



Executive Office of the President
Office of Management and Budget



Executive Office of the President
Council on Environmental Quality

FACT SHEET: OMB/CEQ GUIDANCE ON APPLICATION OF ONE FEDERAL DECISION POLICY TO ENTITIES ASSUMING HUD ENVIRONMENTAL REVIEW RESPONSIBILITIES

Background:

- On August 15, 2017, President Trump issued [Executive Order \(E.O.\) 13807](#), which seeks to modernize the process for Federal environmental reviews and authorization decisions.
- E.O. 13807 established a [One Federal Decision \(OFD\)](#) policy, which sets a goal of completing environmental reviews of major infrastructure projects within an agency average of two years.
- E.O. 13807 directed the Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB) to “develop guidance for applying [OFD] whenever the lead agency is a State, tribal, or local agency exercising an assignment or delegation of an agency’s [National Environmental Policy Act (NEPA)] responsibilities.”
- The Department of Housing and Urban Development (HUD) has consolidated the process for assumption of the Secretary of HUD’s NEPA responsibilities in [24 C.F.R. Part 58 \(Part 58\)](#), which broadly applies to responsible entities that are grantees or are otherwise authorized by statute to assume HUD’s environmental responsibilities under a HUD program.
 - Under Part 58, a responsible entity must perform any environmental review, decision-making, and action that would otherwise be required of HUD under NEPA and other laws that further NEPA’s purposes.
 - An officer for the responsible entity must certify its completion of HUD’s environmental review responsibilities, assume the status of Federal Official under NEPA, and waive sovereign immunity before receiving any HUD funds.

What does this guidance do?

- Under the [guidance](#), when acting as the lead Federal agency, responsible entities assuming the responsibilities of the Secretary of HUD should implement the following elements of the OFD policy:
 - **Two-year Goal:** The lead responsible entity should seek to complete environmental reviews and authorization decisions for major infrastructure projects within a HUD average of two years from the Notice of Intent to prepare an Environment Impact Statement (EIS) to the issuance of a Record of Decision (ROD).
 - **Establishing a Schedule:** The lead responsible entity should, in coordination with cooperating and participating Federal agencies, develop a Permitting Timetable that includes specific milestones for applicable environmental reviews and authorizations.
 - **Development of an EIS/ROD:** The lead responsible entity should, in coordination with cooperating and participating Federal agencies, develop a single EIS and a single ROD with cooperating Federal agencies, with a goal of issuing all necessary authorization decisions for construction of the project within 90 days of a ROD.
 - **Process for Issue Resolution:** The lead responsible entity should ensure a process is in place to elevate instances in which a Permitting Timetable milestone is missed or extended.
- Responsible entities are not subject to OMB Memorandum M-18-25, which establishes an accountability system to track agency performance in processing environmental reviews and authorization decisions.