

Jefferson-Chalmers WATER Project

Water Access, Technology, Education and Recreation

Keep Sewage out of Basements & Canals • Keep Stormwater out of the System • Keep Great Lakes out of the Neighborhood

12 April 2023

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RE: CDBG-DR Draft Action Plan Submittal - November 14, 2022

Dear City of Detroit and US Dept. of Housing and Urban Development Officials:

We hope this message finds you well. The purpose of this correspondence is to raise serious concerns to those responsible for preparing, reviewing, approving and administering the \$57.6 million of Community Development Block Grant-Disaster Recovery (CDBG-DR) resources appropriated by Congress and allocated to the City of Detroit for the purposes of aiding those communities Most Impacted and Distressed (MID) as part of the National Disaster Declaration, MI-4607.

The Jefferson-Chalmers WATER Project is a community-based, community-driven and community-supported effort to find solutions to the interconnected water resource management challenges in our neighborhood.

Even though we are concerned about the City Administration of these precious public resources in our community, many of the concerns expressed herein reach beyond our neighborhood, cut across multiple Council Districts as well as municipal boundaries and deserve serious consideration.

As evidenced in Exhibit A, the Jefferson-Chalmers WATER Project submitted twenty-nine (29) comments on November 4 to HRD's email disasterrecover@detroitmi.gov and there is no acknowledgement of those comments in the Draft submitted to HUD nor was there any response to this organization directly from HRD. There are two (2) major categories of concern that continue today and are captured and reviewed in detail in Exhibit A. But, as we seek your attention and response, we recommend the entire list of comments that were submitted be reviewed considering:

- 1. Incomplete nature of the Draft Action Plan that should require restoration of the \$10 million designated for Jefferson-Chalmers Flood Protection.**
- 2. Policy Decisions and Basis for Allocation of Funding that ensures equitable distribution of disaster recovery resources**

Thank you in advance for your time and attention to these matters as we look forward to additional dialogue with all of you about these and other matters as the proposed plan for these critical resources makes its way to approval.

Please contact us at info@jeffersonchalmerswaterproject.org or through our Lead Organizer, Jay C. Juergensen at 313.802.2294.

Sincerely yours,

The Jefferson-Chalmers WATER Project Team
➤ Keep Sewage out of Basements & Canals
➤ Keep Stormwater out of the System
➤ Keep Great Lakes out of the Neighborhood
Earth = 70% • Humans = 70% • Water = Life
www.jeffersonchalmerswaterproject.org

Exhibit A: Priority Comments and Concerns Related to CDBG-DR Draft Action Plan

The Jefferson-Chalmers community is defined by Jefferson Avenue, Detroit River, Alter Road and Conner Avenue. Our community and others on the City's farwest side received the most rainfall and were most impacted by the infrastructure failures that resulted in basement flooding with sewage as indicated on diagrams on pages 4 and 6 of the CDBG-DR Draft Action Plan November 14, 2022.


The community is literally surrounded by water infrastructure and two (2) of the three (3) Great Lakes Water Authority (GLWA) plants that failed are within our community. This combined with the low-lying nature of our community, its topographical swale through its center and relationship to the Detroit River continue to put our community at risk for the impacts of climate and the disasters severe weather causes. Interpolating noted maps, Census Tracts and related data it appears over half of the residents in our community had sewage in their basement as a result of the storm and failing infrastructure. While the focus is on the June 2021 event, it is important to note that this is a common experience in our community that we have experienced four (4) times in the last seven (7) years.

As noted in the correspondence to which this Exhibit is attached, the Jefferson-Chalmers WATER Project submitted twenty-nine (29) comments on November 4 to HRD's email disasterrecover@detroitmi.gov and there is no acknowledgement of those comments in the Draft submitted to HUD nor was there any response to this organization directly from HRD. The document submitted to HRD is available at https://jeffersonchalmerswaterproject.org/132dDRAFT_CDBG-DR-ActionPlanwComments_11.04.22.pdf

Comments on the CDBG-DR Draft Action Plan



From <info@jeffersonchalmerswaterproject.org>
To <disasterrecovery@detroitmi.gov>
Date 2022-11-04 14:49

 132dDRAFT_CDBG-DR-ActionPlanwComments_11.04.22.pdf (~2.4 MB)

Please see attached comments.

1. Incomplete Submittal

- a. **Compliance with HUD Regulations:** According to the Federal Register Notice: 87 FR 31636, II.C.1.g, that the Grantee MUST provide a budget for the FULL amount of the allocation and according to III.D.1.e. any proposed substantial amendment must include a necessary public comment period. The \$10 million initially allocated for "Jefferson-Chalmers Flood Protection" represents 17.36% of the total allocation and therefore, the November 14, 2022 submittal is incomplete and should be rejected by HUD.
 - i. Even though the Action Plan has not been approved, any modifications of this scale would be considered a Substantial Amendment and as result, would require an additional Public Comment period. We expect you to honor those requirements.
- b. **Errors of Fact:** While there numerous errors of fact noted in the above referenced November 4 submittal to HRD, the November 14 submittal to HUD admits errors of fact in the October 4 document, yet, there were no corrections in the final Draft submitted to HUD. The entire list of errors should be struck from the HUD Submittal.
 - i. Most specifically, the November 14 Draft misrepresents the facts where it notes "the neighborhood stated overwhelmingly that they opposed using CDBG-DR funding for this activity at this time." The US Army Corps of Engineers (The Corps) Floodplain Management Study (FPMS) released in July 2022 offered three (3) proposals for removing the Jefferson-Chalmers community from the FEMA 100-year floodplain. Option 1 and 3 contained in The Corps' FPMS report proposed closing the canals with flood walls and stop logs at the mouth of Fox Creek and in other areas within the linked canals. There was NO mention of the source of funds to execute ANY of the Options.
 - ii. On October 11, 2022, the community rejected Options 1 and 3 as a solution to the floodplain challenges, NOT the USE of CDBG-DR funds for Flood Protection.
 - iii. Option 2 of FPMS included raising seawalls as a way to remove the community from the floodplain, therefore, HRD's response to Question 20, Item 4 is not accurate.
 - iv. Further, white the focus has been on Fox Creek on the eastern edge of the community, changes in seawall height or other topographical changes are also necessary along Clairpointe Avenue and within Bayview Yacht Clubs property in order to remove the community from the floodplain. The Corps' proposal to install floodwalls in the area of the community was also rejected.

2. Policy Decisions Basis for Allocation of Funds

- a. **Meeting National Objectives:** While all CDBG-assisted activities must meet one of three national objectives the Proposed Flood Protection in the Jefferson-Chalmers community complies with Objectives (1) benefiting low- and moderate-income persons and (3) meeting a community development need having a particular urgency that a community is unable to finance

on its own. Investment in Flood Protection will benefit the ENTIRE community and is both URGENT and beyond the ability for the community to finance flood protection projects on its own.

- b. **Program Design:** Throughout the Draft Plan and Comment/Response section, there are inconsistent comments about the status of the program design. The purpose of the Draft Action Plan is to identify eligible activities (programs) for the use of the funds. The Plan proposes uses of the funds and later suggests a program design phase is forthcoming. Which is it? Is the program designed or is the design forthcoming?
- c. **“Hybrid” Approach:** The primary purpose of CDBG-DR is to aid survivors of disasters in meeting their unmet need, meaning the gap in financial resources following private insurance, FEMA claims, etc. Pilot programs examining sanitary lateral resulted in a 30% failure rate, which is far below half, yet, the entire proposed use will be to repair these connections. (Response #2). This is not consistent with the intended use of these funds and will result in a huge transfer of funds to DWSD and little direct benefit to residents.
- d. **System Design:** The Draft Action Plan references obsolete and unrelated data points including reference to flooding on the Rouge River and a 1925 Rainfall.
 - i. The Draft Plan dismisses best management practices as identified by the EPA and the stormwater industry, including the use of Green Stormwater Infrastructure (GSI) and REDUCING DEMAND on the System by separating storm and sanitary flows and rely EXCLUSIVELY on increasing capacity.
 - ii. The application of GSI or limited separation are legitimate approaches and the topographical swale and soils in Jefferson-Chalmers are not necessarily limiting factors for deployment of these technologies. While the adjacency to the Detroit River results in a high water table and undermines the potential use of GSI, it's that very adjacency that makes separation more feasible.
 - iii. Because Jefferson-Chalmers is essentially the receiving waters of two (2) significant watersheds (Fox Creek and Conner Creek), GSI upstream and the use of hundreds of acres of vacant land for that purpose would significantly reduce demand on the System and should be considered.
- e. **Flood insurance:** Pursuant to 24 CFR 570.605 “Grantees may pay for initial homeowner warranty premiums, hazard insurance premiums (except where assistance is provided in the form of a grant), and flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973.” (Responses to Questions #3 and #10)
 - i. HRD should not use the current floodplain designation to restrict assisting residents impacted by the disaster, the CDBG-DR funds are specifically designed to assist.
 - ii. HRD should consider requesting a waiver from HUD for this activity.
 - iii. The City should begin and complete the Flood Mitigation Study by the Detroit Building Authority funded by the Administration with \$1 million on July 21, 2022 and use those findings to challenge or negotiate a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) with the Federal Emergency Management Agency (FEMA). These actions would both protect residents, reduce cost of housing and protect the expenditure of federal resources.

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