



COMMUNITY DEVELOPMENT & REVITALIZATION (CDR)

Environmental Oversight Division

GLO-CDR Environmental Oversight – Environmental Policy Memo

Date: May 11, 2026
To: CDBG-DR/CDBG-MIT Subrecipients/Responsible Entities/Certifying Officers
From: David Camarena, Director, GLO-CDR Environmental Oversight
Through: Heather Lagrone, GLO-CDR Senior Deputy Director *HL*
Subject: Environmental Responsibilities of Subrecipients/Responsible Entities/Certifying Officers regarding timing of environmental report completion, project re-evaluations, and choice-limiting actions

The Environmental Oversight branch with the Texas General Land Office (“GLO”) Community Development and Revitalization Department replaces the following three (3) memos and is updated to reflect a subrecipient's obligations regarding the environmental milestone timeframe in the project schedule and the timing requirements for National Environmental Policy Act (“NEPA”) environmental reviews:

- Revised Policy Memo on Choice Limiting Actions, dated January 7, 2022
- Revised Policy Memo on Project Re-evaluations, dated January 7, 2022
- Policy Memo on Revised ERR Review Procedures, dated January 10, 2022

This memo is the sole document addressing environmental timing requirements, choice-limiting actions, and project re-evaluations. Subrecipients receiving U.S. Department of Housing and Urban Development (“HUD”) CDBG-DR/CDBG-MIT funds administered by the GLO are responsible entities (“RE”) and must complete an environmental review compliant with HUD regulations at 24 C.F.R. § 58 for all project activities before funds are obligated.

Under Part 58, the environmental review can be completed by the RE's staff, program partners, or a hired consultant; however, the RE is ultimately responsible for the content of the Environmental Review Record (ERR) and must make an independent evaluation of the environmental issues, take responsibility for the scope and content of the compliance findings, and make the final environmental decision concerning project approval. The RE is also responsible for ensuring that any mitigation measures or conditions for approval are implemented and for maintaining the ERR in accordance with HUD requirements. Each RE must designate a Certifying Officer who is ultimately responsible for signing off on the completeness of environmental reviews as described in 24 C.F.R. § 58.13.

Environmental Completion Timing

Due to time restrictions outlined in the Project Schedule Milestones, Environmental Oversight, and GLO Grant Management, when applicable, will provide technical assistance, guidance, and training to the subrecipient to facilitate completion of its environmental review. Ultimately, however, the subrecipient is

responsible for ensuring that the environmental review is completed within the specified environmental milestone timeframe.

Moreover, if the subrecipient is identified as the RE, the subrecipient has assumed responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in 24 C.F.R. § 58.5. Concerning the statutory obligations for ERR timing, [Section 107 \(g\)\(1\)\(B\) of NEPA](#) (42 U.S.C. § 4336a) requires an RE to complete an environmental assessment within one (1) year of certain project-related actions taken by the RE. The regulations at 24 C.F.R. § 58.30(b) provide that the environmental review process should begin as soon as a recipient determines the projected use of HUD assistance. At contract execution, Attachment A of the Contract outlines the projected use of the HUD assistance. Consistent with 58.30(b), the GLO therefore considers an RE's one (1)-year NEPA time period for completing the environmental review to begin on the contract execution date. Accordingly, the environmental review is due one year from the contract execution date to comply with federal law.

Pursuant to Section 107 (g)(2) of NEPA, the RE may request an extension by providing a clearly documented explanation for the delay and a revised deadline that allows only the additional time necessary to complete the environmental assessment. When requesting an extension, the RE must submit the extension with a new deadline, explain the failure to meet the original deadline, and have it signed by the Certifying Officer.

An environmental review extension by the subrecipient is intended to fulfill the NEPA statutory requirements mentioned above and does not, in any way, override or alter the subrecipient's contractual or project schedule milestones with the GLO. Any deviation from the established project schedule timeframes will require review by GLO Grant Management.

Choice Limiting Actions

The RE's Certifying Officer is also responsible for ensuring that the timing of the environmental review process is consistent with the requirements outlined in 24 C.F.R. § 58.22 - Limitations on Activities Pending Clearance, commonly referred to as "choice-limiting actions."

HUD's regulations at § 58.22 prohibit grant recipients and their partners from committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives before completion of an environmental review once a project has become "federal." This prohibition on "choice-limiting actions" prohibits physical activity, including acquisition, rehabilitation, and construction, and may include contracting for or committing to any of these actions.

24 C.F.R. § 58.22(a) further provides that neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities or any of their contractors, may commit HUD assistance under a program listed in § 58.1(b) to an activity or project until the GLO has accepted the Request for Release of Funds ("RROF") and environmental certification from the RE. In addition, until the RROF and environmental certification have been approved, or the appropriate environmental clearance is achieved, neither a recipient nor any participant in the development process may commit non-HUD funds to, or undertake, an activity or project if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

According to 24 C.F.R. § 58.72, when the GLO is exercising HUD's responsibilities under § 58.18, has approved an environmental certification and RROF, and subsequently learns that the RE violated § 58.22(a) or otherwise failed to comply with any applicable environmental authority, the GLO may impose appropriate remedies and sanctions in accordance with the law and regulations for the program under which the violation was found. This may include, but is not limited to, making the project ineligible or requiring repayment of federal funds.

Project Re-Evaluation

Whenever there is a change in the scope of work after environmental clearance, the re-evaluation process under 24 C.F.R. § 58.47 must be followed before any work is initiated or funded. A re-evaluation must be considered whenever there is a scope change, for example, when the project footprint or area of potential effect (APE) changes, regardless of the number of linear feet or area; when project activities are added or removed; when unexpected conditions arise; or when the nature, magnitude, or extent of the project changes. If the RE ascertains that re-evaluation is required, the findings from the original environmental review must be reassessed to determine whether they remain valid.

The ERR would then be updated with a letter to the file, commonly known as a Letter of Re-evaluation. If the original findings are no longer valid, the RE may need to prepare a new environmental review and proceed with a new RROF approval process, including, but not limited to, public notices, public comment, and objection periods. If a RE fails to comply with § 58.47, a choice-limiting action, as described in § 58.22(a), may have occurred.

The GLO requests that each RE's Certifying Officer acknowledge these requirements. Please sign and submit to the appropriate GLO Grant Manager.

GLO Contract No. _____

RE Certifying Officer Name: _____

RE Certifying Officer Signature and Date: _____