



CITY OF HOUSTON

Sylvester Turner

Mayor

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October 23rd, 2018

Chief W. Nim Kidd
Texas Division of Emergency Management
Texas Department of Public Safety
5805 North Lamar Blvd.
Austin, Texas, 78752

Dear Chief Kidd,

Thank you for your continued support to the Houston region as we continue to undertake the recovery from Harvey. As requested during our meeting in Austin on October 11, 2018, we have compiled the list of specific requests discussed related to process modifications and improvements for the Hazard Mitigation Grant Program (HMGP). We hope that these requests are taken into consideration as they can greatly influence the successful delivery of projects which can mitigate the ongoing risk to life and property within the City of Houston. These include the following:

1. Clarification and authorization on HMGP pre-award activity

On January 15, 2008, the Federal Emergency Management Agency (FEMA) issued a disaster-specific guidance document titled “Eligibility Criteria for Limited Exception for Retroactive Approvals under the Hazard Mitigation Grant Program for Louisiana and Mississippi”. This guidance document was based on an October 16, 2007 Executive Office of the President/Office of Management and Budget (OMB) waiver granted to FEMA from requirements of OMB Circular A-87 (2 CFR, Part 225), *Cost, Principles for States, Local, and Indian Tribal Governments*, pertaining to pre-award costs to allow for approval of costs incurred prior to award of the HMGP funds. Although the waiver was limited in scope to mitigation of residential, commercial and PNP structures, a waiver precedence has been established.

Respectfully, it is requested that a Hurricane Harvey-specific waiver be granted to enable approval of pre-award costs associated with (1) property and right of way acquisition for flood protection and/or open spaces, (2) new flood protection projects, (3) green infrastructure, (4) storm water management drainage projects and (5) phased construction activities. Many of the projects being considered for HMGP funding will exceed the three-year project delivery timeline unless pre-award activities are allowed. This will enable timely delivery of mitigation projects and send a message to the affected community that all agencies – federal, state and local – are working together to assist in the recovery phase.

2. Project phasing

Currently, FEMA considers phasing to be primarily a two-step process, in which design phase, including acquisition of right of way and environmental clearances and local permits, must be completed prior to the start of the construction phase for any HMGP project. However, this method is not favorable for many larger-scale projects as design and construction are often considered integrated phases that are performed simultaneously. Using the current Inwood Forest HMGP project as an example, the project consists of converting an 18-hole golf course into a regional multi-linear detention facility. Currently, three existing golf holes have been designed, permitted and are ready to bid construction for conversion to detention basins. Funds are available from the local sponsor. However, FEMA requirements prevent any further activity until the entire golf course conversion is designed. We respectfully request a review of current internal FEMA phasing guidelines and propose the phasing definitions be expanded to allow for simultaneous execution of design and construction phases, where applicable.

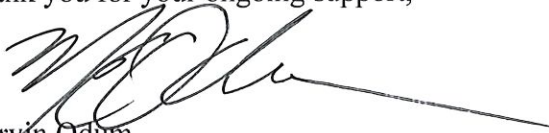
3. Authorization of Programmatic NEPA review

The current requirements for individual Environmental Assessments (EA) or Environmental Impact Statements (EIS) for each project can be time consuming taking from 6-12 months or 2-4 years, respectively. Following the required environmental processes on project-by-project basis can negatively impact the schedule of an HMGP approved project, placing the completion of a project within a 3-year deadline at risk. We request that a programmatic environmental approach, utilizing guidance provided by the Council on Environmental Quality (CEQ), be authorized for the region. FEMA responses to the City of Houston and Harris County Flood Control District's HMGP applications consistently require an integrated analysis and environmental assessments; therefore, a programmatic NEPA review can be appropriate when approving multiple actions that have similar actions across the region.

We understand that a Hurricane Harvey agency task force (Unified Federal Review) currently meets monthly to coordinate environmental issues facing local applicants. We respectfully request a meeting with the task force to discuss the opportunity of a programmatic environmental approach.

We appreciate your assistance and consideration of this request. We believe that the program modifications described can aid in the delivery of projects to ensure a timely recovery for the region, reduce the ongoing risk to life and property, and demonstrate the benefits of interagency coordination for Texas.

Thank you for your ongoing support,



Marvin Odum
Chief Recovery Officer, City of Houston

Cc: The Honorable Sylvester Turner, Mayor, City of Houston
The Honorable Ed Emmett, Harris County Judge
Stephen C. Costello, Chief Resilience Officer, City of Houston
Russ Poppe, Executive Director, Harris County Flood Control District