

Section 17 (e) 2
Executive Order 12372 - Intergovernmental Review of Federal Programs (new intergovernmental review process introduced)

O'Keefe
Keane
2/2/84



State of California

GOVERNOR'S OFFICE

OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO 95814

GEORGE DEUKMEJIAN
GOVERNOR

EXECUTIVE ORDER 12372 Intergovernmental Review of Federal Programs

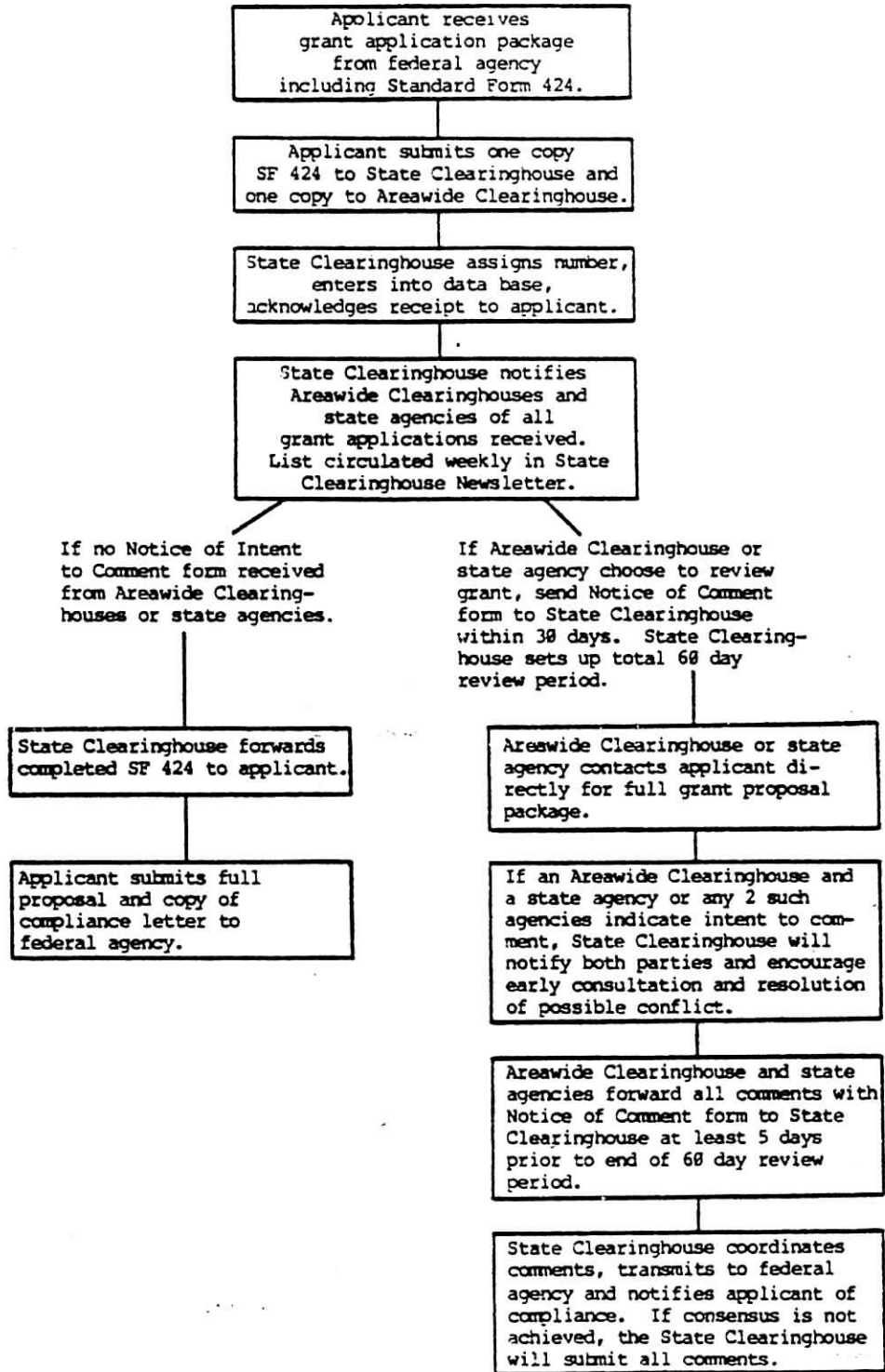
The State Clearinghouse coordinates state and local review of federal financial assistance, state plans, direct federal development activities and federal environmental documents as allowed by Executive Order 12372. October 1, 1983, marked the end of the old A-95 review and the onset of the new intergovernmental review process.

The purpose of the process is to afford state and local participation in federal activities occurring within California.

The Executive Order does not eliminate public participation, comment and review requirements of other federal laws, such as the National Environmental Policy Act, but gives the states an additional mechanism to insure federal agency responsiveness to state and local concerns.

Enclosed is information regarding the intergovernmental review process. The State Clearinghouse processes documents, maintains a database of federal grant applications and awards and communicates with involved federal, state, and local agencies.

California State Process for Federal Grant Review



For further information, contact:

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814
916/445-0613

SCH-03
2-85

CALIFORNIA STATE AND AREAWIDE CLEARINGHOUSES

California State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814
916/445-0613

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|--|--|---|---|
| Association of Bay Area Governments (ABAG) P.O. Box 2050 Oakland, CA 94604 415/464-7900 | Alameda County; Contra Costa County; Marin County; Napa County; San Francisco County; San Mateo County; Santa Clara County; Solano County; Sonoma County | Sacramento Area Council of Governments 800 'H' Street, Suite 300 P.O. Box 808 Sacramento, CA 95804 916/441-5930 | Placer County (part); Sacramento County; Sutter County; Yolo County; Yuba County |
| Association of Monterey Bay Area Governments (AMBAG) Carmel Hill Professional Center 23845 Holman Highway, Suite 227 P.O. Box 190 Monterey, CA 93942 408/624-2117 | Monterey County; Santa Cruz County | San Diego Association of Governments 1200 Third Avenue, Suite 524 Security Pacific Plaza San Diego, CA 92101 619/236-5300 | San Diego County |
| Central Sierra Planning Council 48 West Yanez P.O. Box 3306 Sonora, CA 95370 209/532-8768 | Alpine County; Amador County; Calaveras County; Tuolumne County | San Joaquin County Council of Governments 1860 East Hazelton Stockton, CA 95205 209/944-2233 | San Joaquin County |
| Council of Fresno County Governments 2014 Tulare Street, Suite 520 Fresno, CA 93721 209/233-4148 | Fresno County | Santa Barbara County-Cities Area Planning Council 922 Laguna Street Santa Barbara, CA 93101 805/963-7194 | Santa Barbara County |
| Humboldt County Association of Governments P.O. Box 156 Eureka, CA 95501 707/443-7331, ext. 269 | Humboldt County | Sierra Planning Organization 1230 High Street, Suite 210 Auburn, CA 95603 916/823-4703 | Sierra County; Nevada County; El Dorado County (part); Placer County (part) |
| Kern County Council of Governments 1106 26th Street Bakersfield, CA 93301 805/861-2191 | Kern County | Southern California Association of Governments (SCAG) 600 South Commonwealth Avenue Suite 1000 Los Angeles, CA 90005 213/385-1000 | Imperial County; Los Angeles County; Orange County; Riverside County; San Bernardino County; Ventura County |
| Kings County Regional Planning Agency Government Center Hanford, CA 93230 209/582-3211, Ext. 2670 | Kings County | Stanislaus Area Association of Government (SAAG) 814 14th Street Modesto, CA 95354 209/571-6200 | Stanislaus County |
| Merced County Association of Governments (MCAG) 3195 'M' Street, Suite C Merced, CA 95340 209/723-3153 | Merced County | Tulare County Association of Governments (TCAG) Courthouse, Room 111 Visalia, CA 93277 209/733-6303 | Tulare County |

FEDERAL ASSISTANCE

2. APPLICANT'S APPLICATION IDENTIFIER

a. NUMBER
b. DATE
Year month day
19

3. STATE APPLICATION IDENTIFIER
NOTE: TO BE ASSIGNED BY STATE

a. NUMBER
b. DATE ASSIGNED
Year month day
19

1. TYPE OF SUBMISSION
(Mark appropriate box)
 NOTICE OF INTENT (OPTIONAL)
 PREAPPLICATION
 APPLICATION

Last Name Blank

4. LEGAL APPLICANT/RECIPIENT
a. Applicant Name
b. Organization Unit
c. Street/P.O. Box
d. City
f. State
h. Contact Person (Name & Telephone No.)

a. County
g. ZIP Code.

5. EMPLOYER IDENTIFICATION NUMBER (EIN)
6. PROGRAM (From CFDA)
a. NUMBER
b. TITLE
MULTIPLE

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A-State B-Increase C-Substate D-County E-City F-School District
G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify):
Enter appropriate letter

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A-Basic Grant B-Supplemental Grant C-Loan D-Increase E-Other
Enter appropriate letter(s)

| 12. PROPOSED FUNDING | |
|----------------------|--------|
| a. FEDERAL | \$.00 |
| b. APPLICANT | .00 |
| c. STATE | .00 |
| LOCAL | .00 |
| e. OTHER | .00 |
| f. Total | \$.00 |

13. CONGRESSIONAL DISTRICTS OF:
a. APPLICANT
b. PROJECT
15. PROJECT START DATE Year month day
19
16. PROJECT DURATION Months
18. DATE DUE TO FEDERAL AGENCY Year month day
19

14. TYPE OF APPLICATION
A-New B-Revised C-Revision D-Continuation E-Augmentation
Enter appropriate letter
17. TYPE OF CHANGE (For 14c or 14e)
A-Increase Dollars B-Increase Dollars C-Increase Duration D-Increase Duration E-Cancellation F-Other (Specify):
Enter appropriate letter(s)

19. FEDERAL AGENCY TO RECEIVE REQUEST
a. ORGANIZATIONAL UNIT (IF APPROPRIATE)
b. ADMINISTRATIVE CONTACT (IF KNOWN)
c. ADDRESS

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER
21. REMARKS ADDED
 Yes No

22. THE APPLICANT CERTIFIES THAT:
To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____
b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

23. CERTIFYING REPRESENTATIVE
a. TYPED NAME AND TITLE
b. SIGNATURE

24. APPLICATION RECEIVED 19 Year month day

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
 a. AWARDED
 b. REJECTED
 c. RETURNED FOR AMENDMENT
 d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE DEFERRED WITHDRAWN

| 28. FUNDING | |
|--------------|--------|
| a. FEDERAL | \$.00 |
| b. APPLICANT | .00 |
| c. STATE | .00 |
| d. LOCAL | .00 |
| e. OTHER | .00 |
| f. TOTAL | \$.00 |

29. ACTION DATE Year month day
19

30. STARTING DATE Year month date
19

31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

32. ENDING DATE Year month date
19

33. REMARKS ADDED
 Yes No

SECTION I—APPLICANT/RECIPIENT DATA

SECTION II—CERTIFICATION

SECTION III—FEDERAL AGENCY ACTION

STATE OF CALIFORNIA PROCEDURES
FOR INTERGOVERNMENTAL REVIEW OF
FEDERAL FINANCIAL ASSISTANCE AND DIRECT DEVELOPMENT ACTIVITIES

Part I - General Provisions

1. Purpose

These procedures implement Presidential Executive Order 12372, entitled "Intergovernmental Review of Federal Programs" replacing OMB Circular A-95. The Order requires Federal agencies to use State and local processes of intergovernmental coordination for review of proposed federal financial assistance, state plans, direct development activities and environmental documents.

2. Responsibility

A) The Governor's Office of Planning and Research and the Areawide Clearinghouses designated according to these procedures are the entities responsible for implementing Presidential Executive Order 12372 in California.



B) The Governor's Office of Planning and Research shall be the State Single Point of Contact responsible for transmitting State and local comments developed under these procedures to the appropriate Federal agencies.

3. Applicability

The procedures detailed in this document shall apply to the following federal documents:

A) Federal Financial Assistance

This would include applications for federal grants or loans under State-selected programs pursuant to Executive Order 12372 and other federal statutes and regulations.

B) Federally Required State Plans

C) Direct Federal Development Activities and Environmental Documents

This would include, but not be limited to, the acquisition, construction or disposal of land or facilities; federal land and real property use and development, including land use planning and land sales; federal and protection land preservation; federal mineral leasing and mining, both offshore and onshore; and real property leasing by or for the federal government. It would also include draft and final Environmental Impact Statements, Environmental Assessments, Findings of No Significant Impact, Categorical Exclusion Reviews and notifications of federal license or permit application.

Part II - Implementation

1. State and Areawide Clearinghouses

A) The State Clearinghouse is a division of the Governor's Office of Planning and Research and shall perform all the procedures specifically identified in this document with the State Clearinghouse. All inquiries concerning E.O. 12372 and the State Process should be directed to the:

State Clearinghouse
Governor's Office of Planning and Research
1400 10th Street
Sacramento, Calif. 95814
(916) 445-0613

B) Areawide Clearinghouses refers to areawide, regional, county and city governmental entities. An Areawide Clearinghouse may be a council of government, individual county or city, or any county or city joint powers combination.

1. The designation of an Areawide Clearinghouse shall be made by the Governor or his designee.

2. Criteria to be considered in the designation of an Areawide Clearinghouse would include:

- entities with multi-jurisdictional perspectives.
- governing boards composed of local elected officials.
- ability to satisfactorily comply with the State Process and the intent of Executive Order 12372.
- experience as an intergovernmental review agency.
- ability to perform intergovernmental review efficiently and economically.

2. State Clearinghouse Responsibilities

A) The State Clearinghouse shall:

1. Distribute copies of federal documents to appropriate state agencies for review and comment.
2. Transmit documents requested by an Areawide Clearinghouse directly to the Areawide Clearinghouse in the event of omission from federal agency distribution.

3. Review and comment on federal activities as they affect state programs and policies within 60 days of receipt of financial assistance applications, state plans, Environmental Assessments, Categorical Exclusion Reviews, Findings of No Significant Impact and Decision Notices, draft Environmental Impact Statements or plans and other notices, unless a longer public review period is established by the federal agency or set forth in a memorandum of understanding.

4. Transmit Areawide Clearinghouse and/or state agency comments with the State Process recommendation letter to appropriate federal agencies when:

- a) A single comment has been received.
- b) Two or more non-conflicting comments have been received.

The State Clearinghouse shall transmit conflicting comments with a State Process recommendation only after mediation.

5. Notify the applicant if no State Process Recommendation is forwarded by the State Clearinghouse.

3. Areawide Clearinghouse Responsibilities

A) The Areawide Clearinghouse shall:

1. Inform the State Clearinghouse of Areawide Clearinghouse procedures in a timely manner.

2. Notify the State Clearinghouse of those programs found to be of Areawide significance; these programs shall include all programs and activities deemed significant by specific cities, counties, special districts and single purpose agencies within the region.

3. Notify affected cities, counties, special districts and single purpose agencies of federal document availability.

4. Transmit all comments of city and county governmental entities, special district and single purpose agency officials together with a completed Notice of Comment form to the State Clearinghouse within 50 days of receipt of financial assistance applications, state plans, Environmental Assessments, Categorical Exclusion Reviews, Findings of No Significant Impact, Decision Notices, Draft Environmental Impact Statements, plans and other notices. Where a longer public review period is established by the Federal agency or set forth in a memorandum of understanding, comments shall be transmitted to the State Clearinghouse not less than 10 days prior to the end of the review period.

5. Coordinate city and county governmental entities, special district and single purpose agency officials review and comment on proposed federal actions to facilitate consistency of

X

comments wherever possible. In the event consistency cannot be developed, all comments shall be transmitted to the State Clearinghouse.

6. Encourage and assist areawide, regional, county and city officials in working directly with State agencies and/or the State Clearinghouse where needed.
 7. Work with applicants for financial assistance as early as possible in project planning to develop consistency and conformity with local and regional plans and policies.
- B. Where a proposed federal program or activity is of concern to a specific city or county only, the Areawide Clearinghouse may, after 10 day notice to all areawide entities, delegate review and comment responsibilities to the local government concerned provided that no other local government entities oppose said delegation.

4. Mediation

A) Disputes with Federal Agencies

If, during review carried out under these procedures, or during federal consideration of State Clearinghouse information and comments, it appears to the State Clearinghouse or the Federal agency that the federal financial assistance action or direct development activity may conflict with state and/or areawide plans

or policies, the matter shall be submitted to the Office of Planning and Research for mediation.

B) Disputes Between State Agencies and/or Areawide Clearinghouses

If, during or following State Agency and Areawide Clearinghouse review under these procedures, it appears that there are conflicts between State agencies and/or Areawide Clearinghouse comments, the State Clearinghouse may submit the matter to the Office of Local Government Affairs for mediation.

C) Mediation shall occur as early as possible during the review process.

5. Consideration of Comments

Federal agencies shall accommodate state and local government comments transmitted as official State Process recommendations on grants and projects (including environmental documents) unless a specifically identified federal law precludes them from doing so. If, following mediation, a Federal agency is unable to accommodate the State Process recommendation, it shall explain with written findings its reasons for such decision and send 30 copies of that explanation to the State Clearinghouse.

6. Designation of Responsible Officials

Each Federal agency shall designate a person or persons to be responsible for intergovernmental review of proposed federal development activities and shall notify the State Clearinghouse of the individuals designated. The Areawide Clearinghouses shall designate a person or persons to be responsible for intergovernmental review of proposed federal activities and to provide information regarding statewide intergovernmental review to local governments and members of the public. A listing of the individuals designated will be maintained by the State Clearinghouse.

7. Effects on Other Laws

Review of proposed federal actions under these procedures shall be considered the minimum necessary review and shall not affect any additional consultation or referral required by specific State or Federal laws. Additional consultation requirements must be met in a manner consistent with these procedures to the maximum extent allowable.

Part III: Review of Federal Financial Assistance Programs and Activities

1. Federal agencies shall inform applicants for financial assistance of the state review process. The State Clearinghouse will provide state process review information for federal agencies to include in the grant application package.

- 2. Applicants for federal funds shall submit one copy of Standard Form 424 to the State Clearinghouse and any affected Areawide Clearinghouses.
- 3. The State Clearinghouse will acknowledge receipt, circulate a list of applications received weekly, coordinate comments, and transmit comments to the Federal funding agency.
- 4. If no Areawide Clearinghouses or state agencies indicate intent to comment within 30 days, the state review process will be deemed complete. If intent to comment is received, the full 60-day review period will be implemented.
- 5. Areawide Clearinghouses and state agencies shall forward all comments with Notice of Comment form to the State Clearinghouse at least five (5) days prior to the end of the 60-day review period.

Part IV - Review of State Plans

- 1. State agencies shall submit the Early Notice of Plan Preparation Form to the State Clearinghouse 30 days prior to release of the draft state plan.
- 2. The State Clearinghouse will notify Areawide Clearinghouses and other state agencies of document availability, coordinate comments and transmit those comments to the state agency and Federal funding agency.

- 3. If no Areawide Clearinghouses or state agencies indicate intent to comment within 30 days, the state review process will be deemed complete. If intent to comment is received, the full 60-day review period will be implemented.

Part V - Review of Federal Development Activities
And Environmental Documents

1. General Procedures

- A) The purpose of Clearinghouse review and distribution of documents pertaining to federal development activities is to provide early notice of the activities to state and local agencies, encourage coordination and cooperation among those agencies, share information, provide State and local response to federal activities and improve federal, State and local planning.

Federal agencies shall transmit all direct development and environmental documents to be reviewed under these procedures to the State Clearinghouse and affected Areawide Clearinghouses with the State Clearinghouse Notice of Completion and Environmental Document Transmittal Form.

- B) Where a federal plan, project, or other activity will affect a county or city, the federal agency shall notify the State Clearinghouse and affected Areawide Clearinghouses. The State Clearinghouse shall notify all affected local elected officials and

Areawide Clearinghouses of the proposed federal plan, project, or other activity.

- C) Existing Memoranda of Understanding (MOUs) between the State Clearinghouse and Federal agencies shall remain in effect. If a Federal agency does not have an MOU with the State Clearinghouse, these procedures shall apply to all actions proposed or considered by that Federal agency. The Office of Planning and Research shall work with Federal agencies to develop MOUs upon request.

2. Review of Federal Development Plans

- A) Each federal agency shall provide early notification of and opportunity to comment upon all proposed plans which do not require preparation of an environmental document by furnishing the State Clearinghouse with 15 copies and each affected Areawide Clearinghouse with one copy of each of the following:
1. Notice of intent to prepare a plan at least 30 days prior to preparation of a draft or proposed plan;
 2. Proposed Annual Work Plan or its equivalent prior to or at the time it is submitted for approval;
 3. Final Annual Work Plan or its equivalent as soon as practical after approval of the Plan;

4. All draft Master Plans, Facilities Plans, Area Plans, land use or other plans pertaining to development activities;
5. All approved Plans immediately after they are adopted and not less than 30 days prior to the end of any formal protest period.

3. Early Notification of Projects

A) Each federal agency shall provide early notification of proposed development activities by furnishing the State Clearinghouse with 15 copies and each affected Areawide Clearinghouse with one copy of the following:

1. All Notices of Intent to prepare an Environmental Impact Statement at the same time they are sent for publication in the Federal Register; or
2. All notices commencing a major program, study or environmental analysis for those activities for which an Environmental Impact Statement may not be required, including consideration of proposals to sell or otherwise transfer federal real property to States, municipalities, private parties or other federal agencies.

B) These notices are intended to provide reviewing agencies an opportunity to work with federal project sponsors in the earliest

stages of project review and development to identify potential areas of concern and begin resolution of conflicts.

4. Review of Environmental Documents

Each federal agency shall provide an opportunity for review and comment on environmental documents by furnishing the State Clearinghouse with 15 copies and each affected Areawide Clearinghouse with one copy of the following:

- A) All draft Environmental Impact Statements at the same time that they are filed with the Environmental Protection Agency and made available for public review; and
- B) All Environmental Assessments, Findings of No Significant Impact (FONSI), Categorical Exclusion Reviews and notifications of federal license or permit application.

5. Review of Final Actions

Each federal agency shall notify the State of final actions taken by furnishing the State Clearinghouse with 15 copies and each affected Areawide Clearinghouse with one copy of the following:

- A) All final Environmental Impact Statements, which should show how State and Areawide Clearinghouse comments were acted upon and the reasons therefore, and all Records of Decision at the same time that

these documents are filed with the Environmental Protection Agency and made available for public review; and

- B) All Decision Notices for activities on which State or local comments were received and for which an Environmental Impact Statement was not prepared, and any additional written material necessary to explain how State and Areawide Clearinghouse comments were acted upon and the reasons therefore at least 15 days before the plan or project is implemented.

6. Preparation of Joint Documents

Federal agencies shall conduct joint planning activities and whenever possible prepare joint environmental documents satisfying both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) with state and areawide agencies when proposed federal development projects also involve those agencies. The Office of Planning and Research shall provide a model Memorandum of Understanding (MOU) and assist in coordinating the preparation of joint documents upon request.

PART VI - STATE AGENCY RESPONSIBILITIES

State agencies shall follow established State Clearinghouse procedures regarding federal development projects (as required by NEPA or CEQA). Comments on federal grant applications shall be forwarded from State agencies to the State Clearinghouse with Notice of Comment forms.

CEQA - National