibility assessment from the perspective of each agency and their available programs.

FLICC allows for local governments seeking grant funding for flood projects to submit one RFI to all three agencies at once, as opposed to submitting RFIs to each agency. FLICC bridges the intent of Senate Bill 7 to provide a one-stop shop for assessing the eligibility of flood projects proposed by local governments.

After receiving an RFI, the FLICC committee responds to local government and points them in the direction of the appropriate agencies with active grant funding that may be able to fund their project idea. This coordination effort specifically addresses the intent of Senate Bill 7 to create, fund, and provide opportunities for local governments by encouraging state agencies to work together in unison.

The GLO is committed to supporting the Texas Water Development Board's programming for the Texas Infrastructure Resiliency Fund and the Flood Infrastructure Fund. The GLO will continue to work in partnership with TWDB and TDEM on the FLICC committee to assess local government flood projects and possible flood planning activities, such are also in part influenced by Senate Bill 8.

Senate Bill 8

In regard to Senate Bill 8, while the GLO does not have a direct role in developing or implementing a state flood plan, the GLO can and will provide support to the TWDB for the comprehensive state flood plan to be incorporated in September 2024.

The Texas Water Development Board (TWDB) is responsible for developing and implementing a comprehensive state flood plan comprised of regional flood plans. The GLO will support TWDB by providing complimentary regional flood planning data, information, and resources to inform the comprehensive state flood plan.

In the [GLO State of Texas Action Plan](#) for \$5.676 billion in CDBG-DR funding for Hurricane Harvey disaster recovery published in 2018, the GLO set aside \$137 million for planning activities. The GLO recognized the need for a state-run planning program that included a regional approach and pursued regional flood planning studies in the counties impacted by Hurricane Harvey. Due to the resources allocated to the GLO to implement these studies, both the GLO and TWDB recognized the need to coordinate complimentary flood planning activities that would serve the GLO State Action Plan and Senate Bill 8.

The GLO regional flood planning activity is funded by the CDBG-DR allocation from Congress for Hurricane Harvey. Use of the CDBG-DR funds are limited to the eligible geographical areas designated as HUD Most Impacted and Distressed (HUD MID) and the State Most Impacted and Distressed (State MID). The GLO intends to conduct regional flood planning across the following river basins: Trinity, Sabine, Neches, Brazos, San Jacinto, Houston Bayou, Nueces, San Antonio, Guadalupe, Lavaca, and Colorado.

Once the GLO regional flood planning activities conclude, the GLO will be able to provide data, information, and resources to the TWDB to inform their comprehensive state flood plan.

The interagency coordination between the GLO and TWDB will produce the comprehensive state flood plan required by Senate Bill 8 to be implemented and universally utilized by local, regional, state, and even federal governmental partners.

Senate Bill 500

In regard to Senate Bill 500, the GLO was appropriated funding from the legislature to conduct specific disaster recovery activities post-Harvey, including funding for the removal of vessels, repair and replacement of structures and equipment damaged by the hurricane, the ability to hire and retain FTEs assigned to building emergency short-term housing related to the hurricane, and to state matching for studies and projects planned by the U.S. Army Corps of Engineers.

The Congressional Bipartisan Budget Act of 2018 appropriated \$4 billion to the Army Corps of Engineers to improve two levee systems located in Brazoria County and Jefferson County and construct a new levee in Orange County. Collectively this project is known as the Sabine to Galveston project. The \$4 billion is enough to fully fund the construction of these projects; however, 35% of these funds must be paid back by a nonfederal construction sponsor. The 35% cost-share can be paid back over a 30-year period after construction is completed. However, in order to avoid accruing interest on the cost-share the funds need to be paid during the construction phase.

Senate Bill 500 appropriated \$200 million to the GLO to act as a pass-through agency to cover a portion of the 35% cost-share. While the GLO paid for half of the study that formulated these projects it is not the nonfederal construction sponsor. The GLO is working with the three drainage districts located in the aforementioned counties on agreements to ensure they receive the funds appropriated by the Legislature.

The breakdown of estimated construction costs for each levee system is as follows:

- Orange county (new system)
 - Federal cost=\$1,536,291,000
 - Nonfederal cost=\$827,233,000
- Jefferson county (improvements to existing system)
 - Federal cost=\$573,220,000
 - Nonfederal cost=\$308,657,000
- Brazoria (improvements to existing system)
 - Federal cost=\$462,626,000
 - Nonfederal cost=\$249,107,000

In order to officially be a nonfederal sponsor, an entity, in this case Brazoria, Jefferson and Orange counties, must each separately sign a Project Partnership Agreement (PPA) or a Design Agreement (DA) with the Corps. These agreements outline what type of work-in-kind activities will be credited toward the 35% cost-share and the responsibilities of the participants. Once signed the GLO will then enter into a Local Cooperation Agreement (LCA) with each district to spell out the terms by which the appropriated funds are release for their portion of the cost-share.

Jefferson County Drainage District 7 (DD7) executed a PPA with the Corps and an LCA with the GLO in November 2019. The GLO has spent \$38 million to cover Jefferson County Drainage District 7's cost-share. We are anticipating an additional request from DD7 of approximately \$58 million soon.

Brazoria County Velasco Drainage District (Velasco) is currently negotiating their PPA with the Corps. The GLO has been simultaneously negotiating an LCA with Velasco during this time. This is the same approach the GLO took with DD7.

Orange County and the U.S. Army Corps of Engineers signed a Design Agreement for the Orange County levee system September 2020. This agreement, which is binding, is meant to serve as a placeholder for a PPA. During the Interim the GLO has been working with the Governor's office and members of our federal congressional delegation throughout this process to support Orange County.

Since the 86th legislature, the State of Texas has not experienced a disaster that resulted in the need to mobilize the GLO for short-term disaster recovery operations. Therefore, the funding provided by the state legislature for the ability to hire and retain FTE's assigned to building short-term housing has not been utilized.

Senate Bill 289

In regard to Senate Bill 289, the GLO was charged with the responsibility of working with the Hazard Reduction and Recovery Center (HRRC) at Texas A&M University to review local housing recovery plans developed by local communities with the assistance of the HRRC.

The HRRC and GLO developed a Local Housing Plan Certification Evaluator tool that would be utilized when evaluating the local plans. The HRRC and GLO sent the tool to county emergency management coordinators across the State of Texas to solicit their feedback on the tool on August 17, 2020. The HRRC and GLO recognized the importance of garnering universal understanding and buy-in for the tool before it is implemented as an official tool for reviewing local housing recovery plans.

To date, the GLO has not received a local housing recovery plan for review and certification.