



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

OCT 1 2013

Mr. Jorge Ramirez
Senior Director
Disaster Recovery Program
Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

Dear Mr. Ramirez:

I am pleased to inform you that the Department is accepting the State of Texas Community Development Block Grant Disaster Recovery (CDBG-DR) Action Plan. The Action Plan describes the use of CDBG-DR funds appropriated under Public Law (P.L.) 113-2.

Last year, Texas received \$31,319,686 allocated from Public Law 112-55 to address the damage caused by wildfires in Bastrop County 2011. This new appropriation, effective June 3, 2013, is intended to fund unmet infrastructure needs within Bastrop County. Table 1, below, illustrates the State's initial budget allocations.

**Table 1- State of Texas Budget Allocation
(P.L. 113-2 CDBG-DR funds)**

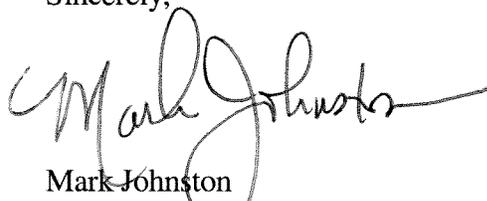
PROGRAM	ALLOCATION
Bastrop County Infrastructure	\$4,554,900
State Administration	\$253,050
State Planning and Project Delivery	\$253,050
Total Appropriation	\$5,061,000

As required by the Federal Register, Vol. 78, No. 103, dated May 29, 2013, the State of Texas General Land Office (GLO) will allocate a minimum of eighty percent (80%) of the CDBG-DR grant to Bastrop County. The GLO will meet this requirement by allocating Bastrop County ninety percent (90%) of the overall grant for infrastructure, with ten percent (10%) allocated to the State for administrative, project delivery, and planning costs. The State indicates that no funds will be allocated to any other disaster-declared counties eligible under FEMA DR-4029-TX, due to the lack of demonstrated unmet need.

The GLO will ensure, as required in the Federal Register, Vol. 78, No. 43, dated March 5, 2013, at least fifty percent (50%) or \$2,530,500 of the entire CDBG-DR grant award will be used for activities that benefit low- and moderate-income persons.

The Department appreciates your continuing efforts to achieve long-term recovery in the State of Texas. If you have any questions, please do not hesitate to contact Ms. Yolanda Chavez, Deputy Assistant Secretary for Grant Programs, at (202) 708-2111.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Johnston". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark Johnston
Deputy Assistant Secretary
for Special Needs Programs

State of Texas



Plan for Disaster Recovery U. S. Department of Housing and Urban Development (HUD)

Disaster Relief Appropriations Act, 2013
(Pub. L. 113-2, approved January 29, 2013)

August 15, 2013

Prepared by

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State of Texas
Action Plan for Disaster Recovery
DR-4029-Texas

Introduction

According to the Texas Governor’s website, 2011 was one of the worst wildfire seasons in recent memory¹. While extensive areas of Texas experienced damage from the 2011 wildfire season, the most significant losses and major damage to homes, businesses, public lands (parks) and other public facilities (hospitals & schools) stemmed from a series of devastating wildfire events within the counties that were Presidentially declared disasters in the 2011 Federal Emergency Management Agency (FEMA) DR-4029-TX major disaster declaration (see Appendices A and B for detail).

Initially, Texas received \$31,319,686, through the U.S. Department of Housing and Urban Development (HUD) allocation from Public Law 112-55. Most recently, HUD appropriated \$5,061,000, through the Disaster Relief Appropriations Act, 2013, Public Law 113-2. This document constitutes the State of Texas Plan for Disaster Recovery (Action Plan) under Public Law 113-2 for Community Development Block Grant (CDBG) disaster recovery funds related to the Wildfire disasters of 2011.

A. Disaster Impacts and Needs Assessment

A total of 3.9 million acres and approximately 5,900 structures were damaged and/or destroyed in Texas during the 2011 wildfire season, which occurred from November 15, 2010 through October 31, 2011. Many factors contributed to the record breaking season, including the La Niña weather pattern that caused extreme drought conditions, high winds from Tropical Storm Lee, and record breaking high temperatures. These weather conditions combined with the availability of large amounts of dry fuels led to the intensity of these wildfires. Bastrop County specifically experienced the most destructive fire with a final count of 34,457 acres burned and 3,017 homes destroyed and/or severely damaged.²

To date, FEMA funds have paid for \$47,798,647.43 in Public Assistance (PA) grants and \$14,142,999 in Individual Assistance (IA) grants for DR-4029-TX³. Although the amount paid by insurance providers is unavailable, it can be inferred that FEMA assistance did not cover the entire amount of remaining damages once insurance payouts had been utilized. CDBG Disaster Recovery funds are invaluable in the recovery of the communities affected and would serve to close the gap of unmet needs.

¹ <http://governor.state.tx.us/wildfires/>

² Texas Forest Service

³ FEMA website, August 5, 2013.

I. Evaluation of Need for Housing, Infrastructure, and Economic Development

In order to assess the level of need, the Texas General Land Office (GLO) identified concentrations of Low and Moderate Income (LMI) households, acreage burned, Individual Assistance dollars awarded and Project Worksheets (FEMA Public Assistance) in each Presidentially declared disaster affected county (see maps in Appendix G). These data sets serve to quantify the level of damage in these areas.

a. Housing

According to HUD, the top five counties that were most severely impacted by the 2011 wildfire season were Bastrop, Marion, Upshur, Travis, and Montgomery respectively. Although the HUD Needs Assessment identifies both housing and business damage, for the initial CDBG-DR Wildfire appropriation, the GLO opted to provide housing assistance in Bastrop County only because of the limited housing damage in remaining declared counties.

For the initial CDBG-DR Wildfire appropriation, the GLO also reviewed FEMA Individual Assistance (IA) data (number of IA eligible households) in order to support the determination of providing housing assistance to Bastrop County only; according to FEMA the top five counties with the highest concentration of eligible households were Bastrop, Waller, Travis, Montgomery, and Marion respectively. Although HUD's assessment and FEMA's assessment were slightly different, they were more or less in agreement in that the majority of the need for housing assistance was within Bastrop County.

In implementing the housing program under the initial appropriation, the GLO and subrecipient both conducted multiple extensive outreach efforts to attract and identify eligible applicants. The outreach resulted in a total of 225 applications to the GLO; however, only 33 were found to be eligible for funding. The primary reasons for ineligibility were Already Met Need, Duplication of Benefit, and lack of LMI status. In addition, analysis of the data in Table D-1 in Appendix D and the number of damaged homes (1,386) results in an estimated average of \$226,450 per house destroyed was made available by FEMA, SBA, private insurance and other sources. Based on this estimate and the difficulty in attracting eligible applicants, the GLO concludes any remaining unmet need for permanent housing due to the Texas Wildfires will be served through the CDBG-DR Housing Program under the Initial Wildfire Appropriation (Pub. L. 112-55). There were no public housing units lost as a result of the wildfire in Bastrop County. As such, no funds will be allocated to fund housing activities under this Action Plan.

With respect to emergency shelters; however, the extensive damage and large number of structures destroyed in Bastrop County, created a dire need for adequate immediate

short term sheltering. The numbers of displaced persons was so great that the existing emergency shelters were not able to provide shelter to many of the victims. Many homeless were taken in by other Bastrop County residents for several months until other arrangements could be made. As illustrated in Table D-1 in Appendix D, there is an estimated unmet need for both interim and permanent shelters.

b. Infrastructure

According to the Texas Forest Service the counties that received the highest amount of damage with respect to acreage burned was Cass County (42,630 acres lost), with Bastrop County (35,193 acres lost) coming in second.

Upon review of FEMA Public Assistance (PA) numbers (amount of federal share funding each county is eligible for) it appears that, according to FEMA, Bastrop was the most heavily affected, with Leon, Walker, Gregg, and Upshur counties coming in very closely behind.

Based on the above two data sets, the GLO offered a competitive infrastructure grant to address the level of need for recovery funding spread across all counties within the DR-4029-TX Presidential disaster declaration under the Initial CDBG-DR Wildfire Appropriation. The competitive application process yielded only one application for fire equipment but was deemed ineligible, despite the GLO's outreach efforts during the application period focused on the 20 counties with the most damage. During a follow-up outreach, potential applicants expressed a lack of need for repair or replacement of public infrastructure directly damaged by the wildfires, but a common need for various types of fire fighting equipment. With Action Plan Amendment #2 for the initial CDBG-DR Wildfire Appropriation the GLO created a public service program for these funds and plans to re-open the competitive application process for \$4.7 million to address these needs utilizing the initial wildfire appropriation.

Based on the results of the outreach and the lack of need demonstrated by the paucity of applications received for the competitive grants under the previous appropriation, the GLO will not allocate infrastructure grant funds to counties outside of Bastrop County that received a declaration for the appropriation covered under this Action Plan.

Instead, due to Bastrop County leading in infrastructure loss according to FEMA PA numbers, and the documentation of remaining unmet needs as presented in Table D-1, the GLO will be directly awarding one hundred percent (100%) of the total Infrastructure Program allocation, under this Action Plan to Bastrop County for infrastructure recovery.

The GLO anticipates that the projects proposed by Bastrop County will focus on unmet needs primarily within the Burn Zone. Tables D-2 and D-3 in Appendix D presents the demographic data of the Census Geographical Areas within the Burn Zone.

c. Economic Development

In order to assess infrastructure need as it relates to Economic Development, the GLO looks to the HUD Needs Assessment which cites “SBA for management of its disaster assistance loan program for business real estate repair and replacement as well as content loss (12/22/2011)” as the source for the results of that assessment; 23 counties out of the 65 declared under DR-4029-TX have been identified as priority according to the HUD Needs Assessment. When considering those 23 counties identified by HUD, four percent (4%) of the overall need in that subset is related to unmet business needs. The GLO has reviewed FEMA’s most recent IA Summary (“4029-TX Individual Assistance program Summary COB 4.27.12”) and has identified that, out of all 65 declared counties under the DR-4029-TX disaster; nine percent (9%) of the unmet needs are tied to business loss according to FEMA’s SBA data.

Due to the percent of business loss being only four percent (4%) and nine percent (9%) respectively, Economic Development will not be a separate piece of Texas’s recovery program; however, eligible Economic Development activities and projects will be allowed should that be a part of an applicant’s infrastructure application.

Per Federal Register (Vol. 78, No. 76/Friday, April 16, 2013 at 76 FR, pg. 23580), Grantees in receipt of an allocation under the Appropriations Act are subject to the following: when CDBG-DR funds are provided to for-profit businesses, such funds may only be provided to a small business, as defined by the SBA under 13 CFR Part 121. CDBG-DR funds may not be used to assist a privately-owned utility for any purpose.

B. General Requirements

I. Floodplain

Where possible, the GLO will work with local jurisdictions to ensure that any damaged housing or infrastructure sites are not located in regulatory floodplains. However, should housing and/or infrastructure sites be located in the regulatory floodplain, the GLO will work with the local floodplain administrator on the responsible removal of regulatory barriers prior to reconstruction to ensure proper land use decisions.

Any sites, or portions of sites, assisted with CDBG Disaster Recovery Programs that fall within a 100 year floodplain will be required to carry flood insurance.

In addition, the GLO will work with the local floodplain administrator to ensure that the elevation requirements, or flood proofing of certain non-residential structures, noted in Federal Register, Vol. 78, No. 76/Friday, April 16, 2013, are followed as applicable. However, given the

distance from the coast and the elevation above sea level, the potential effects of sea level rise due to global warming would not impact the affected areas.

II. Short-and-Long Term Planning

The GLO's recovery projects will be developed in a manner that considers an integrated approach to housing, infrastructure, economic revitalization, and overall community recovery. The GLO will continue to work with State and local jurisdictions to provide guidance on promoting a sound short-and-long term recovery plan in the affected areas by coordinating available resources to help in the restoration and recovery of damaged communities.

Disaster recovery presents affected communities with unique opportunities to examine a wide range of issues such as housing quality and availability, road and rail networks, environmental issues and the adequacy of existing infrastructure. The GLO will support long-term plans put in place by local and regional communities that promote the future well being of these damaged areas such as modernization of public facilities, stimulation of the local economy, and rebuilding of housing stock.

III. Funding Sources

The GLO is expecting the award of \$5,061,000, a minimum of \$4,048,800 which must be allocated for Bastrop, from HUD through a Community Development Block Grant (CDBG) for Disaster Recovery to continue assisting in the recovery efforts from the 2011 Texas wildfire season for specific disaster-related purposes. Although a match is not required, Bastrop County intends to use the forthcoming HUD grant to compliment local and ancillary grant funds in their infrastructure program. For example, under the initial wildfire appropriation Bastrop County used a portion of their CDBG-DR grant funds to match National Resources Conservation Service grant funds to restore culverts damaged by the wildfires.

IV. Quality Construction Methods

The GLO will require both quality inspections and code compliance inspections on all projects. For infrastructure projects, the GLO will require all grantees to submit engineering plans for technical and quality reviews. Site inspections will be required on all projects to ensure quality and compliance with building codes. The GLO will encourage and support grantee efforts to update and adopt local compliance codes to mitigate hazard risks due to wildfires, where applicable. The Green Building Standard requirements for residential structures will generally not be applicable, since funds will not be allocated for housing under this Action Plan. For infrastructure projects, the GLO will encourage, to the extent practicable, implementation of green infrastructure policies.

V. Public Housing, HUD assisted Housing, and Housing for the Homeless

A variety of target populations are eligible to be served including homeless and special needs populations. CDBG Disaster Recovery funds received by the State will be used in the recovery efforts from the 2011 Texas Wildfire season for specific disaster-related purposes. While these funds do not exclude eligibility to homeless individuals or other special needs populations, they are not set aside specifically for such. It is anticipated that the CDBG Disaster Recovery funds may address the needs of people with disabilities, and homeless, under the programs developed and administered under the initial Wildfire Appropriation. The State also has various other programs that address the housing needs of these populations that are unrelated to this grant.

VI. Displacement of Persons and/or Entities

To minimize the displacement of persons and/or entities that may be affected by the activities outlined in this Action Plan, the GLO will coordinate with other State agencies, local government, and local non-profit organizations to ensure minimal displacement. Because funds will be allocated exclusively to infrastructure projects, minimal displacement of residents is anticipated. However, should any proposed projects cause displacement of people, the GLO will ensure grantees follow the requirements set forth under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as waived.

VII. Program Income

Any program income earned as a result of activities funded under this grant will be subject to 24 CFR §570.489(e) as waived, which defines program income. Program income generated under individual contracts with the sub-grantees will be returned to the GLO.

VIII. Performance and Expenditure Schedule

The GLO has developed a performance and expenditure schedule that includes projected performance of both expenditures and outcome measures for housing, infrastructure, economic development, and planning and administration activities which is presented in Appendix C.

C. Preventing Fraud, Abuse of Funds and Duplication of Benefits

I. Fraud and Abuse of Funds

The GLO follows monitoring and audit standards set forth by the CDBG Disaster Recovery Program that will be used for monitoring and oversight of the disaster recovery funds. The GLO will provide technical assistance to recipients from the application stage through the completion of the projects to ensure that funds are appropriately used for the intended eligible activities, as well as meet the national objectives.

The GLO will monitor all contract expenditures for quality assurance and to prevent, detect and eliminate fraud, waste and abuse as mandated by Executive Order (EO) RP 36, signed July 12, 2004 by the Governor of Texas. The GLO will particularly emphasize mitigation of fraud, abuse and mismanagement related to accounting, procurement and accountability which may also be investigated by the State Auditor's Office (SAO). In addition, the GLO and the grantees are subject to the Single Audit Act (A-133) which encompasses the review of compliance with program requirements and the proper expenditure of funds by an independent Certified Public Accountant (CPA) or by the SAO. Reports from the SAO's office will be sent to the Office of the Governor, the Legislative Committee and the GLO.

The GLO has an internal audit staff that performs independent internal audits of programs and can perform such audits on these programs and grantees. The GLO will utilize a monitoring process to specifically ensure that the recovery allocation is carried out in accordance with State and federal laws, rules and regulations as well as the requirements set forth in the Federal Register Notices. These procedures will ensure that there is no duplication of benefits according to the Stafford Act. The GLO Agency Organizational Chart is included as Appendix F.

The GLO will monitor the compliance of grantees and HUD will monitor compliance with this requirement. Expenditures may be disallowed if the use of the funds is not an eligible CDBG activity, does not address disaster related needs directly related to DR-4029-TX or does not meet at least one of the three national CDBG objectives. In such cases, the grantee would be required to refund the amount of the grant that was disallowed. In addition, and in order to ensure funds are spent promptly and accordingly, contracts may be terminated if identified timetables/milestones are not met.

Monitoring efforts include but are not limited to the following:

- Identifying and tracking program and project activities as well as ensuring the activities were the result of damage from DR-4029-TX;
- Identifying technical assistance needs of grantees;
- Ensuring timely expenditure of CDBG funds;
- Documenting compliance with programmatic rules;
- Preventing fraud, waste and abuse;
- Identifying innovative tools and techniques that help satisfy established goals; and
- Ensuring quality workmanship in CDBG-funded projects.

In determining appropriate monitoring of the grant, the GLO will consider prior CDBG grant administration, audit findings, as well as factors such as complexity of the project. The GLO will determine the areas to be monitored, the number of monitoring visits and their frequency. All grants will be monitored no less than one time during the contract period. The monitoring will address CDBG Disaster Recovery Program compliance with contract provisions, including national objectives, financial management and the requirements of 24 CFR Part 58

(Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) or Part 50 (Protection and Enforcement of Environmental Quality). The GLO will utilize checklists similar to those used in monitoring regular CDBG Disaster Recovery Program activities.

The GLO, as applicable, will contract with each grantee as independent contractors who will be required to hold the GLO harmless and indemnify them from any acts of omissions of the contractor. Section 321.022(a) of the Texas Government Code requires that if the administrative head of a department or entity that is subject to audit by the state auditor has reasonable cause to believe that money received from the state by the department, by entity, by client or by contractor of the department or entity may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity, the administrative head shall report the reason and basis for the belief to the state auditor. The GLO is responsible for referring suspected fraudulent activities to the State Auditor's Office as soon as is administratively feasible. The State Auditor reports directly to the Texas Legislature.

II. Duplication of Benefits

Duplication of Benefits (DOB) is strictly prohibited. In general, Section 312 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5155), as amended, prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster as to which he/she has received financial assistance under any other program or from insurance or any other source. In order to comply with this law, grantees must ensure that each activity provides assistance to a person or entity only to the extent that the person or entity has a disaster recovery need that has not been met.

Given the often complex nature of this issue, HUD has published a separate Federal Register Notice explaining the duplication of benefits requirements applicable to CDBG disaster recovery grantees; it can be found at 76 FR 71060 (published November 16, 2011). They have also recently published guidance on SBA and Pre-Award Costs relating to funds received through P.L. 113-2 (HUD Notice CPD-13-05).

DOB includes any payments or potential payments made to the applicant by identified parties that represent disaster assistance for activities reimbursable by, or for which funds are made available for the same loss that the CDBG Disaster Recovery Program is providing assistance, which is not limited to Wildfire recovery payments. Any portion of the DOB that has been determined to be funds spent by the applicant on "Allowable Activities" will reduce the amount considered to be a DOB.

In addition, documentation of possible duplication of benefits must be included in each applicant file even if no funds were received from FEMA, SBA, Insurance or any other source. A

copy of this documentation must be provided to the CDBG Disaster Recovery Program as part of the application documentation.

D. State Administered Disaster Recovery Program

I. Action Plan

The Action Plan will describe the following activities related to disaster relief, long-term recovery, and restoration of infrastructure and economic revitalization in the most impacted and distressed areas affected by the Wildfire disaster occurring during 2011:

- Citizen participation process used to develop the Action Plan;
- Eligible affected areas and applicants, and the methodology used to distribute funds to those applicants;
- Activities for which funding may be used; and
- Grant procedures that will be applicable to ensure program requirements, including non-duplication of benefits.

This Action Plan will be used by the GLO to provide the approximate \$4,554,900 in CDBG disaster recovery funds to be used toward meeting unmet infrastructure and other eligible community and economic revitalization needs associated with DR-4029-TX.

As additional information becomes available through the grant administration process, amendments to this Action Plan are expected. Prior to adopting any substantial amendment to this Action Plan, the GLO will publish the proposed plan or amendment on the GLO’s official website and will afford citizens, affected local governments, and other interested parties a reasonable opportunity to examine the plan or amendment’s contents. At a minimum, the following modifications will constitute a substantial amendment:

- A change in program benefit or eligibility criteria;
- The allocation or re-allocation of more than \$1 million; or
- The addition or deletion of an activity

II. Program Budget – This budget represents only the new allocation. The previous funding amount may be found in Appendix D.

State of Texas Appropriation	\$5,061,000
Bastrop County Infrastructure*	\$4,554,900
State Admin	\$253,050
State Planning and Project Delivery	\$253,050

Total Allocation	\$5,061,000
* Allocation includes Project Delivery and Planning	

a) Grant Allocations

Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and economic revitalization in the most impacted and distressed Texas counties as declared in DR-4029-TX.

As required by the Federal Register, Vol. 78, No. 103, Wednesday, May 29, 2013, the GLO allocates a minimum of eighty percent (80%) of the overall grant to the County of Bastrop. The GLO will meet this requirement by allocating to Bastrop County ninety percent (90%) of the overall grant for infrastructure, with ten percent (10%) allocated to State administrative, project delivery, and planning costs.

No funds will be allocated to any other disaster-declared counties eligible under FEMA DR-4029-TX, due to the lack of demonstrated unmet need, as discussed above.

The GLO will ensure, as is required and identified in the Federal Register, Vol. 78, No.43/Tuesday, March 5, 2013/Notices, at least fifty percent (50%) or \$2,530,500 of the entire CDBG Disaster Recovery grant award will be used for activities that benefit low and moderate income persons.

b) Administrative Funds

State Administrative costs will not exceed five percent (5%) for costs or overall limit of twenty percent (20%) for planning (15%) and administrative costs (5%) combined. The provisions outlined under 42 U.S.C. 5306(d) and 24 CFR §570.489(a)(1)(i) and (iii) will not apply to the extent that they cap state administration expenditures and require a dollar for dollar match of state funds for administrative costs exceeding \$100,000. Pursuant to 24 CFR §58.34(a)(3), except for applicable requirements of 24 CFR §58.6, administrative and management activities are exempt activities under this Action Plan.

Once contracted, the GLO will allow the draw down of pre-agreement costs associated with eligible disaster recovery activities dating back to the date of the fire/event for grantees with appropriate documentation.

c) Application Thresholds

There must be a specific disaster related need directly attributable to the major natural disaster declaration for wildfire disaster relief, long-term recovery and/or restoration of infrastructure. No disaster recovery assistance will be considered with respect to any part of a disaster loss that is reimbursable by the Federal Emergency Management Agency (FEMA), the Army Corps of Engineers (USACE), insurance or other source due in part to the restrictions against duplication of benefits outlined in this Action Plan. An activity underway prior to the Presidential disaster declaration will not qualify unless the disaster directly impacted said project.

III. Eligibility and Award Method

According to the Department of Housing and Urban Development (HUD), only those that were affected within the disaster declared counties of FEMA DR-4029-TX are eligible to receive assistance under this grant. The GLO will potentially utilize all three National Objectives to carry out all programs under this allocation. Only mitigation measures related to repairing damage caused by the wildfires will be considered for funding.

a) Infrastructure

Funds awarded to eligible applicants for infrastructure allowable activities can be classified in three ways:

1. Infrastructure activities – The repair, replacement or relocation of damaged public facilities.
2. Economic Development – Economic revitalization can include any activity that demonstrably restores and improves some aspect of the local economy; the activity may address job losses, or negative impacts to tax revenues or businesses. Examples of eligible activities include providing loans and grants to businesses, funding job training, making improvements to commercial/retail districts, and financing other efforts that attract/retain workers in devastated communities⁴.
3. Fire Protection as a Public Service – In order to address infrastructure needs as they relate to Fire Protection, the GLO will utilize HUD’s definition of allowable Public Service expenses eligible for CDBG funds (24 CFR 570.201(e)), on a limited basis to fund Fire Protection activities. To be eligible for CDBG assistance, a fire protection public service activity must be either a new service or a quantifiable increase in the level of an existing service above that which has

⁴ Section 239 Appropriations Act, 2012 (Pub. L. 112–55, approved November 18, 2011), 22587, section VI.D.(3)

been provided by or on behalf of the unit of general local government. The GLO will accept infrastructure applications for fire protection services as eligible public services where the service has a quantifiable increase over deficient services during the fire event or infrastructure needs that resulted from direct fire damage. Eligible fire protection activities and infrastructure projects will be allowed as a part of an applicant's infrastructure application. The amount of funds available for public service activities will not exceed 15% of the total award identified in this Action Plan.

There will be a single infrastructure CDBG Disaster Recovery Program under this round of CDBG Disaster Recovery award for the Texas Wildfire disaster in which Bastrop County will receive \$4,554,900 or 90% of the allocation, as a direct award to the County.

IV. Award Amount(s), Thresholds, and Award Process

As discussed above in the Needs Assessment section, based on the GLO's experience implementing the previous CDBG-DR wildfire appropriation, there is no remaining unmet need for housing within the FEMA DR-4029-TX affected area that will not be served in the initial wildfire allocation. Additionally, the paucity of applications for competitive infrastructure grants under the previous wildfire appropriation demonstrates the lack of infrastructure need within the FEMA DR-4029-TX affected counties, except Bastrop County.

a) Infrastructure

The award to Bastrop County will not be less than \$100,000 and will not exceed \$4,554,900.

V. Location, Mitigation Measures, Urgent Need

All CDBG-DR funded activities under this Action Plan will occur within the disaster declared counties of FEMA DR-4029-TX. In addition, all projects shall be designed with mitigating measures by replacing and hardening infrastructure damaged by the wildfires.

The Bastrop Complex Wildfire ignited on September 4, 2011 in a small community 30 miles southeast of Austin. The fire burned rapidly out of control, scorching 32,400 acres (13,112 hectares) and destroying 1,696 residential and commercial structures. A second ignition, the Union Chapel Fire, ignited on September 5, 2011 burning 720 acres (291 hectares) and destroying an additional 27 residential and commercial structures for a total loss of 1,723 structures. The fire was declared extinguished on October 9, 2011.

The Bastrop Complex Wildfire, which began on September 4, 2011, would result in the most destructive event of its kind in Texas history. The devastation would affect every citizen in Bastrop County in some way. Many families lost a lifetime of possessions, mementos, clothing, pets, documents and other valuable items. Infrastructure such as roadways and drainage systems were heavily damaged. The costs of rebuilding and the overall economic recovery would be huge. Taxing entities will be struggling with budget woes for years to come. All citizens of Bastrop would face emotional and psychological stress issues at some level. County and city leaders, public safety officials and the public were very much overwhelmed by the magnitude and far-reaching effects of this horrible disaster.

The Bastrop Complex Wildfire would go on record as the most destructive wildland urban interface wildfire event in Texas history, resulting in the loss of two lives on September 5, 2011. It dwarfs what is now the second most destructive fire in Texas history. While the event occurred nearly two (2) years ago, the conditions left in the wake of the disaster still pose a serious and immediate threat to the health and welfare of the citizens of Bastrop County. The massive scale of the wildfire has placed an excessive economic burden on Bastrop County which lacks sufficient resources to fund recovery activities. The timing of the additional allocation under this Action Plan is such that there no other available funding sources to assist recovery the Bastrop Complex Wildfire. As such, the GLO anticipates funding activities under the Urgent Need Objective.

E. Citizen Participation

The GLO provided a reasonable opportunity of at least seven (7) calendar days for citizen comment as well as ongoing citizen access to information about the use of CDBG grant funds by doing the following:

- The GLO published the proposed plan (including the information required in this Notice for an Action Plan for Disaster Recovery) on the official website at www.glo.state.tx.us/GLO/disaster-recovery/actionplans. This web link allowed the topic of disaster recovery to be navigable by citizens and/or local government entities from the main GLO webpage. The Action Plan is available online in English, and a Spanish version is coming soon. Estamos trabajando en una versión en español de este formulario. Por favor, póngase en contacto con nosotros para obtener más información.
- The GLO is notifying the only eligible applicant for this allocation, Bastrop County. The statewide applicants for the prior allocation have been previously notified.
- The GLO took written and verbal comments via USPS mail, fax, or email.

- Address: Texas General Land Office, Attn: Katy Sellers, P.O. Box 12873, Austin Texas, 78711-2873
- Fax: 512-475-5150
- Email: gena.hawkins@glo.texas.gov

- The public was given until August 26, 2013 at 5pm to submit comments to the GLO regarding the Action Plan.

No Public Comment was received in response to this comment period.

F. Waivers

The Appropriations Act authorizes the Secretary of HUD to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary, or use by the recipient, of these funds and guarantees, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment (including requirements concerning lead-based paint), upon: (1) A request by the grantee explaining why such a waiver is required to facilitate the use of such funds or guarantees; and (2) a finding by the Secretary that such a waiver would not be inconsistent with the overall purpose of the HCD Act. Regulatory waiver authority is also provided by 24 CFR 5.110, 91.600, and 570.5.⁵ The GLO is not requesting any additional waivers other than those already granted in Federal Registers⁶ associated with the funds under this Action Plan.

G. Procurement

I. Grants to States

Per 24 CFR §570.489(d), a State must have fiscal and administrative requirements for expending and accounting for all funds. Furthermore, per 24 CFR §570.489(d), a State shall establish requirements for procurement policies and procedures for units of general local government based on full and open competition. All sub-grantees of a State (including units of general local government) are subject to the procurement policies and procedures required by the State.

A State may meet the above requirements by adopting 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments). If a State has adopted part 85 in full, it must follow

⁵ Section 239 Appropriations Act, 2012 (Pub. L. 112-55, approved November 18, 2011), page 22585, section IV

⁶ FR/Vol. 78, No. 43/Tuesday March 5, 2013; FR/Vol. 78, No. 76/Friday, April 19, 2013; and Vol.78, No. 103/Wednesday, May 29, 2013

the same policies and procedures it uses when procuring property and services with its non-federal funds. However, the State must ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations per 24 CFR §85.36(a).

If a State has not adopted 24 CFR §85.36(a), but has adopted 24 CFR §85.36(b) through (i), the State and its sub-grantees must follow State and local law (as applicable), so long as the procurements conform to applicable Federal law and the standards identified in 24 CFR §85.36(b) through (i).

II. Direct Grants to Units of General Local Government

Any unit of general local government receiving a direct appropriation under this Notice will be subject to 24 CFR §85.36(b) through (i).

H. Timely Distribution of Funds

24 CFR §570.494 and 24 CFR §570.902 regarding timely distribution of funds are waived and replaced with alternative requirements under this Notice. Per the Federal Register (Vol. 78, No.43/Tuesday, March 5, 2013/Notices), in order to ensure the timely expenditure of funds, section 904(c) under Title IX of the Appropriations Act requires that all funds be expended within two (2) years of the date HUD obligates funds to the GLO. HUD expects each grantee to expeditiously obligate and expend all funds, including any recaptured funds or program income, and to carry out activities in a timely manner. HUD will evaluate timeliness in relation to each grantees established performance and expenditure schedule as identified in its Action Plan.

For any funds that the grantee believes will not be expended by the deadline, it must submit a letter to HUD justifying why it is necessary to extend the deadline for a specific portion of funds. The letter must detail the compelling legal, policy, or operational challenges for any such waiver, and must also identify the date by when the specified portion of funds will be expended. HUD will forward the request to the Office of Management and Budget (OMB) and publish any approved waivers in the Federal Register once granted. Waivers to extend the expenditure deadline may be granted by OMB in accordance with guidance to be issued by OMB, but grantees are cautioned that such waivers may not be approved.

Funds remaining in the grantee's line of credit at the time of its expenditure deadline will be returned to the U.S. Treasury, or if before September 30, 2017, will be recaptured by HUD. The Appropriations Act requires that HUD obligate all funds not later than September 30, 2017. Grantees must continue to meet the requirements for Federal cash management at 24 CFR 85.20(a)(7).

I. Performance Review Authorities

Section 104(e)(1) of the HCD Act requires that the Secretary (HUD) shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether the recipient has carried out its activities in a timely manner, whether the recipient has carried out those activities and its certifications in accordance with the requirements and the primary objectives of the Act and with other applicable laws, and whether the recipient has a continuing capacity to carry out those activities in a timely manner.

APPENDIX A
FEMA DR-4029-TX Disaster Declared Counties

Public Assistance

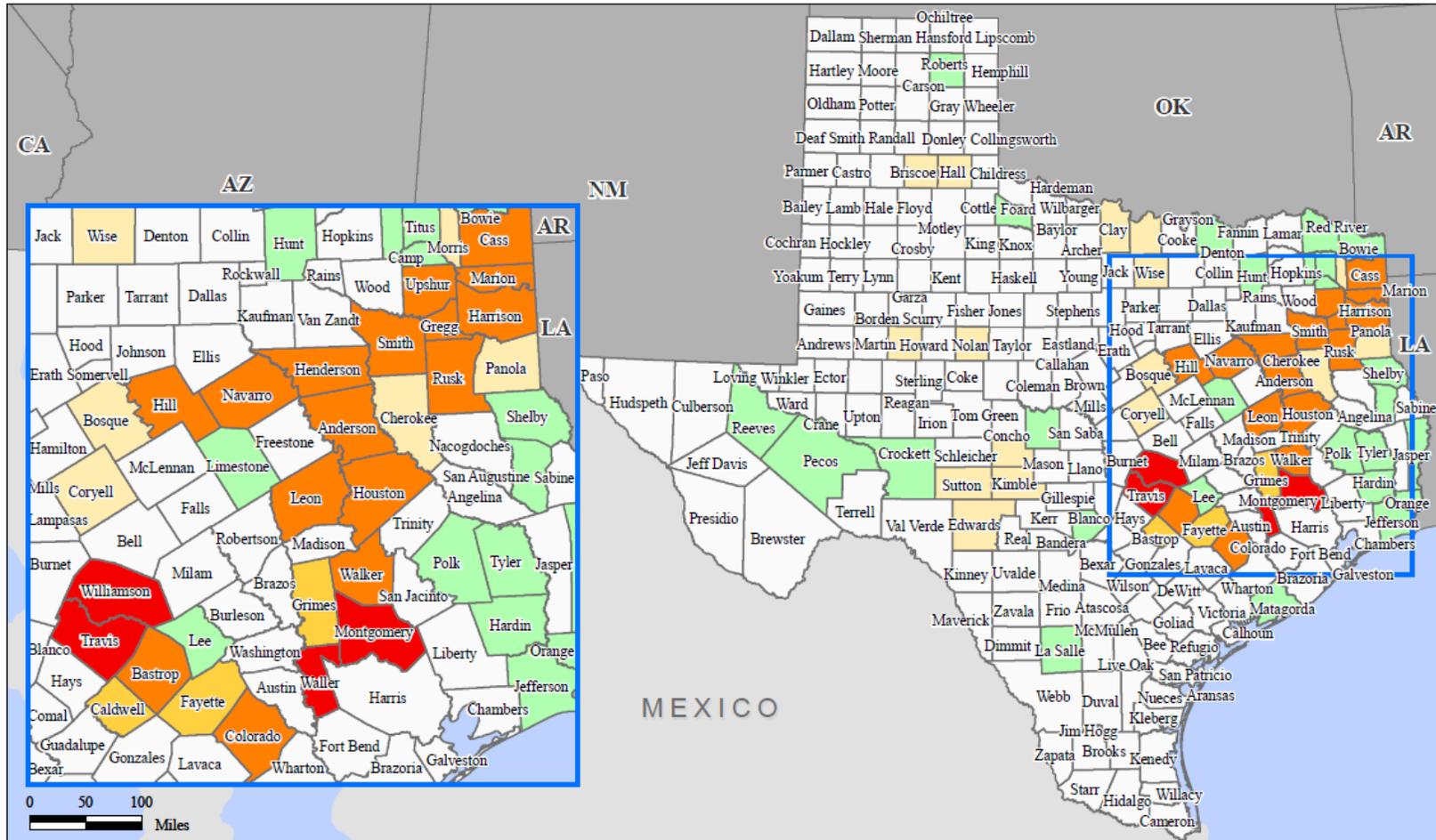
Anderson County, Bastrop County, Bosque County, Bowie County, Briscoe County, Caldwell County, Camp County, Cass County, Cherokee County, Clay County, Colorado County, Coryell County, Crockett County, Edwards County, Fayette County, Foard County, Franklin County, Grayson County, Gregg County, Grimes County, Hall County, Hardin County, Harrison County, Henderson County, Hill County, Houston County, Howard County, Hunt County, Jefferson County, Kendall County, Kimble County, La Salle County, Lee County, Leon County, Limestone County, Marion County, Matagorda County, McCulloch County, Menard County, Montague County, Morris County, Navarro County, Newton County, Nolan County, Orange County, Panola County, Pecos County, Polk County, Red River County, Reeves County, Roberts County, Rusk County, San Augustine County, Shelby County, Smith County, Sutton County, Titus County, Tyler County, Upshur County, Walker County, and Wise County.

Individual Assistance

Anderson County, Bastrop County, Caldwell County, Cass County, Colorado County, Fayette County, Gregg County, Grimes County, Harrison County, Henderson County, Hill County, Houston County, Leon County, Marion County, Montgomery County, Navarro County, Rusk County, Smith County, Travis County, Upshur County, Walker County, Waller County, and Williamson County

APPENDIX B

FEMA-4029-DR, Texas Disaster Declaration as of 02/01/2012



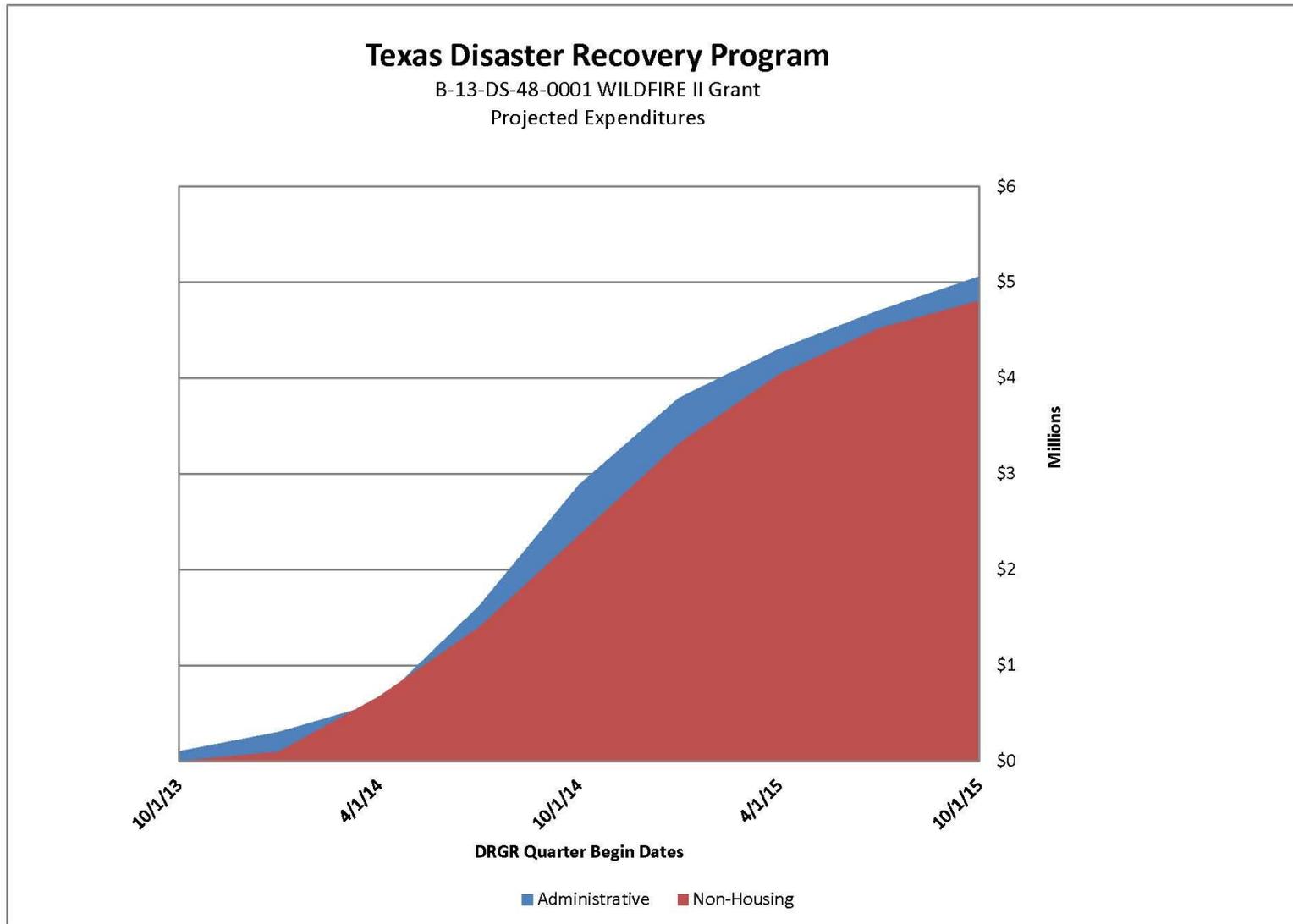
Designated Counties	
 No Designation	 Individual Assistance and Public Assistance
 Individual Assistance	 Public Assistance (Category B)
 Public Assistance	 Individual Assistance and Public Assistance (Category B)

Additional designations may be made at a later date if requested by the state and warranted by the results of further damage assessments.



FEMA
 MS-CI-AE-EG
 Mapping & Analysis Center
 02/01/12 -- 5:50 PM EST
 Source: Disaster Federal Registry Notice
 Amendment No. 11: 02/01/2012

APPENDIX C
OVERALL PROGRAM PERFORMANCE and EXPENDITURE SCHEDULE



APPENDIX D

**Table D-1
Unmet Needs Assessment**

	Total Estimated Need ¹	FEMA ²	SBA ³	Insurance ⁴	Texas Legislature ¹	Private Donations ¹	Local Funds ¹	Initial CDBG DR Alloc.	Estimated Unmet Need
I. HOUSING									
i. Single Family Housing (*)	320,000,000	10,362,978	18,725,800	\$266,813,060		9,015,000	0	8,942,369	6,140,793.00
ii. Multi-Family	0	0	0	0	0	0	0	0	0
iii. HUD Assisted Housing	0	0	0	0	0	0	0	0	0
iv. Interim Housing	0	0	0	0	0			0	0
v. Permanent Housing	0	0	0	0	0	0	0	0	0
Housing Sub-Total(s)	320,000,000	10,362,978	18,725,800	266,813,060	0	9,015,000	0	8,942,369	6,140,793
II. INFRASTRUCTURE*									
A. Interim Shelters	1,000,000	0	0	0	0	0	0	600,000	400,000
B. Permanent Shelters	7,000,000	0	0	0	0	0	0	2,000,000	5,000,000
C. Infrastructure	55,495,582	17,184,006	0	0	4,398,075	182,000	70,000	16,400,000	17,261,501
Infrastructure Sub-Total(s)	63,495,582	17,184,006	0	0	4,398,075	182,000	70,000	19,000,000	22,661,501
Overall Totals	383,495,582	27,546,984	18,725,800	266,813,060	4,398,075	9,197,000	70,000	27,942,369	28,802,294
I. HOUSING									

(*) Single Housing: assume to include sub cat i,ii,iii.iv.v.

¹ Data From Bastrop County DEM

² Data from PA, IA and HA sources

³ Data direct from SBA

⁴ Data direct from TDI

Table D-2			
Bastrop County Burn Zone Race/Ethnicity Demographics¹			
	Total	Non-Hispanic	Hispanic
White	12,361	10,675	1,686
Black	894	866	28
Asian	74	70	4
American/Alaskan Native	109	80	29
Native Hawaiian/Pacific	8	7	1
American Native /White	62	60	2
Asian / White	17	15	2
Black/White	29	26	3
Total	13,554	11,799	1,755

1 – CT9504 BG6; CT9505 BG1, BG3, BG4; CT9506 BG 1

Table D-3			
Bastrop County Burn Zone Race/Income Demographics			
	Low Mod Persons	Low Mod Universe	Low Mod %
CT 9504 BG 6	1,007	3,014	33.41 %
CT 9505 BG 1	2,152	4,352	49.45 %
CT 9505 BG 3	1,155	2,926	39.47 %
CT 9505 BG 4	1,045	2,540	41.14 %
CT 9506 BG 1	957	1,846	51.84 %
	6,136	14,678	43.03 %

Table D-4		
Texas Wildfire Allocation Summary		
	Initial Allocation	Second Allocation
FEMA DR-4029-TX Area	\$4,697,952	
Direct Allocation to Bastrop	\$25,055,750	\$4,554,900
State Admin, Planning and Project Delivery	\$1,565,984	\$506,100
Total	\$31,319,686	\$5,061,000

APPENDIX E – Certifications

Section 91.325 of Title 24 of the Code of Federal Regulations (CFR) is waived. Each State must provide a fully executed copy of the HUD required certifications for state governments prior to receiving a CDBG disaster recovery grant.

- a. The State certifies that it will affirmatively further fair housing, which means that it has or will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis and maintain records reflecting the analysis and actions in this regard. (See 24 CFR §570.487(b) (2).
- b. The State certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG Disaster Recovery Program.
- c. The State certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- d. The State certifies that the Action Plan for Disaster Recovery is authorized under State Law and that the State, and any entity or entities designated by the State, possess or possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.
- e. The State certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR Part 24, except where waivers or alternative requirements are provided for this grant.
- f. The State 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 CFR Part 135.
- g. The State certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 (except as provided for in notices providing waivers and alternative requirements for this grant.), and that each unit of general local government that is receiving assistance from the State is following 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).
- h. The State certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the non-entitlement, entitlement and tribal areas of the state in determining the method of distribution of funding.
- i. The State certifies that it is complying with each of the following criteria:
 - (1) Funds will be used solely for specific disaster related purposes in areas covered by a declaration of major disasters under U.S. Department of Housing and Urban Development, Section 239 Appropriations Act, 2012 as a result of natural disasters that occurred and were declared in 2011.
 - (2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low and moderate income families.

- (3) The aggregate use of CDBG disaster recovery funds shall principally benefit low and moderate income families in a manner that ensures that at least fifty percent (50%) of the total amount is expended for activities that benefit such persons during the designated period.
- (4) The State will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant 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:
 - (A) Disaster recovery grant 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
 - (B) For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary of HUD that it lacks sufficient CDBG funds (in any form) to comply with the requirements of Clause (A).
- j. The State 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) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.
- k. The State certifies that it has and that it will require units of general local government 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 non-violent civil rights demonstrations; and
 - (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 non-violent civil rights demonstrations within its jurisdiction.
- l. The State certifies that each state grant recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the state has a plan to increase the capacity of any state grant recipient or administering entity that lacks such capacity.
- m. The State certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area 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 CFR Part 55.
- n. The State Certifies that it will comply with applicable laws.

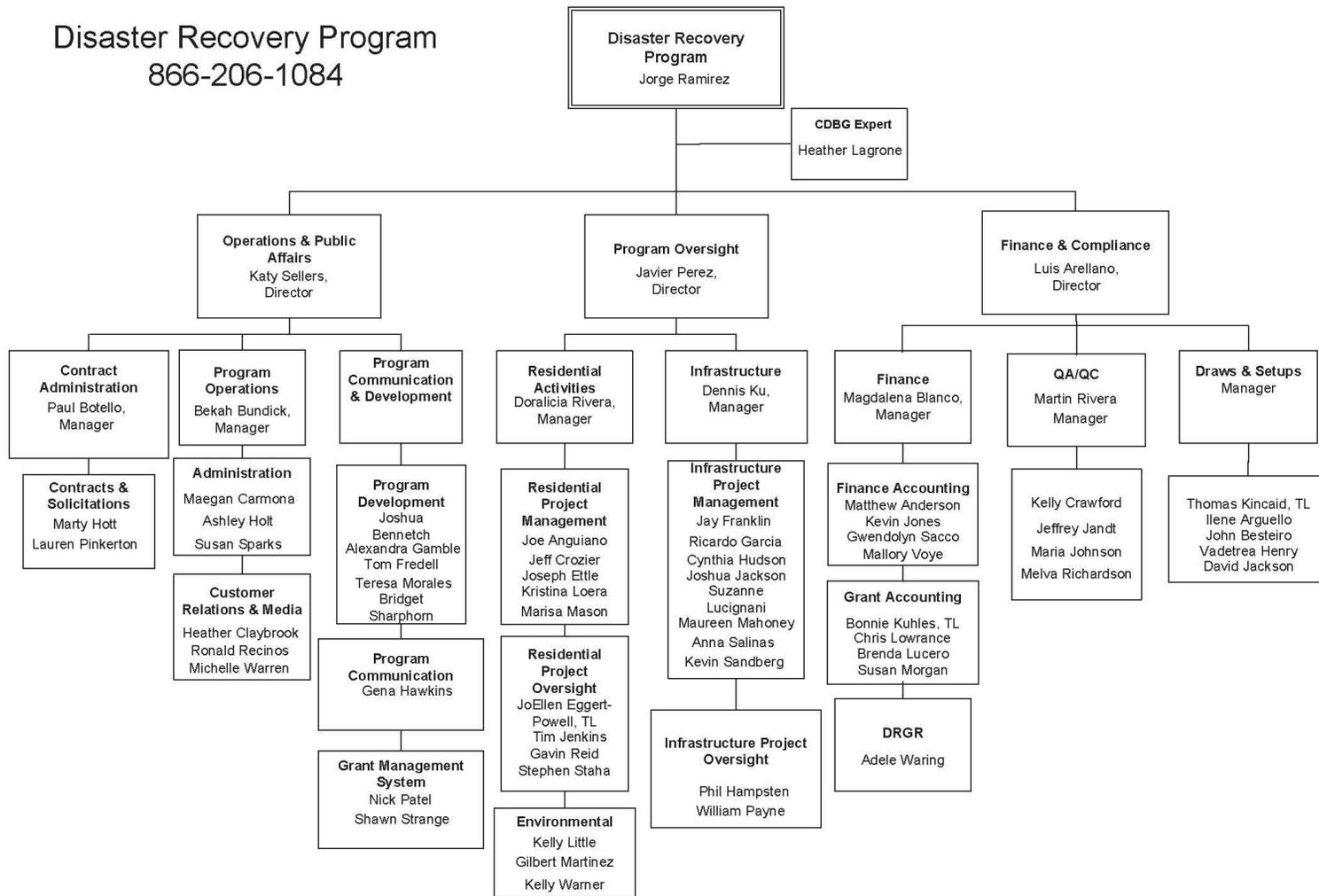
By the signature below, the State of Texas through the Texas General Land Office makes the above certifications to HUD.

Jorge Ramirez
Senior Director, Disaster Recovery
Texas General Land Office

Date

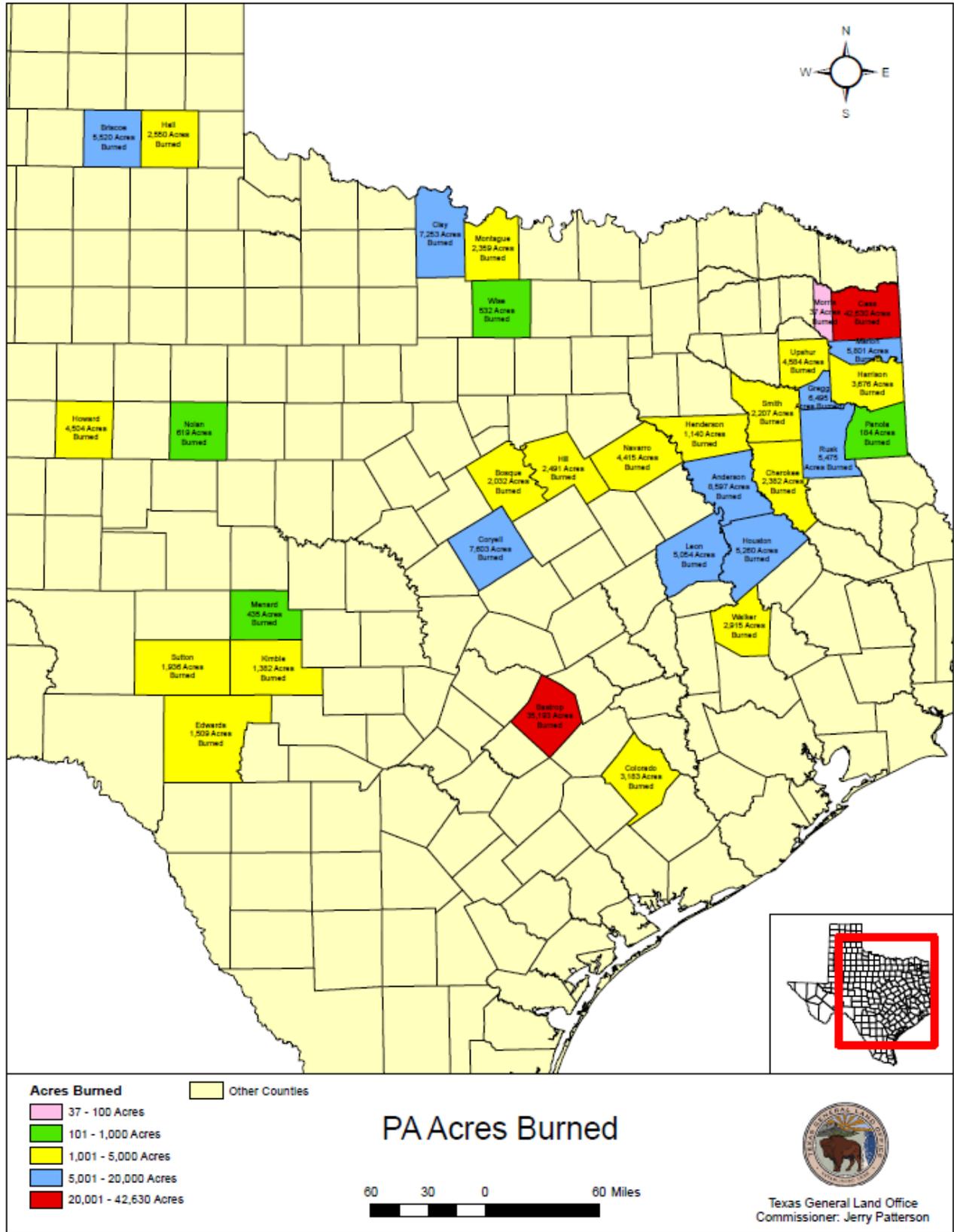
APPENDIX F – Texas General Land Office Organizational Chart

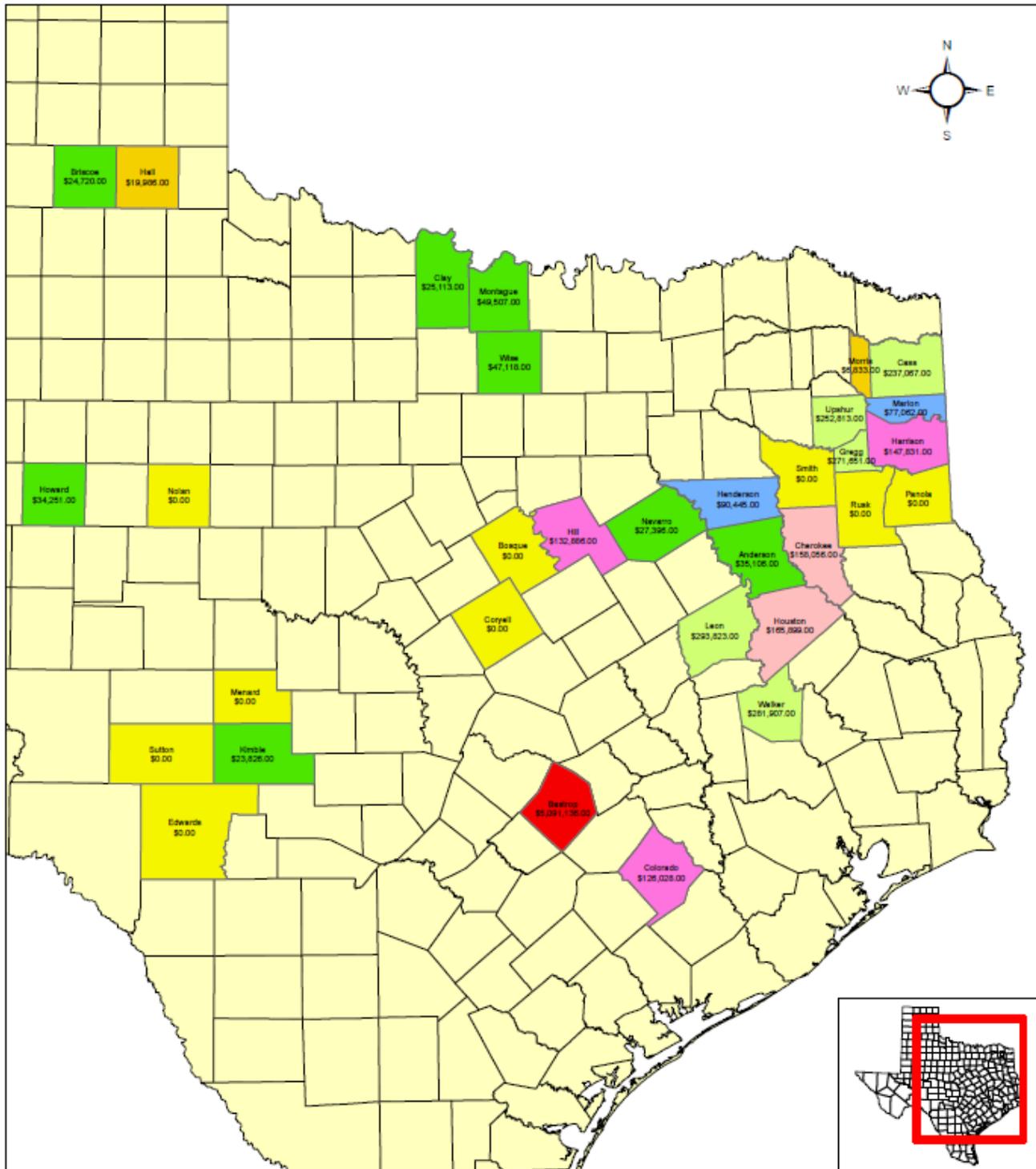
Disaster Recovery Program
866-206-1084



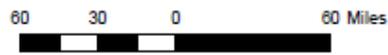
September 3, 2013

APPENDIX G – GIS MAPPING

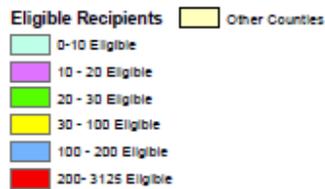
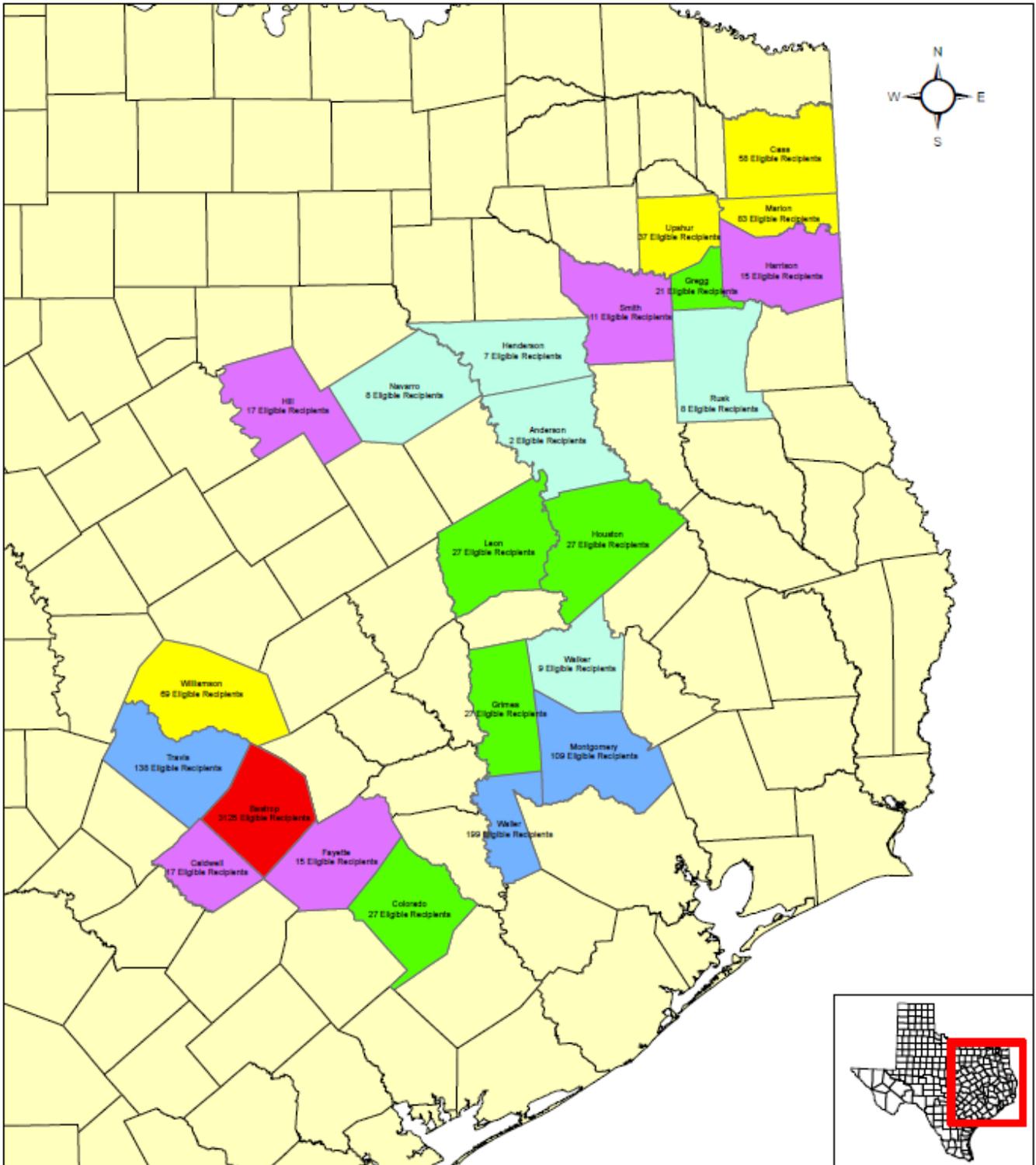




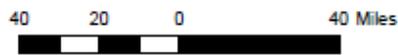
FEMA PA Statistics Federal Shares Eligible



Texas General Land Office
Commissioner: Jerry Patterson



FEMA IA Statistics Eligible Recipients



Texas General Land Office
Commissioner: Jerry Patterson