



TEXAS GENERAL LAND OFFICE
COMMISSIONER DAWN BUCKINGHAM, M.D.

May 1, 2023

David A. Storms
Regional Environmental Officer
U.S. Department of Housing and Urban Development 801
Cherry Street, Unit #45, Suite 2500
Fort Worth, Texas 76102

RE: CMP consistency determinations for HUD/CDBG-DR financial assistance activities

Dear Mr. Storms:

In response to major disaster declarations along the Texas coast, the GLO is providing notice that the GLO has identified a list of HUD/CDBG-DR financial assistance activities that are minor in scope because the identified activities do not have reasonably foreseeable effects, have insignificant or de minimis effects, or solely have environmentally beneficial effects. As a result, the GLO considers these projects consistent in regard to their funding source unless HUD/CDBG-DR deems that circumstances warrant submission of a consistency determination to the GLO. If a U. S. Army Corps of Engineers permit is required, it will be subject to consistency review under the Texas Coastal Management Program. This letter is valid for a duration of two years to help expedite HUD/CDBG-DR financial assistance activities to repair and restore Texas coastal uses and resources to pre-storm conditions and to help mitigate any storm-induced hazards attributable to major disasters in affected coastal areas.

The GLO also recognizes that emergency and exigent circumstances caused by major disasters warrant rapid response and expeditious assistance. In accordance with 15 C.F.R. §930.32(b), "a federal agency may deviate from full consistency with an approved management program when such deviation is justified because of an emergency or other similar unforeseen circumstance ("exigent circumstance") which presents the federal agency with a substantial obstacle that prevents complete adherence to the approved program."

Beginning on September 1, 2023, and extending through September 1, 2025, the GLO has determined that the following financial assistance activities do not require consistency determinations:

1. Water/Wastewater improvements relating to:
 - a. Installation of generators at existing facilities for lift stations, wells, and wastewater treatment plants;
 - b. Smoke testing;

- c. Installation of Supervisory Control and Data Acquisition (SCADA); and
 - d. Response and replacement of broken pipes so long as there is no increase in capacity.
2. Water/Wastewater improvements that do not increase capacity during:
 - a. Replacement of water/sewer lines;
 - b. Sewers/septic systems/drain fields;
 - c. Culvert replacement;
 - d. Rehabilitation of water storage tanks; and
 - e. Replacement and rehabilitation of lift stations.
 3. Housing activities relating to acquisition, and buyouts of single-family housing with a deed restriction that the property may only be used for public green space.
 4. Homeowner reimbursement transactions where the homeowner is provided financial compensation for damages sustained from the disaster.
 5. Flood and drainage activities to remove debris and restore the natural flow of channels so long as no Coastal Natural Resource Areas (CNRAs), wetlands, or waters of the U.S. are directly, indirectly, or cumulatively impacted.
 6. Pedestrian bridge rehabilitation and reconstruction.
 7. Street rehabilitation and reconstruction of damaged streets.
 8. Public Facilities rehabilitation and reconstruction so long as no CNRAs, wetlands, or waters of the U.S. are directly, indirectly, or cumulatively impacted:
 - a. Replacement of cell phone communication towers; and
 - b. Rehabilitation of emergency shelters, storm shelters, community centers, recreation centers, fire departments, and educational facilities, and rehabilitation or reconstruction of public health clinics.
 9. Housing improvements so long as no CNRAs, wetlands, or waters of the U.S. are directly, indirectly, or cumulatively impacted:
 - a. Rehabilitation and reconstruction of multifamily housing;
 - b. Rehabilitation and reconstruction of single-family housing;
 - c. Elevation of existing housing (multifamily and single-family);
 - d. Demolition and rehabilitation of residential and commercial properties; and
 - e. Replacement and rehabilitation of manufactured housing.
 10. New construction of multifamily housing and single-family housing provided that:
 - a. There are no CNRAs, wetlands, or waters of the U.S. that would be directly, indirectly, or cumulatively impacted; or
 - b. There are no navigable waters of the U.S. within the property boundary and a USACE Section 404 Individual Permit is not required.

During the two-year period, HUD/CDBG-DR should keep a record of funded activities that occur

within the CMP boundary, identified by county and project category listed above, and provide a summary of the projects that occur within the CMP boundary to the GLO every six months. At the termination of this agreement on September 1, 2025, any new or additional financial assistance activities will undergo federal consistency review as prescribed in 15 C.F.R. part 930 subpart F, unless an extension is granted by the GLO. The GLO may terminate this agreement by giving HUD/CDBG-DR written notice specifying a termination date at least thirty (30) days subsequent to the date of the notice.

David Green 5/1/2023

David Green Date
Senior Deputy Director
Coastal Protection

Heather Lagrone 5/1/23

Heather Lagrone Date
Senior Deputy Director
Community Development & Revitalization