



Regional Mitigation Program

Texas General Land Office
Community Development & Revitalization

Jefferson County Drainage District No. 6

2022-100169-RMP

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General

Applicant Information

Applicant: Jefferson County Drainage District No. 6

County: Jefferson

Program: Regional Mitigation Program: H-GAC HUD MID

COG: South East Texas Regional Planning Commission (SETRPC)

Phone Number: (409) 842-1818

Address: 6550 Walden Road, Beaumont, Texas 77707

Website: <https://dd6.org/>

Employer Identification Number (EIN): 746000297

Taxpayer Identification Numbers (TIN): 690740572

UEI (Unique Entity Identifier): 409.

Data Universal Numbering System (DUNS): 150411072

SAM.gov Registration Expiration Date: 10/24/2023

Is the applicant an eligible subrecipient applying in conjunction with or on behalf of another entity (non-city) within the county? No

How much funding was the applicant allocated by the approved COG MOD? \$46,525,000.00

Is the applicant participating in the National Flood Insurance Program? No

Fiscal Year End Date (Month): September

Fiscal Year End Date (Day): 30

Application Contacts

Contact Role	Organization	First Name	Last Name	Title	Phone	Email
Engineer	Schaumburg & Polk, Inc.	Jeff	Beaver	Engineer	(409) 866-0341	jbeaver@spi-eng.com
Chief Elected Official	Jefferson County Drainage District No. 6	Joshua	Allen, Sr.	President	(409) 842-1818	josh@jallenmgmt.com

Contact Role	Organization	First Name	Last Name	Title	Phone	Email
Engineer	Schaumburg & Polk, Inc.	Steve	Jordan	Vice-President	(409) 886-0341	sjordan@spi-eng.com
Authorized Representative	Jefferson County Drainage District No. 6	Doug	Canant	Chief Operating Officer	(409) 842-2729	dscanant@dd6.org
Primary Contact	Jefferson County Drainage District No. 6	Karen	Stewart	Chief Business Officer	(409) 842-1818	kstewart@dd6.org
Grant Administrator	Public Management, Inc.	Patrick	Wiltshire	President	(281) 592-0439	pwiltshire@publicmgt.com

SF-424 Questions

Applicant Type: Flood and Drainage District

Application Title: DD6 Flood Mitigation

Is the applicant delinquent on any federal debt? DD6 Flood Mitigation

Activities

Activity

DRGR Activity	Planned Budget Amount
Flood and Drainage Facilities	\$46,525,000.00

Project

Project: Project Title	Project: Project Type	Environment: What is the current status of the project?	Total Budget
Corley Diversion Project	Flood and Drainage	Not yet started	\$46,525,000.00

Budget Line Summary

Total Engineering over Total Construction: 5.67%

Total Admin + Environmental over Total Amount Requested: 4.09%

Allowable Fee Percentage Cap for Admin + Environmental: 6%

Program Budget Code	Planned/Requested Amount
Construction	\$42,229,305.00
Acquisition	\$0.00
Environmental	\$50,000.00
Engineering	\$2,394,000.00
Special Environmental	\$0.00
Grant Administration	\$1,851,695.00
Planning	\$0.00

Duplication of Benefits

FEMA Coverage

Did you receive any FEMA funding? No

Do you anticipate any FEMA funding? No

Was the proposed project eligible for FEMA? Yes

Is the budget in this application funding for the nonfederal share of a FEMA project? No

If yes, have funds been awarded?

If FEMA funds were received, explain why funds are needed above and beyond the FEMA funding:

Insurance Coverage

Did the applicant have insurance coverage on the proposed project? No

Name of Insurance Company:

Amount claimed/received for the project:

If a claim was not filed, please explain below:

Explain why funds are required above and beyond the insurance funding:

Other Funding

Has the applicant submitted a request to fund a part of or the whole project described in the application? No

Are local or other funds available to address the proposed project in whole or in part?

Have any other state and/or federal agencies been contacted concerning funding for the proposed project? No

Disclose source(s) and use(s) of non-CDBG-MIT funds (Each row is a funding source):

Fair Housing

What methods and criteria were used to prioritize the projects in the application, including affirmatively furthering fair housing? The District has been working diligently to identify potential opportunities to harden and improve its drainage infrastructure in preparation for future natural disasters. Working with local jurisdictions, local leaders, and regional partners the District has identified this project as a priority because it addresses severe impacts of storms and flooding within a densely populated area of Beaumont. Improvements as identified in the application will help further fair housing efforts by minimizing the risks homeowners and businesses would otherwise encumber from locating their home or business in an area at great risk of floods. Less flooding in this area will minimize the amount of money homeowners and businesses have to regularly spend on fortifying their property against flooding.

What are the identified protected classes, racially and ethnically concentrated areas, and concentrated areas of poverty that may be impacted by this project? Approximately 1,660 residents have limited English proficiency, and over 18 percent of census block group residents are at least 65 years old. The block group benefiting from this project is located within a census tract of which 89 percent of the residents are classified as Minority and 20 percent of residents have a disability. Over 21 percent of residents of this block group live in poverty and nearly 16 percent are born outside of the United States. The majority of these residents in this block group are female.

Provide a meaningful analysis that describes how these identified populations may be impacted by this project. The primary objective of the Corley Diversion Project is to redirect and divert floodwaters from a portion of Beaumont, generally known as the Corley-Cartwright area, into the Neches River and away from the Hillebrandt Bayou and its tributaries.

This objective will be met by placing large box culverts under property owned by the Port of Beaumont and under City of Beaumont streets starting at the Neches River and traversing west and southwest, and intercepting the existing storm sewers that run through the targeted area. As shown on the attached exhibit, many structures that lie in the benefit area have suffered flood losses in past flood events, including Hurricane Harvey.

The existing receiving stream, Hillebrandt Bayou, is currently undersized and overloaded. Increasing flows from the Corely-Cartwright area into Hillebrandt Bayou is an unacceptable option due to high tailwater conditions. Furthermore, increasing flows from the Corely-Cartwright area into Hillebrandt Bayou would exacerbate existing downstream flooding. Additionally, increasing the capacity of Hillebrandt Bayou is a much more difficult task due to environmental conditions and the improvement costs associated with the 23-mile-long bayou downstream to the Gulf Intracoastal Waterway.

On the other hand, the Neches River is a much larger stream with ample capacity to accept the proposed diverted flow, with no adverse impacts downstream. Another diversion project known as the Calder Diversion was accomplished around 2008-2010, which functioned very well during the Hurricane Harvey Event.

For each fair housing activity, provide a name and status. If the activity is Completed, enter the Date Initiated. If the activity is Planned, enter the To Be Completed By date:

Item	Name	Status	Date Initiated	To be completed by
Fair Housing Activity 1	Fair Housing Proclamation	Planned	6/1/2023	6/30/2023
Fair Housing Activity 2	Non-Discrimination & Fair Housing Notices	Planned	6/1/2023	6/30/2023
Fair Housing Activity 3				
Fair Housing Activity 4				

Procurement

Have services been procured for Engineering, Grant Administration, or Environmental Services? Yes

Are there any persons/entities with a reportable financial interest to disclose? Yes

Vendor Type	Procurement Status	Vendor Name	Contact Phone	Contact Email
Engineering	Procured	Schaumburg & Polk, INC.	(409) 866-0341	sjordan@spi-eng.com
Grant Administration	Procured	Public Management, Inc.	(281) 592-0439	pwiltshire@publicmgt.com
Environmental	Procured	Public Management, Inc.	(281) 592-0439	pwiltshire@publicmgt.com

Documents

Document Type	File Attachment (Text)
Scope of work information, maps, and other applicable documentation for each Local effort identified	DD6 2017 HMP Update.pdf
Scope of work information, maps, and other applicable documentation for each Local effort identified	DD6 2016 HMP Update.pdf
Scope of work information, maps, and other applicable documentation for each Local effort identified	Jefferson County Imelda Declaration of Disaster.pdf
Scope of work information, maps, and other applicable documentation for each Local effort identified	Jefferson County Harvey Declation of Disaster.pdf
Environmental Exempt Form for planning and administrative activities	DD6_CDBG-MIT MOD_Environmental Exemption.pdf
Maps indicating latitude and longitude for proposed locations	DD6 Project Map Layout Revised.pdf
CDBG-MIT - Budget Justification of Retail Costs form (completed, signed, and sealed by a professional engineer or architect licensed to work in the State of Texas)	Corley Diversion Project Budget_Executed.pdf
Supporting census tract/block group or other beneficiary data maps	DD6 CDBGMIT MOD Benefit Area LMI Block Groups.pdf
LMISD data and/or CDBG-MIT Survey documentation	DD6 Block Group LMI Data.pdf
Race/Ethnicity/Gender Calculator	DD6-Beaumont RE_Corley Diversion.xlsx
DP05 (ACS 5-year estimate)	Beaumont DP05.xlsx
CDBG Mitigation Viewer Export	DD6 Screening Report.pdf
Financial Interest Reports	SPI FIR.pdf
Financial Interest Reports	PMI FIR.pdf
SF-424 (completed and signed)	DD6 424-Form_Comment Period.pdf
Signed Applicant Certifications	local-certification-form.pdf
Current Printout of SAM.gov Registration	DD6 SAM Entity.pdf
Single Audit or Annual Financial Statement	2021-Financials.pdf

Corley Diversion Project

Project Info

Project Information

DRGR Activity: Flood and Drainage Facilities

Project Type: Flood and Drainage

Project Title: Corley Diversion Project

Does this project include replacement or relocation of a facility (i.e., lift station, water treatment plant, etc.)? No

Provide a detailed description of the scope of work proposed. For proposed work involving a length of road, ditch, channel, etc., report the scope of the project in linear feet (lf): The primary objective of the Corley Diversion Project is to redirect and divert floodwaters from a portion of Beaumont, generally known as the Corley-Cartwright area, into the Neches River and away from the Hillebrandt Bayou and its tributaries. This objective will be met by placing large box culverts under property owned by the Port of Beaumont and under City of Beaumont streets starting at the Neches River and traversing west and southwest, and intercepting the existing storm sewers that run through the targeted area

The Corley Diversion Project will involve relocating utilities, adjusting existing storm sewers, removing existing street paving, excavation for installation of the boxes, placement of the new boxes, backfilling the boxes once installed, replacing inlets, placing base, and repairing the city streets. Additionally, the route will require crossing railroad tracks that will likely be performed using a jack-and-bore process.

Site: Project Site Title	Site: Street Address
Corley Diversion Site 6	Beaumont, Texas
Corley Diversion Site 4	Beaumont, Texas
Corley Diversion Site 3	Beaumont, Texas
Corley Diversion Site 2	Beaumont, Texas
Corley Diversion Site 1	Beaumont, Texas
Corley Diversion Site 5	Beaumont, Texas

Describe a plan for the long-term funding and management of the operations and maintenance of the project: The average annual inspection and maintenance costs for this project is estimated to be approximately \$20,000. The District and the City of Beaumont will coordinate these services to ensure that the diversion project is well maintained and functional.

Total proposed number of linear feet: 9,347

Total number of proposed public facilities:

Project Phase	Start Date	End Date	Length (in months)
Contract Closeout	2/1/2027	5/1/2027	3
Submit As-Builts/COCC/FWCR	1/1/2027	2/1/2027	1
Construction	1/1/2025	1/1/2027	24
Construction NTP	12/1/2024	1/1/2025	1
Contract Award	10/1/2024	12/1/2024	2
Bid Advertisement	9/1/2024	10/1/2024	1
Acquisition	6/1/2023	6/1/2023	0
Environmental Review	10/1/2023	8/1/2024	10
Engineering Design	6/1/2023	8/1/2024	14
Start-Up Documentation	6/1/2023	9/1/2023	3

National Objective

National Objective

Provide Total Number of Beneficiaries: 11,280

Provide number of LMI Beneficiaries 7,650

Percentage of LMI Beneficiaries: 67.82%

Is that applicant a HUD Exception Grantee? No

Census Tract	Block Group List (Text)
17	Group 1
19	Group 1 ; Group 2 ; Group 3
20	Group 1 ; Group 2
21	Group 1 ; Group 2 ; Group 3
24	Group 4
23	Group 1
22	Group 2 ; Group 3

Male: 5,514

Female: 5,766

Total: 11,280

Race	Hispanic Population	Non-Hispanic Population	Total Population
White	185	3,335	3,520
White and Black/African American	0	0	0
White and Asian	0	0	0
White and American Indian/Alaska Native	0	0	0
Some Other Race	607	48	655
Other multi racial	1,207	384	1,591
Native Hawaiian/Other Pacific Islander	0	4	4

Race	Hispanic Population	Non-Hispanic Population	Total Population
Black/African American and American Indian/Alaska Native	0	0	0
Black/African American	38	5,162	5,200
Asian	5	301	306
American Indian/Alaska Native	4	0	4

Which HUD national objective does the project meet? LMI

Describe activities that benefit low- and moderate-income people: This project will greatly support the District's regional efforts to develop and protect the community by minimizing risk to residents during periods of severe storms and flooding. The proposed improvements will divert water from the Corley-Cartwright area of the City of Beaumont into the Neches River. The identified 11,280 beneficiaries, of which 7,650 are identified as LMI, will greatly benefit from this project.

Method(s) used to determine the beneficiaries: LMI Area Benefit

What method was used for Beneficiary Identification? Census (HUD LMISD)

Provide a brief description of the beneficiary identification method used to determine this national objective and upload supporting beneficiary maps, census data, and/or survey documents: The project impact area is the listing of census tracts and block groups as detailed above and in the attached report. This area represents the Corely-Cartwright area of Beaumont and, therefore, it was determined that the LMISD Census data was best used to identify and document these beneficiaries.

U.S. Congressional District #: 14

Texas Representative District #: 21;22

Texas Senate District #: 4

Environmental

What is the current status of the project? Not yet started

Will the assistance requested have any negative impact(s) or effect(s) on the environment? No

Is the proposed project likely to require an archaeological assessment? Yes

Is the proposed site(s) listed on the National Register of Historic Places? No

Is the project in a designated floodway or coastal high hazard area? No

Is the project in a designated special flood hazard area or a designated wetland? Yes

For projects in the 500 or 100-year floodplain: Does your project involve a critical action as defined in 24CFR55.2(b)(3)? No

Is any project site located in a known critical habitat for endangered species? Yes

Is any project site a known hazardous site? No

Is any project site located on federal lands or at a federal installation? No

Is any project site subject to or participating in Fixing America's Surface Transportation Act (FAST-41) (P.L. 114-94)? No

What level of environmental review is likely needed for this project? Environmental Assessment

Provide any additional detail or information relevant to Environmental Review: The project will consist of a detailed assessment which may necessitate permitting with the CORPS. Special studies are anticipated for the portion of the project that nears the Neches River, however the majority of the project limits are within previously developed and densely populated areas.

Provide a brief narrative regarding how CDBG-MIT funding is to be used. Demonstrate that HUD CDBG environmental requirements have been met to date:

Permits

Does the project require any federal, state, or other permits, approvals, or waivers to complete the proposed work? Yes

If yes, describe the type and purpose of each permit and its association with the proposed project. Provide a copy of each permit already executed: Permitting with the USACE may be required for the portion of the project that outfalls into the Neches River. Additionally, there are areas where the project will cross the railroads which will necessitate coordination and permitting with these entities.

Does the project require any type of ratified, legally binding agreement between the applicant and any other entity to provide continual operation upon completion? No

If yes, describe the type and purpose of each agreement and its association with the proposed project. Provide a copy of each agreement already executed or drafted:

For sewer and/or water facilities projects, does the applicant currently hold the Certificate of Convenience and Necessity (CCN) for the target area proposed in the application? (If not a sewer and/or water facilities project, please choose N/A): N/A

Budget Activity Lines

Program Budget Code	Planned/Requested Amount	Planned Other Funds Amount	Total	Percent of Total
Construction	\$42,229,305.00	\$0.00	\$42,229,305.00	90.8%
Acquisition	\$0.00	\$0.00	\$0.00	0%
Environmental	\$50,000.00	\$0.00	\$50,000.00	0.1%
Engineering	\$2,394,000.00	\$0.00	\$2,394,000.00	5.1%
Special Environmental	\$0.00	\$0.00	\$0.00	0%
Grant Administration	\$1,851,695.00	\$0.00	\$1,851,695.00	4%
Planning	\$0.00	\$0.00	\$0.00	0%

Mitigation

Identify the specific risk the proposed project will mitigate against: Severe Coastal Flooding;Riverine Flooding;Storms

Describe as to how the proposed project addresses/mitigates against the current and future risks identified: The primary objective of the Corley Diversion Project is to redirect and divert floodwaters from a portion of Beaumont, generally known as the Corley-Cartwright area, into the Neches River and away from the Hillebrandt Bayou and its tributaries.

The existing receiving stream, Hillebrandt Bayou, is currently undersized and overloaded. Increasing flows from the Corely-Cartwright area into Hillebrandt Bayou is an unacceptable option due to high tailwater conditions. Furthermore, increasing flows from the Corely-Cartwright area into Hillebrandt Bayou would exacerbate existing downstream flooding. Additionally, increasing the capacity of Hillebrandt Bayou is a much more difficult task due to environmental conditions and the improvement costs associated with the 23-mile-long bayou downstream to the Gulf Intracoastal Waterway.

Provide information about how the proposed mitigation efforts integrate into the community's emergency and resiliency plans: The project proposes to divert storm water during major rain and/or tropical events from the Hillebrandt Bayou watershed into the Neches River. This major diversion project seeks to minimize the widespread flood inundation that was experienced during Hurricane Harvey in 2017 and Tropical Storm Imelda in 2019. Due to the lack of additional capacity within the Hilebrandt watershed, increased flows into the area are halted which causes significant flooding and emergency conditions in the areas upstream of the current directional flow. These emergency conditions not only have detrimental impacts to the structures within the region, as flood waters have been proven to damage, but the emergency responses ingress and egress within the area is also compromised. Moreover, a previous large scale diversion project, similar to the project proposed within this application, was completed fin 2008-210 which has been incredible successful for flood mitigation during disaster events.

In the space provided, list documentation provided to support the identification of the threat or hazard and how it relates to potential impact: Attached are the following Documents: 1) Jefferson County Disaster Declaration in 2017 for Hurricane Harvey and in 2019 for Tropical Storm Imelda; 2) DD6 2016 HMP Update which references the Corley-Cartwright area and the improvements on Ditch 100-D as completed (page 61); 3) DD6 2017 HMP Updates which identifies the Neches River Diversion Project (Action #18) to relive the flooding issues in Beaumont as the Hilebrandt Bayou Watershed.

Taken together these documents prove the impact of recent disaster events as well as the District's attempt to both address issues within the targeted area as well as identify future projects that will further benefit the region.

Provide a brief description of how the proposed project addresses an integrated approach to mitigation: Following Hurricane Harvey and Tropical Storm Imelda, the District conducted initial recovery efforts and completed various infrastructure audits to determine the immediate recovery response as well as identify future mitigation needs. While a variety of needs were determined to still be present, the District identified that the Corley Diversion Project would serve the community most effectively as it would relive flooding within the City of Beaumont as reduce

the stress of flood inundation within the Hilebrandt Bayou Watershed. Where housing quality and availability is lacking, it is typically associated with underdeveloped and inadequate infrastructure. Drainage and flood mitigation networks and improvements play a critical role within a community and the City of Beaumont is no exception. Flood diversion projects, such as the Corley Diversion project, have proven highly functional as exemplified by a previous construction diversion project that was funded by FEMA from 2008-2010.

The environmental issues that impact the community will be addressed as needed to ensure a safe and healthy community moving forward. Taken together, the actions toward the development of the improved infrastructure detailed within this application provide a foundation of mitigation and inclusion that will ensure new infrastructure is well planned and constructed. These efforts will ensure that the community will be more resilient to the damage caused by future natural disasters.

Considering the local evaluation of hazard risks, responsible floodplain management, future extreme weather/natural disaster events, and long-term risks, describe how the proposed project promotes sustainable community resilience: The Corley Diversion Project were derived from months of coordinated meetings between District/Regional representatives and the disaster mitigation consulting team. As part of the overall mitigation effort, the team developed an exhaustive list of critical projects that, if addressed, will greatly improve the resiliency of our community to the impacts of future disasters. The Corley Diversion project targets one of the most densely populated areas of the City of Beaumont which is regularly impacted by severe weather events. These targeted improvements will become the catalyst to sustainable mitigation efforts and will incorporate revised design standards developed primarily to mitigate the impacts of future extreme storm events. Additionally, the Team has incorporated the most recent flood maps prepared by FEMA as well as NOAA's Atlas 14 point precipitation frequency data in the overall assessment of proposed projects and their impacts upon the community and the surrounding regions.

Describe how the proposed project is consistent with local and regional planning efforts to effect disaster mitigation: From the regional perspective the District is attempting to address issues related to major flooding events and develop a flood diversion project similar to the Calder Diversion project that was previously completed in 2008-2010 and funded by FEMA. These issues have a significant localized impacts that will require focused efforts. The District identified the Corley Diversion as another large scale flood diversion project to mitigate local flood risks as well as address a portion of the regional issue. From the regional perspective, addressing the localized issues with the regional perspective in mind will ensure that the proposed improvements do not have negative corollary impacts. Moreover, the River Diversion Project is detailed within the DD6 HMP Update in 2017, weeks prior to Hurricane Harvey's landfall. Similar Diversion Projects are also referenced in the City of Beaumont's 2019 Master Drainage Plan as well as the 2017 Jefferson County HMP Update.

Was a cost-benefit analysis used in the selection of the proposed project? No

Describe how the proposed project impacts vulnerable populations in the local community.: This project is addressing much needed flood disaster mitigation improvements to local infrastructure in an area of town that is densely populated with old structures and beneficiaries that fall within the low-to-moderate income bracket. Improving the drainage infrastructure in this area will reduce the risk of flooding residents face during natural disasters.

Describe how the proposed project creates economic opportunities for the local community: This project creates economic opportunities for the local community because it will reduce the risk businesses would otherwise face from potential flooding in the area. Without these improvements, the area will continue to flood and thus slow or deter economic development efforts in the area.

Does this project disproportionately impact vulnerable populations in the local community? No

Does the proposed project align with investments from other state or local capital improvements and infrastructure development efforts? No

Does the proposed project employ adaptable and reliable technology to guard against premature obsolescence? Yes

Describe the applicant's overall mitigation plan and how the project addressed in this application furthers that plan: After Hurricane Harvey, the District began working with a highly qualified team of professional consultants that identified a need to improve its failing infrastructure and better regulate future construction, otherwise the same flooding damages would continue occurring to houses, buildings, and infrastructure. Without improved drainage, continued flooding and damage would encourage residential and commercial migration out of the region. Without improving drainage, the roads would also continue to flood and deteriorate during high rain events, cutting off residents' ability to evacuate and commerce to continue. Without improving drainage, the region cannot protect residents, mitigate disasters, and make sustainable community decisions.

During the planning and development phase, District representatives developed a long range approach to its recovery efforts. This approach considers three (3) main factors: 1) health and safety of residents; 2) the viability and sustainability of the community; and 3) comprehensive mitigation measures that would protect the region and its residents from future storm events. The outcome of this planning and development phase identified Corley Diversion Project. The result of these findings caused the District to develop the project outlined in this application, **which has been identified as "Critical Infrastructure" . It is believed that completing these** improvements will allow the District to move toward the effort of long-term recovery with the focus on addressing additional critical infrastructure that will positively impact the region's ability to attract and develop additional housing and sustainable infrastructure, which will have a revitalizing effect on growth and development.

Describe how the proposed project will contribute to the community's resiliency against future disasters as a result of these projects: The project will provide the needed flood mitigation by diverting flood waters into the Neches River. These efforts will allow the region and impacted population to recover and mitigate future disasters. Continued disaster recovery efforts will allow for improved critical infrastructure and long-term recovery. Moreover, utilizing updated construction standards and building codes associated with this project will ensure that future disaster events will be mitigated.

Corley Diversion Project - Corley Diversion Site 1

Project Site

Project Site

Project Site Title: Corley Diversion Site 1

Street Address: Beaumont, Texas

Street Limits on Street: Emile Street

From Street: Terrell Avenue

To Street: Prairie Avenue

Zip Code: 77701

City: Beaumont

County: Jefferson

State: Texas

Latitude: 30.05801

Longitude: -94.10419

Performance Measures: Linear Feet

Provide the proposed number of linear feet: 363

Acquisition/Uniform Relocation Assistance

Does the project require acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with URA outside the listed waived activities? No

Has acquisition of the project site(s) been completed, in progress, or will need to be acquired?

Describe the type and purpose of all acquisitions (easements, real property, etc.) associated with the proposed project. For acquisitions "Previously Acquired" or "Acquisition in Progress," include the date of acquisition, detailed information and supporting documentation to ensure compliance with all URA, 42 U.S.C. 4601 et seq., and environmental review processes:

What is the planned number of parcels to be acquired?

What is the associated cost amount for this acquisition?

Corley Diversion Project - Corley Diversion Site 2

Project Site

Project Site

Project Site Title: Corley Diversion Site 2

Street Address: Beaumont, Texas

Street Limits on Street: Prairie Avenue

From Street: Emile Street

To Street: Avenue D

Zip Code: 77701

City: Beaumont

County: Jefferson

State: Texas

Latitude: 30.05902

Longitude: -94.10306

Performance Measures: Linear Feet

Provide the proposed number of linear feet: 719

Acquisition/Uniform Relocation Assistance

Does the project require acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with URA outside the listed waived activities? No

Has acquisition of the project site(s) been completed, in progress, or will need to be acquired?

Describe the type and purpose of all acquisitions (easements, real property, etc.) associated with the proposed project. For acquisitions "Previously Acquired" or "Acquisition in Progress," include the date of acquisition, detailed information and supporting documentation to ensure compliance with all URA, 42 U.S.C. 4601 et seq., and environmental review processes:

What is the planned number of parcels to be acquired?

What is the associated cost amount for this acquisition?

Corley Diversion Project - Corley Diversion Site 3

Project Site

Project Site

Project Site Title: Corley Diversion Site 3

Street Address: Beaumont, Texas

Street Limits on Street: Avenue D

From Street: Prairie Avenue

To Street: Irma Street

Zip Code: 77701

City: Beaumont

County: Jefferson

State: Texas

Latitude: 30.06242

Longitude: -94.10198

Performance Measures: Linear Feet

Provide the proposed number of linear feet: 2,478

Acquisition/Uniform Relocation Assistance

Does the project require acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with URA outside the listed waived activities? No

Has acquisition of the project site(s) been completed, in progress, or will need to be acquired?

Describe the type and purpose of all acquisitions (easements, real property, etc.) associated with the proposed project. For acquisitions "Previously Acquired" or "Acquisition in Progress," include the date of acquisition, detailed information and supporting documentation to ensure compliance with all URA, 42 U.S.C. 4601 et seq., and environmental review processes:

What is the planned number of parcels to be acquired?

What is the associated cost amount for this acquisition?

Corley Diversion Project - Corley Diversion Site 4

Project Site

Project Site

Project Site Title: Corley Diversion Site 4

Street Address: Beaumont, Texas

Street Limits on Street: Irma Street

From Street: Avenue D

To Street: Neches Street

Zip Code: 77701

City: Beaumont

County: Jefferson

State: Texas

Latitude: 30.06581

Longitude: -94.09863

Performance Measures: Linear Feet

Provide the proposed number of linear feet: 2,888

Acquisition/Uniform Relocation Assistance

Does the project require acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with URA outside the listed waived activities? No

Has acquisition of the project site(s) been completed, in progress, or will need to be acquired?

Describe the type and purpose of all acquisitions (easements, real property, etc.) associated with the proposed project. For acquisitions "Previously Acquired" or "Acquisition in Progress," include the date of acquisition, detailed information and supporting documentation to ensure compliance with all URA, 42 U.S.C. 4601 et seq., and environmental review processes:

What is the planned number of parcels to be acquired?

What is the associated cost amount for this acquisition?

Corley Diversion Project - Corley Diversion Site 5

Project Site

Project Site

Project Site Title: Corley Diversion Site 5

Street Address: Beaumont, Texas

Street Limits on Street: Neches Street

From Street: Irma Street

To Street: Blanchette Street

Zip Code: 77701

City: Beaumont

County: Jefferson

State: Texas

Latitude: 30.072806

Longitude: -94.095036

Performance Measures: Linear Feet

Provide the proposed number of linear feet: 1,715

Acquisition/Uniform Relocation Assistance

Does the project require acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with URA outside the listed waived activities? No

Has acquisition of the project site(s) been completed, in progress, or will need to be acquired?

Describe the type and purpose of all acquisitions (easements, real property, etc.) associated with the proposed project. For acquisitions "Previously Acquired" or "Acquisition in Progress," include the date of acquisition, detailed information and supporting documentation to ensure compliance with all URA, 42 U.S.C. 4601 et seq., and environmental review processes:

What is the planned number of parcels to be acquired?

What is the associated cost amount for this acquisition?

Corley Diversion Project - Corley Diversion Site 6

Project Site

Project Site

Project Site Title: Corley Diversion Site 6

Street Address: Beaumont, Texas

Street Limits on Street: Blanchette Street

From Street: Neches Street

To Street: Neches River Outfall

Zip Code: 77701

City: Beaumont

County: Jefferson

State: Texas

Latitude: 30.07623

Longitude: -94.09367

Performance Measures: Linear Feet

Provide the proposed number of linear feet: 1,184

Acquisition/Uniform Relocation Assistance

Does the project require acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with URA outside the listed waived activities? No

Has acquisition of the project site(s) been completed, in progress, or will need to be acquired?

Describe the type and purpose of all acquisitions (easements, real property, etc.) associated with the proposed project. For acquisitions "Previously Acquired" or "Acquisition in Progress," include the date of acquisition, detailed information and supporting documentation to ensure compliance with all URA, 42 U.S.C. 4601 et seq., and environmental review processes:

What is the planned number of parcels to be acquired?

What is the associated cost amount for this acquisition?

SUPPLEMENTAL APPLICATION MATERIAL

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

01/13/2023

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Jefferson County Drainage District No. 6

* b. Employer/Taxpayer Identification Number (EIN/TIN):

746000297

* c. UEI:

L2A6VEHEF365

d. Address:

* Street1:

6550 Walde Road

Street2:

* City:

Beaumont

County/Parish:

Jefferson

* State:

TX: Texas

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

777-7-5555

e. Organizational Unit:

Department Name:

DD6

Division Name:

Administration

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

* First Name:

Karen

Middle Name:

* Last Name:

Stewart

Suffix:

Title: Chief Business Manager

Organizational Affiliation:

Jefferson County Drainage District No. 6

* Telephone Number: 409.842.1818

Fax Number:

* Email: kstewart@dd6.org

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

D: Special District Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

United States Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.228

CFDA Title:

Community Development Block Grant - Mitigation (CDBG-MIT)

* 12. Funding Opportunity Number:

FR-6109-N-02

* Title:

Community Development Block Grant - Mitigation (CDBG-MIT) Regional Flood Distribution (MOD)

DRAFT

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

DD6 Regional Flood Mitigation

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant

14

* b. Program/Project

CDBG

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

06/01/2023

* b. End Date:

12/31/2026

18. Estimated Funding (\$):

* a. Federal

46,525,000.00

* b. Applicant

0.00

* c. State

0.00

* d. Local

0.00

* e. Other

0.00

* f. Program Income

0.00

* g. TOTAL

46,525,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐a. This application was made available to the State under Executive Order 12372 Process. ☒

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes" provide explanation in attachment.)**☐

Yes

☒

No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

Mr.

* First Name:

Doug

Middle Name:

* Last Name:

Canant

Suffix:

* Title:

Chief Operating Officer

* Telephone Number:

409.842.2729

Fax Number:

* Email:

dscanant@dd6.org

* Signature of Authorized Representative:

* Date Signed:

JEFFERSON COUNTY DRAINAGE DISTRICT NO. 6
CORLEY DIVERSION PROJECT
SCOPE OF WORK AND OBJECTIVE

Project Area Overview & Mitigation:

The primary objective of the Corley Diversion Project is to redirect and divert floodwaters from a portion of Beaumont, generally known as the Corley-Cartwright area, into the Neches River and away from the Hillebrandt Bayou and its tributaries.

This objective will be met by placing large box culverts under property owned by the Port of Beaumont and under City of Beaumont streets starting at the Neches River and traversing west and southwest, and intercepting the existing storm sewers that run through the targeted area. As shown on the attached exhibit, many structures that lie in the benefit area have suffered flood losses in past flood events, including Hurricane Harvey.

The existing receiving stream, Hillebrandt Bayou, is currently undersized and overloaded. Increasing flows from the Corley-Cartwright area into Hillebrandt Bayou is an unacceptable option due to high tailwater conditions. Furthermore, increasing flows from the Corley-Cartwright area into Hillebrandt Bayou would exacerbate existing downstream flooding. Additionally, increasing the capacity of Hillebrandt Bayou is a much more difficult task due to environmental conditions and the improvement costs associated with the 23-mile-long bayou downstream to the Gulf Intracoastal Waterway.

On the other hand, the Neches River is a much larger stream with ample capacity to accept the proposed diverted flow, with no adverse impacts downstream. Another diversion project known as the Calder Diversion was accomplished around 2008-2010, which functioned very well during the Hurricane Harvey Event.

Scope of Work:

The Corley Diversion Project will involve relocating utilities, adjusting existing storm sewers, removing existing street paving, excavation for installation of the boxes, placement of the new boxes, backfilling the boxes once installed, replacing inlets, placing base, and repairing the city streets. Additionally, the route will require crossing railroad tracks that will likely be performed using a jack-and-bore process.

The proposed Corley Diversion Project will be completed in two phases:

- **Phase 1 (CDBG-MIT Regional MOD Funding):** This phase will begin at the Port of Beaumont starting at the Neches River and will traverse west to Blanchette Street, crossing under the Port railroad tracks. Then southwest on Blanchette Street to Neches Street, then south on Neches Street to Irma Street. Then, west/southwest on Irma Street, crossing TxDOT Spur 380 and the Kansas City Southern (KCS) railroad, to Avenue D. Then south on Avenue D, intercepting the existing storm box on Cartwright Avenue, to Prairie Avenue. Then west on Prairie Avenue to Emile Street and south on Emile Street to Terrell Avenue to intercept the existing storm box on Terrell Avenue.

- Phase 2 (Funding TBD) will begin at Prairie Avenue and Emile Street and continue west on Prairie Avenue to 5th Street, crossing under the Union Pacific railroad. Then south on 5th Street to Terrell Avenue and north on 5th Street to Blanchette Street.

Beneficiaries:

Each project phase alone provides a separate benefit to the designated impact area which includes more than 11,280 persons. Of this impacted population over 67% are classified as Low-to-Moderate Income (LMI). These project phases are stand-alone projects and will compliment each other. Phase I is the critical project path for initial relief and mitigation of flooding events. Phase 2 that will increase the benefits realized by Phase 1 by lowering the floodwater surface over the entire area. Once the project design is completed, and firm costs are identified, the District will evaluate additional mitigation options and funding alternatives as necessary.

Project Schedule:

The Corley Diversion Project tasks are as follows, more or less listed in the order of occurrence, with the estimated time:

1. Engineering (14 months)
 - a. Hydrologic and hydraulic analyses
 - b. Existing conditions topographic survey
 - c. Utility adjustment analysis
 - d. Plan and specification preparation
2. Permitting and Approvals (9 months)
 - a. Environmental
 - b. Railroads
 - c. Utilities
3. Contractor Procurement (4 months)
 - a. Advertise and bidding
 - b. Bid evaluation
 - c. Negotiation and contract completion
4. Construction (24 months)
 - a. River outfall
 - b. Utility adjustments
 - c. Demolition and excavation
 - d. Box placement, storm sewer tie-in, and backfill
 - e. Roadway reconstruction

Budget Line Summary

Total Engineering over Total Construction5.67%

Total Admin + Environmental over Total Amount Requested4.09%

Allowable Fee Percentage Cap for Admin + Environmental6.00%



Full Report | More

Program Budget Code	Planned/Requested Amount (tot)
Acquisition	\$0.00
Construction	\$42,229,305.00
Engineering	\$2,394,000.00
Environmental	\$50,000.00
Grant Administration	\$1,851,695.00
Planning	\$0.00
Special Environmental	\$0.00
Totals (7 groups)	\$46,525,000.00

Full Report | More 7 Budget Line Item records

	DRGR Activity	Project Title	Program Budget Code	CDBG-MIT Planned Amount	Other Funds	Total	Percent of Total
Flood and Drainage Facilities - Corley Diversion Project (7 Budget Line Item records)							
	Flood and Drainage Facilities	Corley Diversion Project	Acquisition	\$0.00	\$0.00	\$0.00	0.0%
	Flood and Drainage Facilities	Corley Diversion Project	Construction	\$42,229,305.00	\$0.00	\$42,229,305.00	90.8%
	Flood and Drainage Facilities	Corley Diversion Project	Engineering	\$2,394,000.00	\$0.00	\$2,394,000.00	5.1%
	Flood and Drainage Facilities	Corley Diversion Project	Environmental	\$50,000.00	\$0.00	\$50,000.00	0.1%
	Flood and Drainage Facilities	Corley Diversion Project	Grant Administration	\$1,851,695.00	\$0.00	\$1,851,695.00	4.0%
	Flood and Drainage Facilities	Corley Diversion Project	Planning	\$0.00	\$0.00	\$0.00	0.0%
	Flood and Drainage Facilities	Corley Diversion Project	Special Environmental	\$0.00	\$0.00	\$0.00	0.0%
TOT				\$46,525,000.00	\$0.00	\$46,525,000.00	100.0%



CDBG-MIT: Budget Justification of Retail Costs (Former Table 2)

Cost Verification Controls must be in place to assure that construction costs are reasonable and consistent with market costs at the time and place of construction.

Applicant/Subrecipient:	Jefferson County Drainage District No. 6					
Site/Activity Title:	Corley Diversion - Phase 1					
Eligible Activity:						
Materials/Facilities/Services	\$/Unit	Unit	Quantity	Construction	Acquisition	Total
Mobilization	\$ 1,644,000.00	LS	1	\$ 1,644,000.00	\$ -	\$ 1,644,000.00
Concrete Box Culvert (10'x8') Installed	\$ 1,400.00	LF	17340	\$ 24,276,000.00	\$ -	\$ 24,276,000.00
Concrete Box Culvert (10'x8') Under R/R	\$ 5,600.00	LF	600	\$ 3,360,000.00	\$ -	\$ 3,360,000.00
Concrete Box Culvert (10'x6') Installed	\$ 1,200.00	LF	360	\$ 432,000.00	\$ -	\$ 432,000.00
Outfall	\$ 1,000,000.00	EA	1	\$ 1,000,000.00	\$ -	\$ 1,000,000.00
Ancillary Drainage Improvements	\$ 982,000.00	LS	1	\$ 982,000.00	\$ -	\$ 982,000.00
Remove/Replace Pavement	\$ 530.00	LF	9030	\$ 4,785,900.00	\$ -	\$ 4,785,900.00
Water/Sanitary Sewer Relocation	\$ 2,526,000.00	LS	1	\$ 2,526,000.00	\$ -	\$ 2,526,000.00
Incidental Construction	\$ 3,123,405.00	LS	1	\$ 3,123,405.00	\$ -	\$ 3,123,405.00
Engineering	\$ 2,394,000.00	LS	1	\$ 2,394,000.00	\$ -	\$ 2,394,000.00
Geotechnical Services	\$ 100,000.00	LS	1	\$ 100,000.00	\$ -	\$ 100,000.00
Permitting	\$ 50,000.00	LS	1	\$ 50,000.00	\$ -	\$ 50,000.00
	\$ -		0	\$ -	\$ -	\$ -
	\$ -		0	\$ -	\$ -	\$ -
	\$ -		0	\$ -	\$ -	\$ -
	\$ -		0	\$ -	\$ -	\$ -
	\$ -		0	\$ -	\$ -	\$ -
	\$ -		0	\$ -	\$ -	\$ -
	\$ -		0	\$ -	\$ -	\$ -
	\$ -		0	\$ -	\$ -	\$ -
TOTAL				\$ 44,673,305.00	\$ -	\$ 44,673,305.00

1. Identify and explain the annual projected operation and maintenance costs associated with the proposed activities.

Average annual inspection is estimated to be \$20,000.

2. Identify and explain any special engineering activities.

US COE permitting

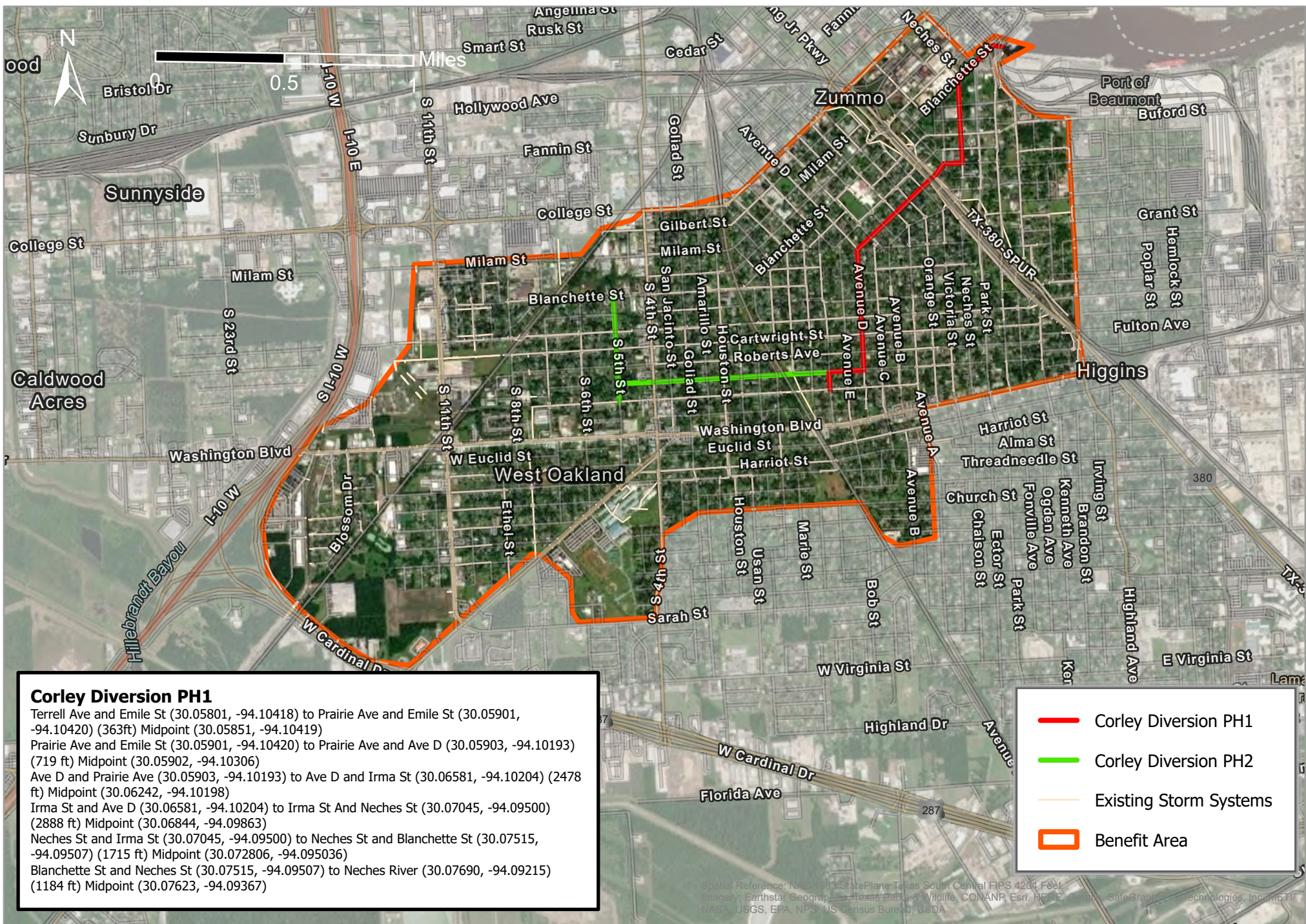


Seal

Date:	11/30/2022
Phone Number:	409-866-0341

Signature of Registered Engineer/Architect
Responsible For Budget Justification:



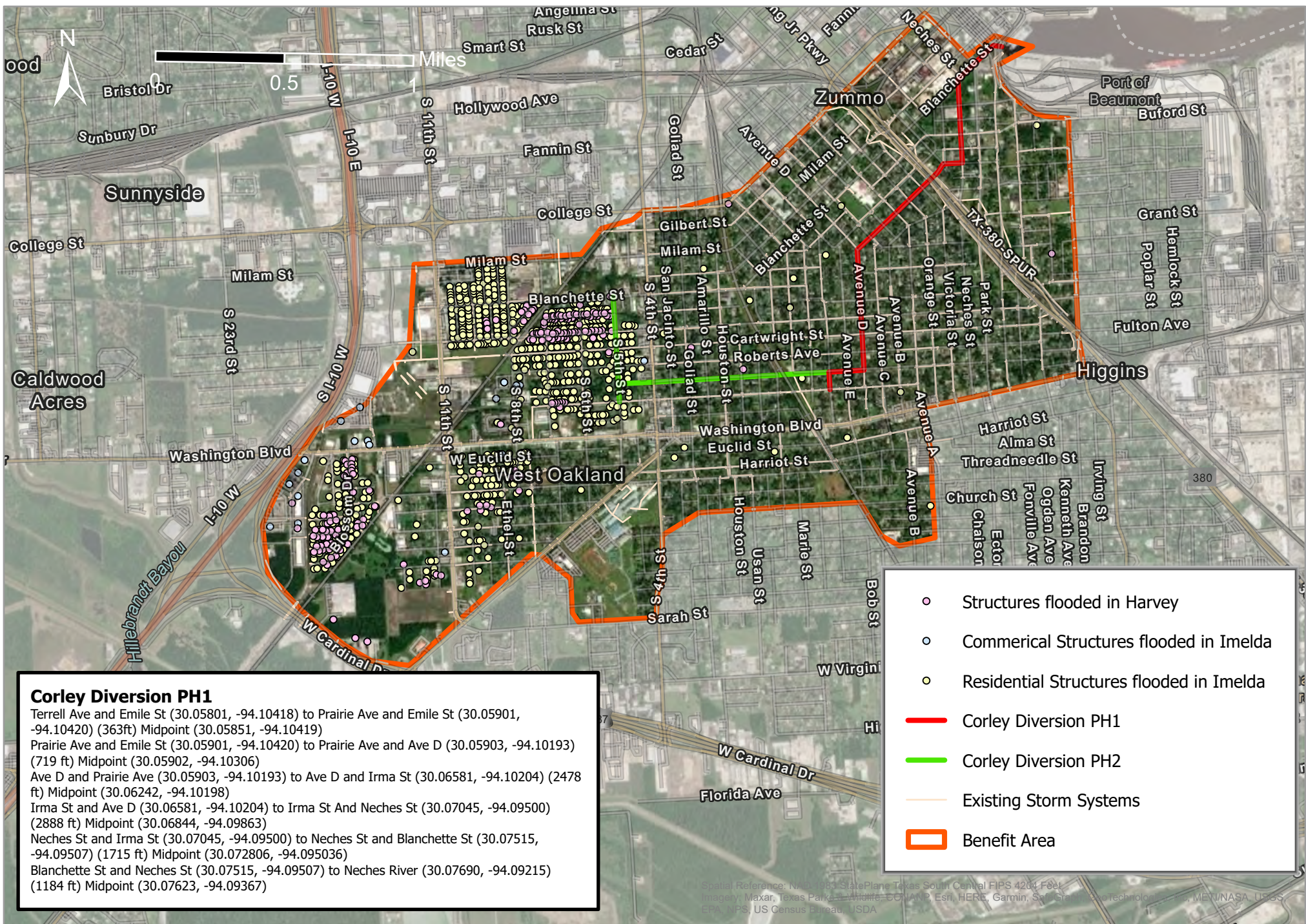


Corley Diversion PH1

Terrell Ave and Emile St (30.05801, -94.10418) to Prairie Ave and Emile St (30.05901, -94.10420) (363ft) Midpoint (30.05851, -94.10419)
 Prairie Ave and Emile St (30.05901, -94.10420) to Prairie Ave and Ave D (30.05903, -94.10193) (719 ft) Midpoint (30.05902, -94.10306)
 Ave D and Prairie Ave (30.05903, -94.10193) to Ave D and Irma St (30.06581, -94.10204) (2478 ft) Midpoint (30.06242, -94.10198)
 Irma St and Ave D (30.06581, -94.10204) to Irma St And Neches St (30.07045, -94.09500) (2888 ft) Midpoint (30.06844, -94.09863)
 Neches St and Irma St (30.07045, -94.09500) to Neches St and Blanchette St (30.07515, -94.09507) (1715 ft) Midpoint (30.072806, -94.095036)
 Blanchette St and Neches St (30.07515, -94.09507) to Neches River (30.07690, -94.09215) (1184 ft) Midpoint (30.07623, -94.09367)

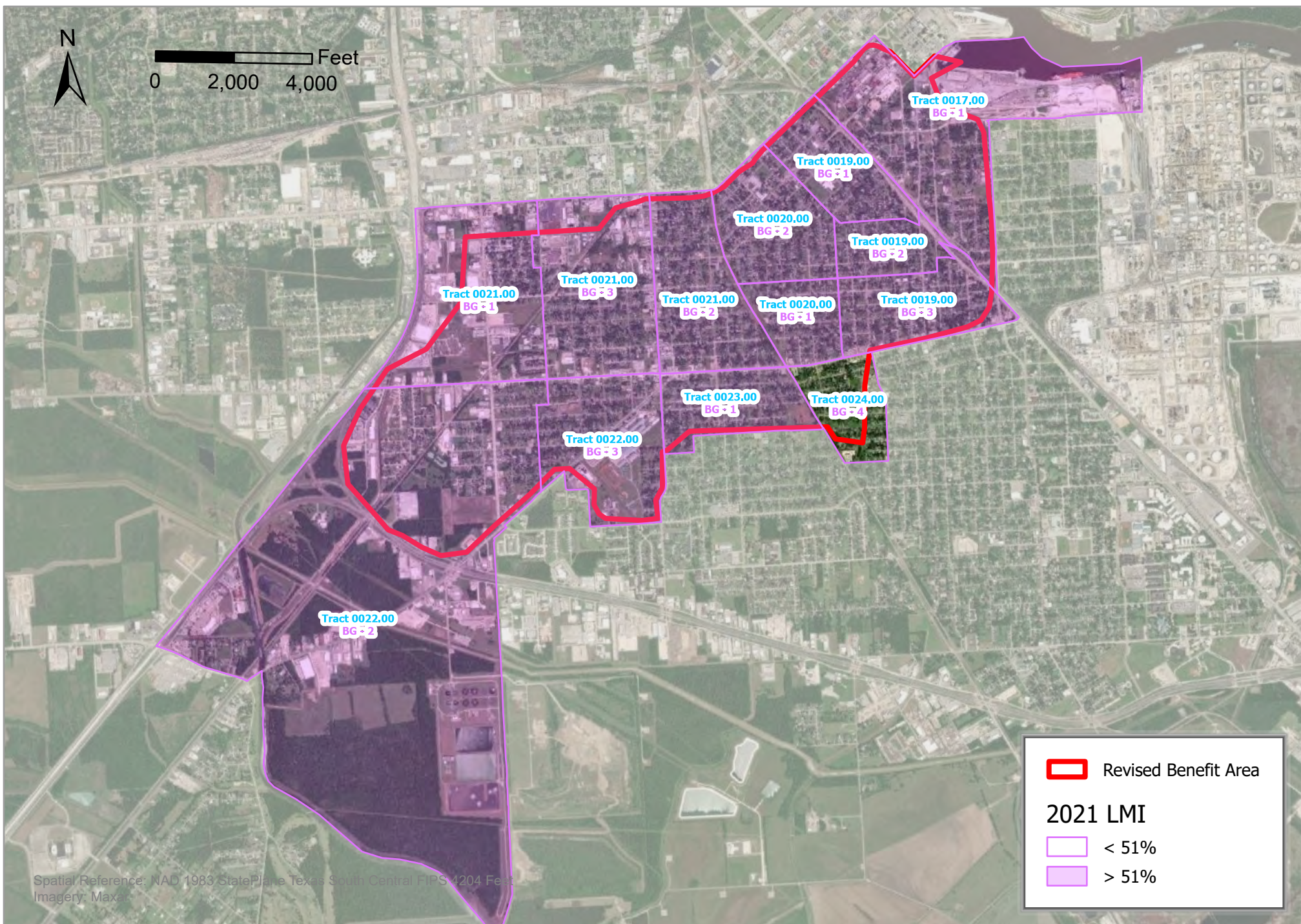
- Corley Diversion PH1
- Corley Diversion PH2
- Existing Storm Systems
- Benefit Area

Spatial Reference: NAD 83 StatePlane Texas South Central FIPS 4204 Feet
 Imagery: Earthstar Geographics, Texas Parks & Wildlife, CONANP Esri, RCN, Garmin, SafeGraph, Technologies, Inc, HERE, NASA, USGS, EPA, NPS, US Census Bureau, USDA





0 2,000 4,000 Feet




Spatial Reference: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet
Imagery: Maxar

 Revised Benefit Area

2021 LMI

 < 51%

 > 51%

DD6 Regional Flood Mitigation

geoname	Low	Lowmod	Lmmi	Lowmoduniv	2021 LMI %
Block Group 2, Census Tract 22, Jefferson County, Texas	480	545	615	725	75.17%
Block Group 2, Census Tract 20, Jefferson County, Texas	620	920	1210	1425	64.56%
Block Group 2, Census Tract 21, Jefferson County, Texas	565	920	1080	1155	79.65%
Block Group 1, Census Tract 17, Jefferson County, Texas	135	335	440	575	58.26%
Block Group 2, Census Tract 19, Jefferson County, Texas	415	545	765	830	65.66%
Block Group 3, Census Tract 19, Jefferson County, Texas	685	875	945	1145	76.42%
Block Group 1, Census Tract 19, Jefferson County, Texas	375	660	800	975	67.69%
Block Group 1, Census Tract 20, Jefferson County, Texas	335	550	595	745	73.83%
Block Group 1, Census Tract 21, Jefferson County, Texas	320	480	540	760	63.16%
Block Group 3, Census Tract 21, Jefferson County, Texas	570	750	835	1115	67.26%
Block Group 3, Census Tract 22, Jefferson County, Texas	280	365	405	585	62.39%
Block Group 1, Census Tract 23, Jefferson County, Texas	220	445	675	735	60.54%
Block Group 4, Census Tract 24, Jefferson County, Texas	130	260	400	510	50.98%
	7650			11280	67.82%



**Texas General Land Office
Community Development and Revitalization Division
Mitigation – Local Certifications**

Each Applicant for Community Development Block Grant Mitigation ("CDBG-MIT") funding must complete Federal Assistance Standard Form 424 (SF-424) and certify that local certifications included in this application guide were followed in the preparation of any CDBG-MIT program application. Additionally, Applicant must certify that it will continue to follow local certifications in the event that funding is awarded and Applicant is reclassified as a Subrecipient.

Each Applicant/Subrecipient must comply with the provisions of the National Environmental Policy Act ("NEPA"), the Council on Environmental Quality ("CEQ") regulations, the requirements set forth in Title 24 of the Code of Federal Regulations ("CFR") part 58, and applicable Texas General Land Office policy directives.

Each Applicant/Subrecipient must comply with all applicable federal and state laws, including environmental, labor (Davis-Bacon Act), the procurement procedures and contract requirements found at 2 C.F.R. §200.318 – §200.326, and all civil rights requirements.

Each Applicant/Subrecipient certifies, as outlined in 84 FR 45838 (August 30, 2019), the following:

A. The Applicant/Subrecipient certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with CDBG-MIT funds.

B. The Applicant/Subrecipient certifies its compliance with restrictions on lobbying as required by 24 C.F.R. part 87, together with disclosure forms, if required by part 87.

C. Any entity or entities designated by the subrecipient, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG-MIT funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and the federal register notice. The subrecipient certifies that activities to be undertaken with CDBG-MIT funds are consistent with the Action Plan.

D. The Applicant/Subrecipient certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Act ("URA"), as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for CDBG-MIT funds.

E. The Applicant/Subrecipient certifies that it will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. §1701u) and implementing regulations at 24 C.F.R. part 135.

F. The Applicant/Subrecipient certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 or §91.105 (except as provided for in notices providing waivers and alternative requirements for this grant). Also, 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 for in notices providing waivers and alternative requirements for this grant).

G. The Applicant/Subrecipient certifies that it is complying with each of the following criteria:

1) Funds will be used solely for necessary expenses related to mitigation activities, as applicable, in the most impacted and distressed areas for which the President declared a major disaster in 2015, 2016, or 2017 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. §5121 et seq.).

2) With respect to activities expected to be assisted with CDBG-MIT funds, the relevant action plan has been developed to give priority to activities that will benefit low- and moderate-income families.

3) The aggregate use of CDBG-MIT funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent (or another percentage permitted by HUD in a waiver published in an applicable Federal Register notice) of the CDBG-MIT grant amount is expended for activities that benefit such persons.

4) The Applicant/Subrecipient will not attempt to recover any capital costs of public improvements assisted with CDBG-MIT funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

i. CDBG-MIT funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or

ii. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

H. The Applicant/Subrecipient certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d), the Fair Housing Act (42 U.S.C. §3601-§3619), and implementing regulations, and that it will affirmatively further fair housing.

I. The Applicant/Subrecipient certifies that it has adopted and is enforcing the following policies, and, in addition, must certify that they will require local governments that receive grant funds to certify that they have adopted and are enforcing:

1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;

2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

J. The Applicant/Subrecipient certifies that it (and any administering entity) currently has or will develop and maintain the capacity to carry out mitigation activities, as applicable, in a timely manner and that the subrecipient has reviewed the respective requirements of this notice.

K. The Applicant/Subrecipient certifies that it will not use CDBG-MIT funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the state, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 C.F.R. part 55. The relevant data source for this provision is the state, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.

L. The Applicant/Subrecipient certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, I, K, and R.

M. The Applicant/Subrecipient certifies that it will comply with environmental requirements at 24 CFR part 58.

N. The Applicant/Subrecipient certifies that it will comply with applicable laws.

WARNING: ANY PERSON WHO KNOWINGLY MAKES A FALSE CLAIM OR STATEMENT TO HUD MAY BE SUBJECT TO CIVIL OR CRIMINAL PENALTIES UNDER 18 U.S.C. §287; 18 U.S.C. §1001, AND 31 U.S.C. § 3729.

Except as otherwise provided under federal law, any person who knowingly and willfully falsifies, conceals, or covers up a material fact by any trick, scheme or device or who makes any materially false, fictitious, or fraudulent statement or representation or who makes or uses any false writing or document knowing the writing or document to contain materially false, fictitious, or fraudulent statement or entry shall be prosecuted under Title 18, United States Code, §1001.

Printed Name of Authorized Signatory

Date

Signature of Authorized Signatory

**TO BE SIGNED BY AUTHORIZED
SIGNATORY UPON GOVERNING
BODY APPROVAL ONCE
COMMENT PERIOD HAS EXPIRED**