

# THE COALITION FOR ENVIRONMENT, EQUITY, AND RESILIENCE

February 25, 2019

Office of Harris County Judge Lina Hidalgo

Gabe Baker, Flood Control Policy Advisor

By email: [gabe.baker@cjo.hctx.net](mailto:gabe.baker@cjo.hctx.net)

RE: Public Comments for HCFCD 2018 Bond Project Prioritization Framework

Dear Mr. Baker,

The Coalition for Environment, Equity and Resilience (CEER) is a unique advocacy collaborative of 25 different organizations that come from three main sectors: environmental justice, social justice and conservation. CEER's mission is to raise awareness of the connection between pollution, place and the public's health. Our eight (8) point plan, attached herein, outlines our members' commitment to drive community voices into the post-Hurricane Harvey decision-making process. By doing so, CEER promotes equity and resilience by emphasizing land, water, air, waste, and housing policies that reduce human exposure to pollution and strengthen environmental conservation. CEER submits these comments on behalf of the organizations listed below on this letter in the hopes that Harris County Judge Hidalgo and the Commissioners Court will consider them as the Harris County Flood Control District finalizes its equity framework for bond project prioritization.

We applaud Harris County for being thoughtful in designing a process to prioritize bond projects that holds equity at its core. CEER has a shared value of protecting the public from flooding, making the most of our limited resources and ensuring success and transparency for the voters who approved the bond. This is an historic opportunity to make our County more resilient and we appreciate the chance to submit comments.

## Be bold in how framework tool is applied

- **The equity framework should apply not just to proposed capital projects but also be used to evaluate construction-ready projects** identified before the 2018 Bond election. As HCFCD seeks to re-engage communities of projects already underway, the framework should be employed to guide the conversation. Ensure construction-ready projects are clearly identified for the community and undergo an equity analysis before breaking ground. To uphold the language of the bond, HCFCD should engage in a separate process to incorporate equity into other activities funded (in part or in whole) by bond dollars, such as buyouts, flood plain warning systems improvements, riparian improvements, studies and other maintenance projects.
- Use the tool to provide accountability and access to the voters. The evaluation tools, progress to date, and scoring of projects should be made available to the public online on HCFCD's website and updated as projects are identified. **Communities should have access to a dashboard that allows them to see how projects are prioritized** and a point person to contact with questions or concerns. HCFCD should consider how the framework can be used as a "score card" for impacted residents to monitor the progress of implementing the framework.

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- **Ensure equity throughout the entire pipeline of bond projects.** As you move to implement design and construction, employ small, women, and minority owned businesses (SWMBE) contractors and service providers. Put into practice any community-vetted recommendations that come from the pending analysis of the County's procurement processes. Think of the equity framework as a tool for the entire process and pipeline of projects, from start to finish.
- **Maintenance dollars cannot be ignored through this framework and disincentivizing innovative or newer green infrastructure in the long term maintenance costs scoring criteria hamstrings this process.** Rather than score long term maintenance costs which the District should recognize will continue to be underfunded with a \$2.5 billion capital program, the District should pull that criteria out and begin a more comprehensive review of deferred maintenance costs and needs. An initial asset assessment has likely already been done so that the District can begin considering alternatives, including pulling concrete out of bayous where land acquisition to allow more flood movement is possible.<sup>1</sup>

## Ensure Evaluation Criteria capture equity

- **Increase the weight of the equity criterion to 25%** and decrease the Project Efficiency Weight to 10% to ensure equity is integrated robustly into the framework and expenditure of funds.
- **Partner with community stakeholders to build a deep understanding of historical inequities.** Conduct an analysis of historical investments to compare total dollars invested in one watershed to another and identify environmental justice gaps. Collaborate with organizations like CEER to understand how HCFC's actions can address historical inequities.
- **Think of equity as overlay that has precedence over all other criteria.** As drafted now, other criteria in the framework may contradict the equity criterion (see examples below). It is important to think of equity not in a vacuum or silo, and not just as one criterion. Rather, it should be considered an overarching layer that overlays on top of all the other criteria.
  - **By giving great weight to partner projects in the scoring system, the equity analysis unintentionally incorporates the U.S. Army Corps of Engineers cost benefit ratio and other analyses that this equity criteria is purposefully attempting to mitigate. (refer to efficiency scoring)**
  - **Utilizing housing units instead of structures is a key step in addressing harm to people over property. This concept can be extended to other vulnerable infrastructure properties like hospitals, wastewater treatment facilities, or nursing homes by looking to define a set of structures as opposed to utilizing the "value" of commercial property. By utilizing "value of commercial property" the proposal runs counter to its original intention.**

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<sup>1</sup> If the long term maintenance cost score is eliminated, that 5% should be added to the "potential for multiple benefits weighting factor" so that the District emphasizes it should seek to leverage community tax dollars with other recreational, health or environmental needs with every dollar.

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- For the equity criterion, **include indicators that go beyond LMI data**. Add other indicators and borrow from existing indices, like EPA Environmental Justice Screen<sup>2</sup> and/or the CDC Social Vulnerability Index<sup>3</sup>. Consider including the following to calculate a weighted equity score:
  - Age and condition of housing – to be mindful of communities where household values are lower due to age and condition or lack of resources to provide regular maintenance and repair.
  - Number of people impacted – to understand value of people impacted, not just value of property damage, which can have negative impacts on community when a value-based calculation model is employed
  - Analysis of historical investments – to compare total dollars invested in one watershed to another and identify environmental justice gaps
  - Environmental hazards of fenceline communities – to map the presence of particulate matter, lead paint, proximity to superfund sites, major direct water dischargers, and traffic, which are disproportionately located in environmental justice communities
  - The depth of poverty within low to moderate income areas as opposed to simply a yes/no vote within the equity scoring criteria so that the most vulnerable communities are weighted heavier and perhaps addressed sooner.

### **Take a comprehensive approach that incorporates best practices**

- **Ensure community voices are driving the expenditure of funds.** Community engagement should offer consistent information but also be tailored to the specific needs of each community and be authentic. HCFCD should employ community engagement tactics that are bottom up: collaborate with community based organizations and take time to find existing trusted partners who are on the ground and are best positioned to engage the community; allow enough time and resources to design meaningful community engagement processes; use creative methods like door to door canvassing, presentations at formal and informal gathering places in communities and take into consideration time of day, day of the week, language interpretation, transportation, childcare to address common barriers to participation. Use community engagement to build the list of community contacts and leaders who serve on the Community Flood Taskforce, or find other ways for them to have a seat at the decision-making table.
- Understand the link between flood mitigation, disaster recovery investments and long-standing environmental justice issues that have the legacy of pollution and hazardous land use. **Prioritize fenceline communities that are on the front lines and have the biggest need for investments in infrastructure to be resilient and prepared for disaster.** Work with community partners to identify these communities and understand their needs.
- Take a comprehensive approach. Acknowledge that these investments are large and have the opportunity to be transformative in multiple ways. **Explore how flood bond investments can be leveraged to attract additional investments that address long-standing community needs** such

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<sup>2</sup> Environmental Protect Agency, Environmental Justice Screen. <<https://www.epa.gov/ejscreen>>

<sup>3</sup> Center for Disease Control, Social Vulnerability Index. <https://svi.cdc.gov/>.

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as affordable housing, economic development, neighborhood planning, and job training. Though HCFCD’s scope is limited to flood protection, its investments can be a catalyst for broader community development investments. Look to groups like [Milwaukee Metropolitan Sewerage District](#) that have taken a comprehensive approach that involves working with a backbone organization, partnering to develop neighborhood plans that complement flood mitigation projects and create space for community engagement.

- **Consider self regulation by adopting stronger riparian corridor protections within the joint MS4 stormwater permit the Flood Control District holds with its partners the City of Houston and Harris County.** By amending the joint MS4 permit to self regulate and strengthen the requirements for all three entities working within the bayous, Flood Control’s interest is better protected.

## **Maximize Environmental Benefits and Multiple Benefits**

- **When considering project prioritization, the intersectional benefits of hazard mitigation and nature-based values should frame the criteria** rather than one highlighting the cost of environmental compliance. Providing flood damage reduction projects, with appropriate regard for community and natural values, is the foundation of HCFCD’s mission. Accordingly, the project criterion should utilize a system that explicitly rewards projects that provides environmental benefits, which further the District’s mission.
- As suggested by CEER member Bayou Land Conservancy, we recommend a criterion shift that highlights nature-based solutions:

<b>Criteria</b>	<b>Score</b>
Project will have environmental impacts not requiring USACE mitigation	0
Project will have mitigated environmental impacts	2
Project will preserve floodplain (no impervious cover added)	6
Project will restore land for less than 25% of the site	8
Project will restore land for greater than 25% of the site	10

- Additionally, while we recognize that Table 6 provides scoring for “multiple” benefits, including environmental enhancement, we recommend that environment benefits be a separate criterion. As project costs - including those incurred from permitting and mitigation - are already accounted for in the Project Efficiency criteria (Table 7), enhancing the environmental benefits criteria addresses a distinct and important gap in the scoring process.
- **Potential for Multiple Benefits should be expanded to include public health, public housing, and other benefits that improve the neighborhoods, community and county-at-large.** Should Table 5 expand its criteria of environmental benefits, Table 8 should expand the types of benefits highlighted and ensure projects with multiple, interconnected benefits are elevated.
- Upon review and utilization of the current scoring system, partnership projects tend to gain top spots in project ranking. We recommend that the HCFCD look into providing a two-

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track ranking that ranks funded partnership projects separate from those that receive all or the majority of its funding from the Bond, both using the same criteria system to determine prioritization of implementation. Given that it is likely that many of the partnership projects are shovel ready with funding and plans, we aim to provide a fair scale so that the implementation of the partnership projects would not defer or delay the implementation of the non-partnership projects.

In conclusion, we acknowledge that this charge is difficult and will require a cultural shift that will not take place overnight. We recommend you explore seeking technical assistance from groups like the [Government Alliance on Race and Equity](#), a national network of governments working to achieve racial equity and advance opportunities for all. They work with municipalities and provide tools and trainings on how to integrate racial equity into government processes like budgeting, policy, and expenditures.

CEER and our members look forward to continuing to support the dialogue around equity and are always available to you as thought partners.

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